



# Solitary Confinement in Remand Prisons

Necessary Intervention or Violation of Integrity?

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# What is Solitary Confinement?

- *Seclusion and full restrictions* – 23 hours per day (Åklagarmyndigheten, 2014)
- United Nations: Completely withheld from physical and social contact for 22-24 hours per day (UN, 2011)

## Solitary confinement within the Swedish Criminal Justice system:

- 66% of the those awaiting trial
  - Heavily criticized (CPT, 1992, 2004, 2009, 2016)
- Clear distinction from other countries (e.g. Denmark → 1%) (Smith, 2017)

# Solitary Confinement – A Contentious Matter?

## Two perspectives:

1. Necessary for conducting criminal investigations (Barker, 2013; Flyghed, 2000; Garland, 2001; Smith, 2017)
2. Violating human integrity (Barker, 2013; Flyghed, 2000; Garland, 2001; Smith, 2017)
  - Do these two perspectives have to be contentious?
  - Theoretical framework: Dual attitudes being possible (Wilson m.fl., 2000)

# Solitary Confinement – A Contentious Matter?

## *Criminal investigation perspective*

- Avoid risk of tampering with evidence (Lindberg, 2012)
- Avoid risk for coercion of witnesses or victims (Lindberg, 2012)
- Upholding *rule of law* (Andersson, 2017; Lindberg, 2012)

## *Violation of integrity perspective*

- Endangering physical and mental health (Egallagher, 2014; Morgan m.fl., 2016; Smith, 2006)
- Unnecessary revoking of human and civil rights (Gamman, 1995; Smith, 2006)
- Excessive use  
– *exceptional circumstances?* (CPT, 2016)



# Solitary Confinement – A Contentious Matter?

What attitudes do current law students display in the matter?

# Aim of the Current Study

## **The aim was threefold:**

... to examine law students' attitudes towards the criticism directed against the Swedish Criminal Justice System

... to examine if law students' attitudes towards solitary confinement in remand prisons were in line with a criminal investigation perspective, with a violation of integrity perspective, or both

... to examine gender differences in these attitudes

# Method

**Participants:** 244 law students from Swedish universities

**Measures:** Questionnaire developed for the study

- A scale concerning the criticism
- Statements about solitary confinement from:
  - a criminal investigation perspective
  - a violation of integrity perspective

