

## CRIME TRENDS AND TRENDS IN THE CRIMINAL POLICY IN NORWAY<sup>1</sup>

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### Summary

In the article, the author discusses the main crime trends in Norway since 1995 according to statistical data of police, courts and imprisonment institutions. Crime trends are investigated as stated by indices of various crimes, that is, by the structure of criminality in Norway: the number of violent crimes is slightly rising, except for sexual crimes. A tendency of lower rate for sexual crimes can be observed. In the Norwegian crime policy, the ideas of assistance and mediation between the criminal and the victim, especially in the prevention of violent (including sexual) crimes, are dominating, the alternative institutions for imprisonment are developed, the electronic monitoring of offenders is implemented.

To talk about crime trends is also to talk about trends in criminal policy. The crime statistics tell about the amount of acts, which have been reported to the police, accepted by the prosecution authorities as crime, and dealt with by courts and prison authorities.

It is an old knowledge that the crime statistics are statistics on the capacity of the different parts of the control apparatus.

The latest published statistics on police-, court- and prison-activities are from 1995. More recent figures can be found in other sources such as state budgets for the last years; a document called Stortingsmelding no. 27 91197-980 written by the Ministry of Law, delivered to Stortinget (the parliament), and information from the police reported in media. All these kinds of sources are used in this paper.

In the following I will discuss two main topics:

- 1) The first is about figures, trends – and some discussions connected to figures.
- 2) The second is about recent trends in crime politics in Norway.

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<sup>1</sup> A somewhat extended version of the paper given at the 22.nd of May 1998.

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## 1) FIGURES

I will first present some figures, which I assume is expected: the number of reported offences in 1995 were 400 600 (SSB 95, table 1). Of these, 286.000 were classified as crimes, showing an increase compared to the previous years.

In Norway, another counting-unit, "crimes finally investigated by the police", is more often used. In 1995, 270.000 crimes were finally investigated by the police (SSB 1995, t. 4). This figure represents an increase from previous years, which can also be traced in the number of investigated crimes pr 1.000 inhabitants from 1960 till 1995:

1960: 10,8	
1970: 16,8	
1980: 29,8	
1990: 55,4	
1995: 61,6	(SSB 95, t. 4)

Of the 270.000 crimes in 1995:

69,3 % were classified as theft;
4,3 % were classified as crimes against life and health (of these: 32 were classified as murders) <sup>1</sup>
(SSB 95, t. 5)

But instead of giving rows of figures, I will concentrate on some crimes whose figures have caused discussions, even though these crimes do not take only dominant position among the figures. I will refer to some of the concerns, arguments, proposals and measures that stem from some of the figures.

Of course, this can only be some of the topics discussed. I have made some choices. Other discussions could also have been presented.

As a general comment to the discussions, one can say: there are expressed serious concerns when reported figures go up; and when they go down.

### ***j) Concerns when figures go up***

One example: the figures on reported violence (acts classified as "crime of violence against the person") show an increase from 8.300 in 1991 till 11.600 in 1995 (SSB 95, t. 50). Also in the first quarter of 1998, there has been an increase in reported violent crimes compared to the same period in 1997. The highest increase in absolute figures was found for "assaults", which increased from 2200 to 2500, an increase of 13%; while "wounding or inflicting bodily harm" had the highest relative increase of 26% (N=5820, when comparing the same periods in 1997 and 1998 (SSB 1998).

This increase is one of the reasons behind a suggestion from a majority in Stortinget, to urge the courts to increase the sentences in case crimes. But this idea provokes the ideal of the independent court. So most of the representatives found it sufficient to give a statement, a political signal in general, while a few wanted to make a statement directed to the courts.

The number of murders also creates serious concerns. In recent years, there has been no increase in reported murders (see fn 2). But there are other increases to be found. In a newspaper (Dagbladet 10.3.98), the police report on murders in 1997. This year 39 persons were murdered, and of these 14 by knife. In 1994, the numbers were respectively 6 out of 27.

This increase in the reported use of knives has led to a suggestion from "the committee to consider laws on weapons"<sup>2</sup> to increase punishments in criminal cases involving weapons.

<sup>1</sup> From 1991-1995 the numbers of reported murders are: 38; 50; 47; 46; 32.

<sup>2</sup> "Våpenlovutvalget".

In 1993, a law was passed which declared it illegal to possess knife "or other sharp tool" in public places (not if the purpose was serious and decent), with punishments of fine up to 2.000 Nkr or imprisonment up to 3 months.

According to the Ministry of Law, 1.002 persons have been reported to the police for possessing knives illegally in 1997. In 1997, 146 persons were given ticket fines for possessing knives (Dagsavisen 10.3.98).

The police are satisfied with the law, which gives them an opportunity to stop and search people for knives (Dagbladet 10.3.98).

In 1997, the number of firearms used in murders were 7<sup>1</sup>. But even if these cases are few and less than number of knives used in reported murders, there are concerns about shooting weapons.

This winter there have been reports in the media showing worries and concerns for young boys and men in Oslo, who, according to police and journalists, are aged between 20 till 35 years, belonging to two conflicting groups or gangs, often from immigrant families. The reports say that these men "have enough firearms" such as automatic pistols, revolvers and firearms.

This discussion is also encouraged by a study of Thomas Haaland and Inger Lise Lien (1998) on groups or "gangs" among young, mostly immigrant people in Oslo. These are conflicting groups, and serious incidents of violence have occurred between these kinds of groups before (for one such incidence, see Guri Larsen 1992).

This winter the police have also pointed out violence in homes and families directed towards women and children, as a major concern (Dagsavisen 4.2.98). Violence in homes is considered serious for reasons that are well known: the events often lead to serious physical harm, it is repeated, may last for years, are often combined with psychic degrading, and the victims are reluctant to go to the police. As said, this is well-known knowledge among researchers and women's organisations. But it is rare that the police put this kind of violence high up on their list of concerns.

## ***ii) Concerns when the reported figures go down***

The numbers of reported sexual offences went down in 1995: the numbers of rapes finally investigated by the police were 360 both in 1992 and 1993, 309 in 1995, which is a decrease of 14%.

More serious it was seen that the numbers of rape reported to the police decreased; and even more serious that also the number of sanctions for rapes went down from 75 in 1991 till 36 in 1995, which is half the number in 1991 (SSB 95, t. 36). The number of reactions for rapes in 1997 were even lower, 30 cases (SSB 1997).

These decreases resulted in serious concerns from several groups who were anxious that women would from now report even fewer cases of rape than before.

To improve the position of women, women's organisations and a political party, SV<sup>2</sup>, made a proposal to define as illegal "unintentional rape", to make it possible to sentence men who today may plead not guilty, saying they did not understand the refusals and

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<sup>1</sup> The firearms used were: shotgun (hagle) 2, revolver 0: rifle 1, pistol 4.

<sup>2</sup> SV, Sosialistisk Venstreparti; The Socialistic Left Party.

resistance from the victim, and be believed, at least in a lower court (Dagbladet 27.1.1997)<sup>1</sup>.

But till now the proposal has not gained much support<sup>2</sup>.

Last year there has been an increase in the number of rapes reported to the police: in the first 3 months of 1998, 109 rapes have been reported to the police, compared to 86 reports during the first three months of '97 (SSB 1998).

Also, when it come to incest and "more or less serious sexual abuse towards children under 14/16 years", there have been concerns that the number of cases reported to the police has declined recently. This happened after a case in Bjung where a number of persons were reported for sexual abuse against children, but none found guilty.