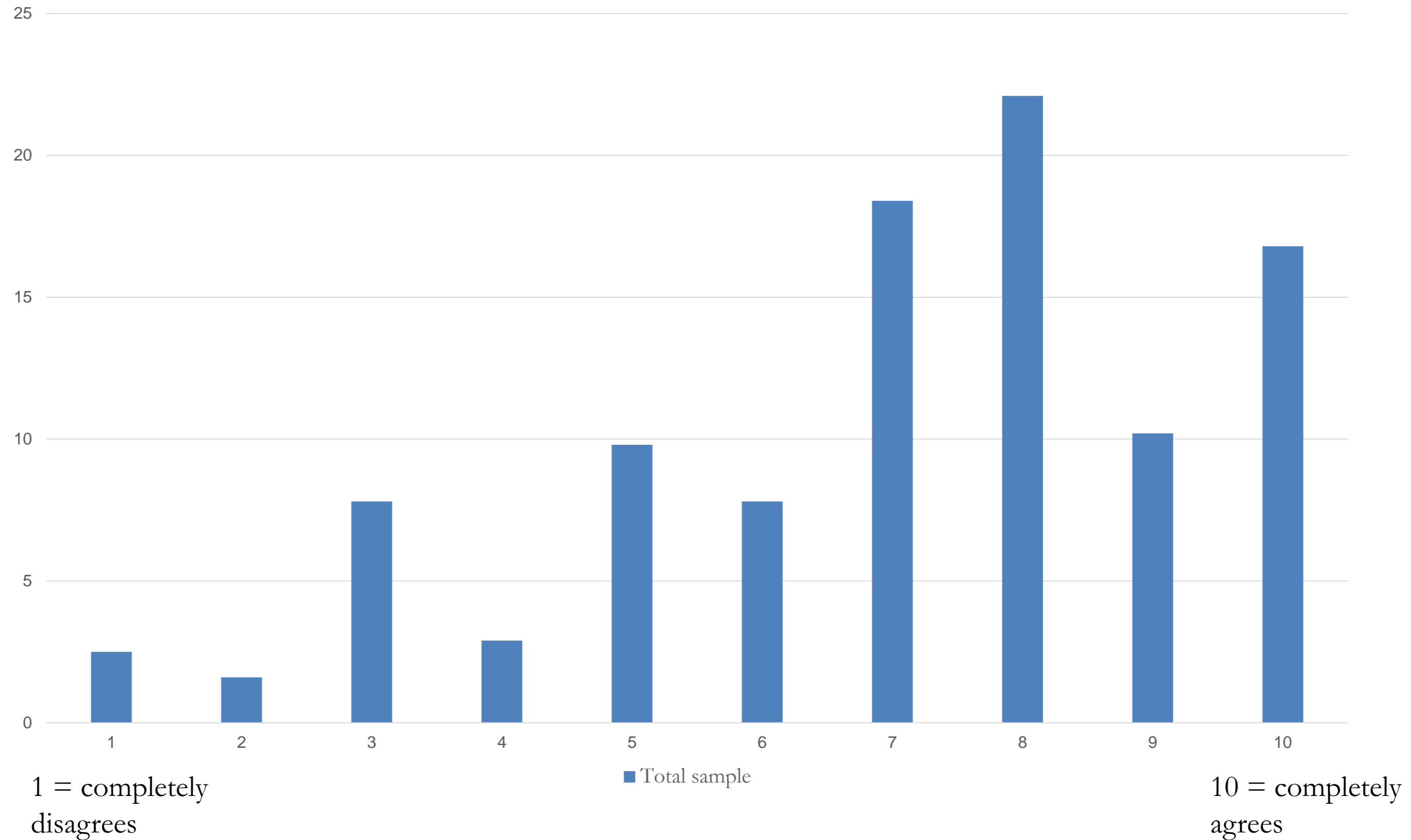
**Analytic strategy:**

- Correlations
- Mean comparisons

# Findings

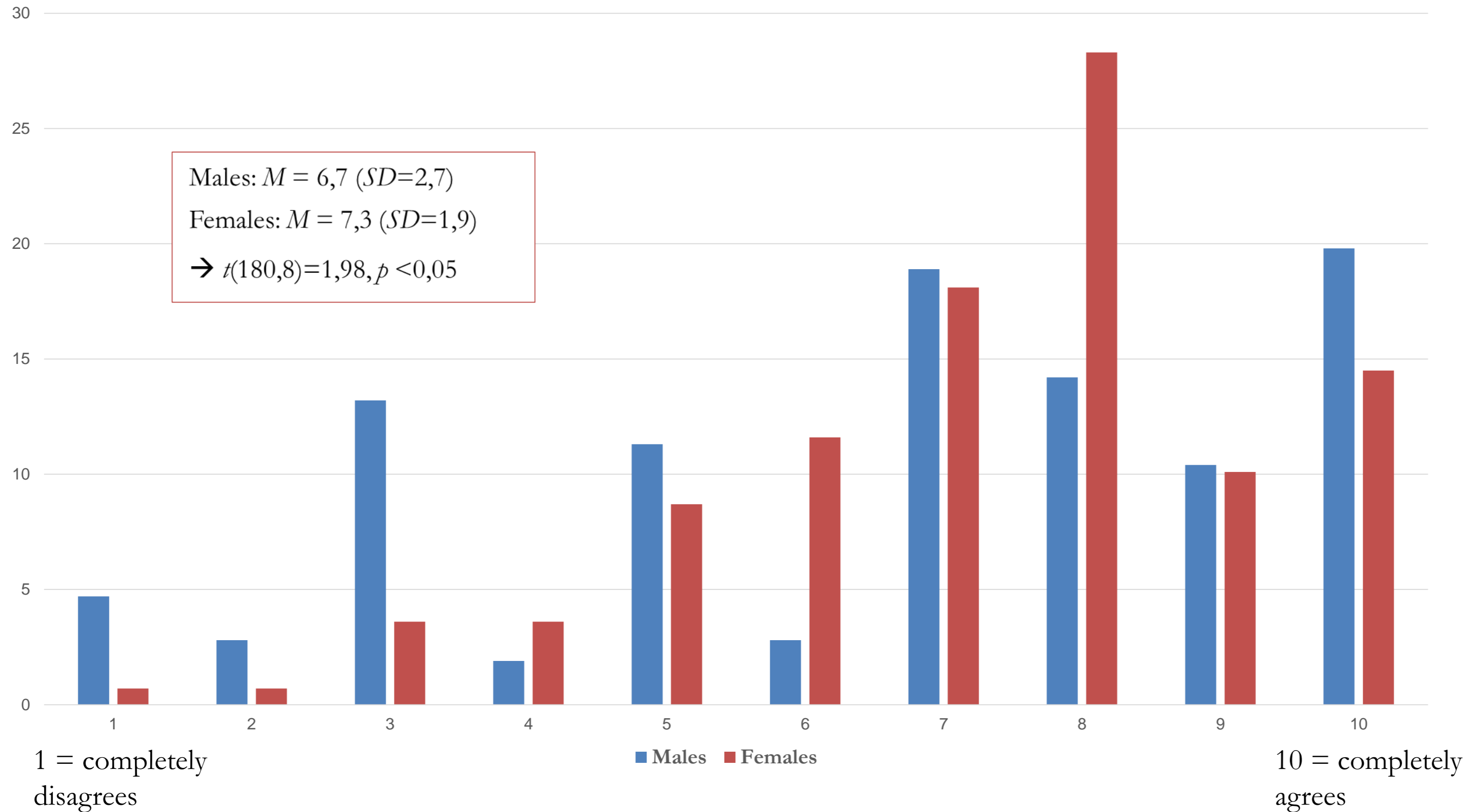


Frequency distribution from the criticism scale (%)





Frequency distribution from **the criticism scale** (%),  
presented for males and females

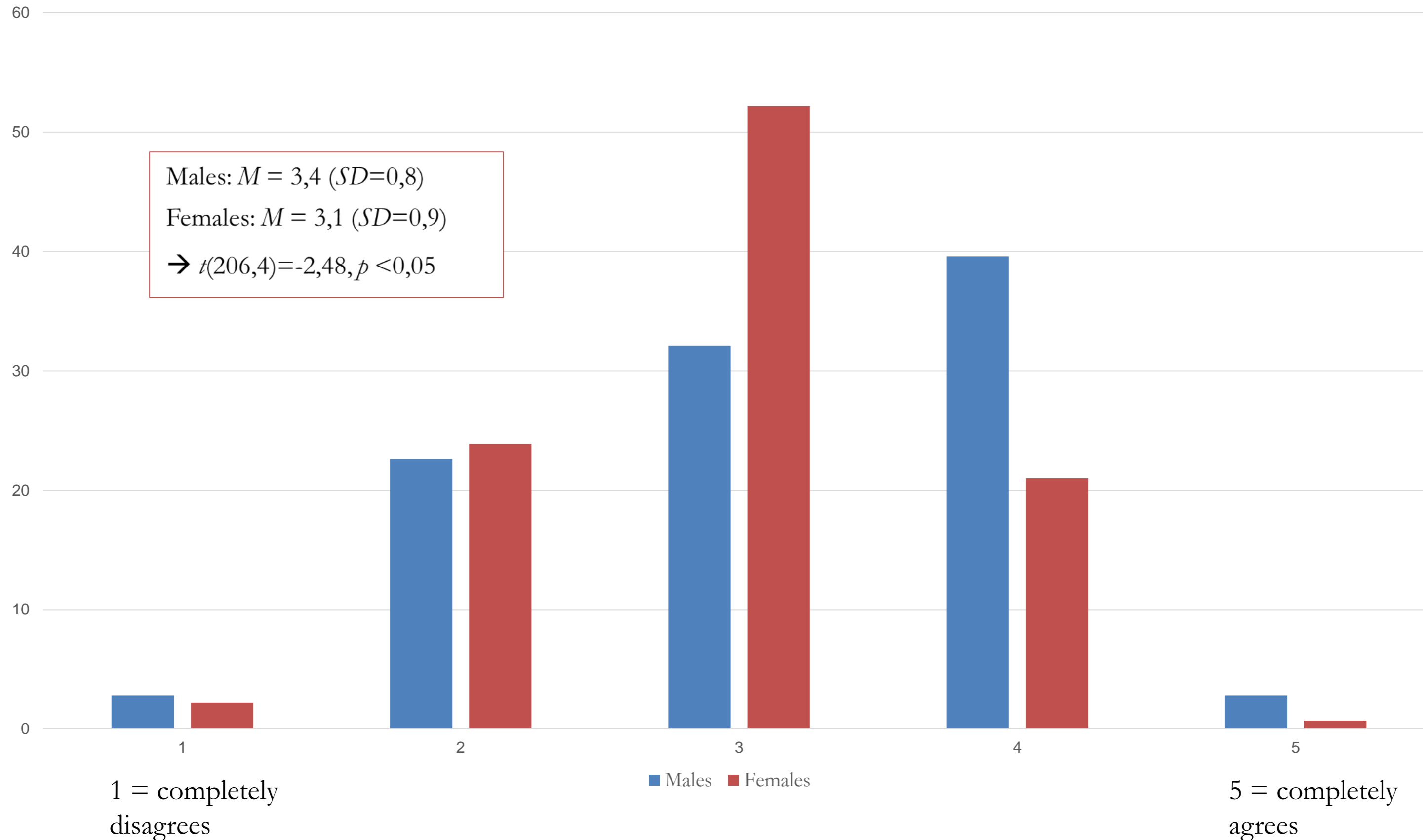


# Findings (continued)

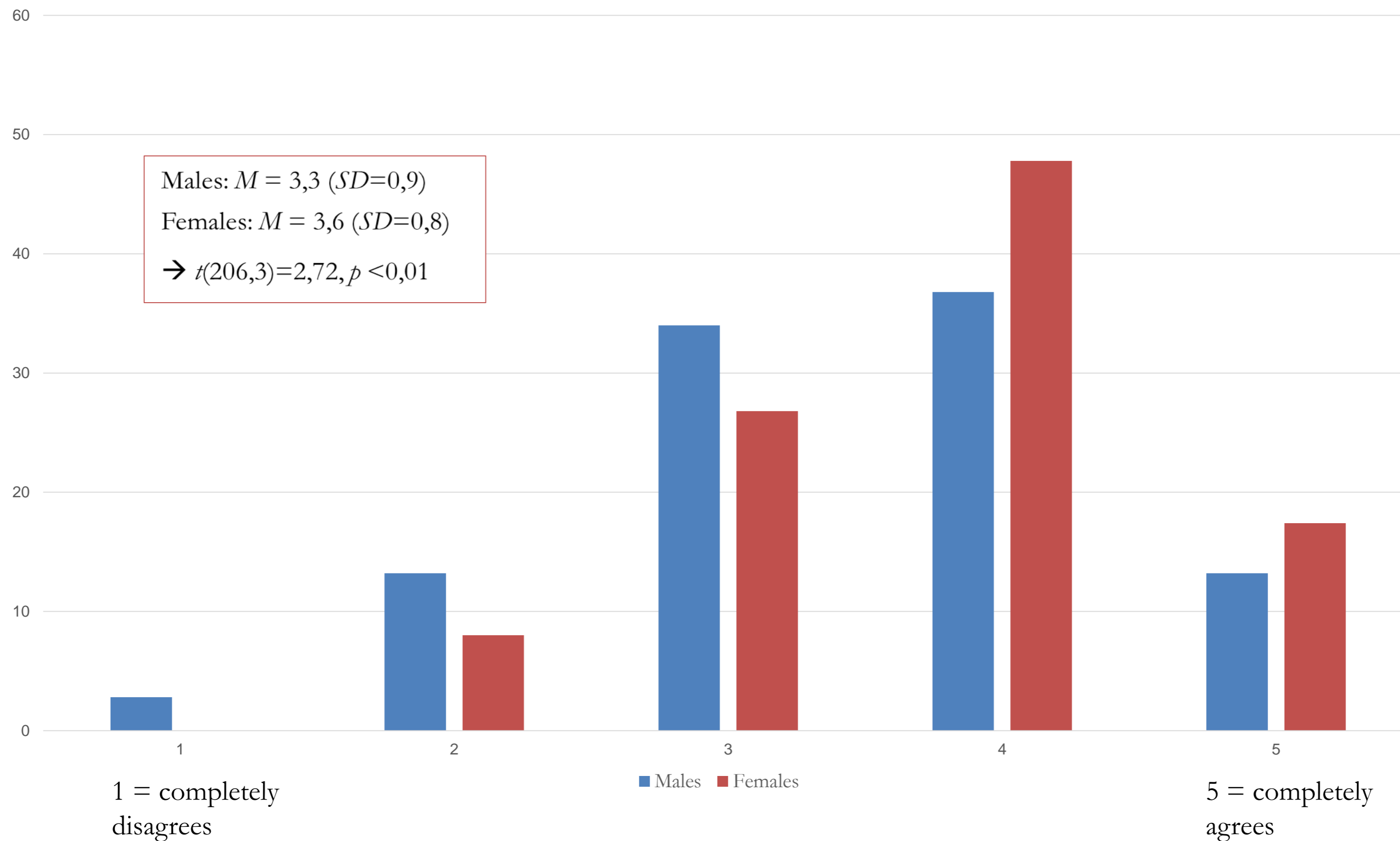


- Contrast between the two perspectives
  - Negatively correlated ( $r = - 0.70, p < 0.01$ )
  
- No *significant* differences in correlation coefficients for males and females
  - Males ( $r = - 0.74, p < 0.01$ )
  - Females ( $r = - 0.65, p < 0.01$ )

## Frequency distribution from scale for the **criminal investigation perspective** (%), presented for males and females



## Frequency distribution from scale for the **violation of integrity perspective** (%), presented for males and females



# Conclusions

- **A majority tended to agree with the criticism**
- **Contrasting perspectives**
  - Criminal investigation vs. Human integrity violation
  - Indicates dual attitudes not being present (Wilson m.fl., 2000)
- **Gender differences**
  - Male students → criminal investigation perspective
  - Female students → violation of integrity perspective
    - justice orientation, or care orientation?
    - *the crime, or the person behind the crime?* (Bampton & McLagan, 2009; Ernberg & Landström, 2016; Collins m.fl., 2010; Coontz, 2000)



**Thank you for listening!**

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