The numbers of incest and "more or less serious sexual abuse towards children under 14/16 years" reported to the police, and investigated by the police have gone down from 1991 till 1995:

**reported to the police:**

**1991**

incest	more or less serious sexual abuse towards children under 14/16 years:
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**168**

**607**

**1995**

**111**

**393**

**investigated by the police:**

**1991**

incest	more or less serious sexual abuse towards children under 14/16 years:
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**103**

**322**

**1995**

**88**

**397**

In 1992, the concerns about incest led to an increase in the maximum punishment for serious crimes of incest, up to 21 years of imprisonment, which is the highest possible punishment in Norway (Andençs 1994).

### **Not only penal measures**

What is important to note, though not particular to rape and sexual abuse against children, is that there are also measures taken with the intention to help and cure, directed both towards offended and offender.

This means that at the same time as "the Norwegian society" see these acts or happenings as crimes, suitable tasks for police, courts and prisons, – we also see them as accidents that need to be mended or helped – beyond moral indignation and punishment.

For victims there are several self-help-centres:

- Women's shelters (Krisesentre) for women who have been battered or raped. Today there are such shelters in all municipalities, except for 66. In 1995, 4.000 women and children spent in total 74.000 nights in the shelters (Aftenposten 24.3.97). For a discussion of immigrant women and Women's shelters, see Rachel Paul 1995; 1998).

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<sup>1</sup> According to the report in the newspaper, the majority of the court found that a 52 year old man committed for trial had used force when he forced the 18 year old women to have sexual intercourse with him, but that he did not "understand" that the girl tried to avoid this to happen. At the same time the man was convicted to pay the woman 40.000 Nkr as compensation for her sufferings.

<sup>2</sup> Also another topic has recently occurred connected to cases of rape: A man brought to court charged with rape, has, before the penal-law-case is finished – reported the women for the civil court for libel.

- A centre for persons who have been raped (Voldtekstsomttalet), which is part of the municipal acute clinic (Legevakta).
- Centres for persons who have been exposed to incest (Støttesenter for incestutsatte). The first centre started in 1986, and today there are 12 such centres. In 1995, they received 8.000 visits and 19.000 addresses from persons who have experienced incest, recently or long ago, and family-members (Aftenposten 24.3.97).
- There is also a centre for men who have been exposed to incest, which offers possibilities for talks in groups or with one consultant (Aftenposten 5.11.97).
- Social-medical section for children and youth; Children's ward; Clinic for women/children, Aker Hospital, Oslo. (Sosialmedisinsk seksjon for barn og ungdom, Barneavdelingen, Kvinne/Barnklinikken, Aker sykehus, Oslo). This centre started in 1986, the yearly number of children/youth has varied from 20 in 1986 up to 143 in 1996<sup>1</sup>. (Report for the year 1996).

For offenders:

- Institute for clinical sexology and therapy (Institutt for klinisk sexologi og terapi) which started in 1989 and has worked with men who has committed rapes (Reid J. Stene 1998).

One could say that there is a trend and a tendency to open up or a perspective on acts – and see them not only as crimes, but more like accidents that need to be helped and prevented.

Today we see a peculiar break with this trend in the suggestion from two political parties (Arbeiderpartiet and Kristelig folkeparti)<sup>2</sup> that prostitution should be defined as crime – not only the prostitute-customer (this has been suggested before (see Høigard and Finstad 1986)).

At the same time, a new book is presented with the title “When sex becomes work”, by May-Len Skilbrei (1998). The author who has talked with several women in this field, and who also has worked on “Teletorget” organising telephone calls between men and women, finds this suggestion not a very good idea. This will not have any great impact on reducing the number of persons starting as prostitutes; it will only create more trouble and difficulties for them, as the condemnation and stigmatization will increase.

And there are already existing alternatives to define this as criminal. For seven years “The Night-home” with 13 beds has offered prostitutes an asylum, and all together 500 users have been registered (Thomas Haaland 1997).

This tendency to see unwanted acts not only as crimes but also as accidents and problems that need to be helped, is of course the case not only when it comes to sexual offences, but also in other instances, for example violence.

When it comes to violence, there are programs for offenders that starts in the prison, as for sexual offenders. In 1995, about 90 persons attended these “talk-groups for violent- and sexual offenders in prison (St. meld. nr. 27 (1997-98)).

- There are also offers for help outside the prison. Alternative to violence, Centre for Men who use violence (ATV) (Alternativ til vold, senter for menn som slår). This centre started in 1987; today there are 18 such centres in Norway. Since the centre started and up till today between 500 and 600 persons have contacted ATV because they perceived their violent acts as a problem, and attended courses and groups. In more than 2/3 of the cases, the man himself took the initiative to contract ATV. The work of ATV is based on voluntary participation. (Report for the year 1995).

When it comes to crimes we define as related to narcotics, we see the same dualism which mirrors the ambivalence of what the acts are all about: is it a problem for law and order, or for treatment and help?

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<sup>1</sup> In the report for 1996 the Section says they are in doubt in 60% (of the 143 investigated cases) whether an offence of serious sexual abuse has taken place or not, and finds it not likely in 20% of the cases.

<sup>2</sup> The Labour Party and Christian People's Party.

In this field it seems that the persons brought to trial, sentenced and imprisoned, are more likely to be controlled than helped. But also here there have been treatment-programs in three prisons, but reaching only a fairly small amount of relevant prisoners (See St. meld. nor. 16 (1996-97). Control measures heavily inside the prisons<sup>1</sup>.

The offers for treatment are most often placed outside prison. So is the situation when we look at the prisons.

But if we take our point of departure in the social-, treatment- and helping-sector, we immediately see the combination of control-help. There is nothing new in the fact that help and control are combined and mingled. On the contrary, they are like Siamese twins in the Norwegian history of poverty- and criminal-measures. But the way of combination the Norwegian authorities has chosen in the field of drugs-use, in the law on social measures and welfare (Lov om sosiale tjenester mv.) from 1993, is new, inventive and astonishing.

Here the point of departure is that treatment for drug use should rely on voluntary participation. Forced treatment is impossible. So the solution is, according to § 6-2, that a person can be kept in an institution by force – not to be treated, but to be motivated to be treated freely. There is a limit to this: 3 months. After that, you get an offer to make a contract. But then there is the experience that people under treatment some times drop out. So then, forced measures were invented: if a person runs away from the contract she or he freely has agreed to make, the institution can search for her or him, and keep her for another 3 weeks by force – to re-motivate the run-away to continue the treatment. This may happen three times.

From 1993 and till summer '96, there has been reported all together 39 cases of use of force by § 6-2.

Far too little! So is the view of the Ministry of Social affairs, who recently worked out suggestions to increase the control on people using drugs, opening up the path for a family-member to report another member to the social authorities, who will then consider use of force. Another suggestion is to standardize and increase to use of urine-tests.

This tendency to believe in force and control we see also in other parts of the policy on drugs, where methadone-programs for long-time users are kept small scale and developed slowly (see for example Nils Christie: *Snegler som livreddere/The snail as life-saver* 1998).

When the papers report on the number of persons dead by over-doses, it is most often read as an argument for more police, more control, more prison. Equally realistically, one could read it as a reason for more help, more methadone-programs, and not to forget, more decent treatment of persons using drugs by the ordinary health services.

## **2) TRENDS IN THE CRIMINAL POLICY**

This part of the paper is based on a document made by the Ministry of Law to the Parliament, drawing up the lines of the criminal policy (Stortingsmelding nor. 27 (1997-98) "Om kriminalomsorgen").

By first glance, one might say that the trend in this document is two-fold:

i) More control, by increasing the opportunities for the police to control people; and to increase the number of prison-places (today the number of prison-places is 2.889. According to the Ministry's plan, the number in year 2000 will be 3.200 such places).

ii) At the same time, there is a tendency not only to increase the number of prison-places, but also to look for alternatives to imprisonment, such as conflict-boards (Jane Dullum 1996: Siri Kemeny 1999); community-service (Paul Larsson 1994); an extended use of conditioned sentencing and imprisonment – and a proposal to open up for a pilot-project on electronic monitoring of offenders.

But looking more thoroughly on these alternatives to prison, it becomes clear that the proposals on these more lenient alternatives will lead to more-control than today, as they will

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<sup>1</sup> The measures taken are: urin-tests; razzias in the early mornings, some times with dogs; strip and search of prisoners; investigating insides of the body such as rectum, stomach and vagina of women; search of cells; offers to do the sentence on "contract" (see f.ex. Hedda Giertsen 1995).

be linked up to a compulsory program (obligatorisk tilsynsprogram); and the sanctions for breaking conditions will be more efficiently inflicted than today, if the Ministry is heard.

To realise their plan of more efficiency, the Ministry has made the following proposals: that the decision to bring convicts on conditioned sentence into prison when conditions are broken shall be transferred from the court to administrative authorities (which will be to re-introduce a system that was given up 8 years ago). The Ministry also proposes that prison-directors shall decide whether break of conditions for prisoners on conditioned discharge shall lead to re-imprisonment.

As another measure the Ministry suggests an invention of "short-time-prison" of seven days, which may be prolonged (!); and that the prison-authorities of the Ministry shall be in charge of this sentences.

Some trends and tendencies can be read out of this document: first and most strikingly one sees the priority of efficiency at the cost of legal protection.

One can also see a tendency to increase the total volume of control, and to blur the difference between serving sentences in prison and under probation; between the role of the prison-ward and the probation officer so that the tasks of a probation officer will be more and more like those of a ward compared to the present situation.

Another trend can also be discerned more clearly today: by use of programs, projects, "sentencing plans", it seems to me that prison-authorities more and more speak of prisons and sentencing not only in administrative and bureaucratic terms, but also as a place for social-technical measures, for repairing the "criminals". The treatment-arguments from the 60'ies and 70'ies are here again, but now wrapped up in a more modern, administrative, efficient-like language. The prison-programs boil down to be a question of finding the right tool, whether it be "scared straight" or "conceptual skills". This efficiency perspective we also see in the politics of differentiation, which was introduced at the end of the 1980'ies, claiming that the programs and measures for prisoners should not be evenly spread to all, but to "those who take responsibility for their own rehabilitation". The treatment should be efficient (Stortingsmelding nr. 23 (1991-92). Om bekjempelse av kriminaliteten and St. prp. nr. 1 Justisdepartementet for the following years/The state-budget).

Again, just as in the 1960'ies and 1970'ies, this "repairing-the criminal" perspective tries to convince us that we all have the same interests, namely to find the right healing-program; and leaves out (or at least tries to leave out) the questions on criminal-policy, values and decency.

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### ***Nusikalstamumo tendencijos ir baudžiamoji politika Norvegijoje***

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#### **SANTRAUKA**

*Straipsnyje aptariamos nusikalstamumo tendencijos Norvegijoje nuo 1995 m. pagal policijos, teismų ir laisvės atėmimo vietų statistikos duomenis. Nusikalstamumo tendencijos tyrinėjamos pagal svarbiausius įvairių nusikalstamumo rūšių rodiklius, t.y. pagal nusikalstamumo Norvegijoje struktūrą: pamažu daugėja smurtinių nusikaltimų, išskyrus seksualinius; mažėja seksualinių nusikaltimų. Norvegijos baudžiamojoje politikoje vyrauja pagalbos ir tarpininkavimo tarp nusikaltėlio ir aukos idėjos, ypač užkertant kelią smurtiniams (tarp jų ir seksualiniams) nusikaltimams, plečiamos alternatyvios laisvės atėmimo įstaigos, vyksta elektroninis teisės pažeidėjų monitoringas.*

