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
• 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 (%)

1 = completely disagrees

10 = completely agrees
Frequency distribution from the criticism scale (\%), presented for males and females

Males: $M = 6.7$ ($SD=2.7$)
Females: $M = 7.3$ ($SD=1.9$)

$\chi^{2}(180,8)=1.98, p < 0.05$

1 = completely disagrees
10 = completely agrees
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

Males: $M = 3.4 \ (SD=0.8)$
Females: $M = 3.1 \ (SD=0.9)$

$\chi^2(206,4)=2.48, p <0.05$
Frequency distribution from scale for the **violation of integrity perspective** (%), presented for males and females

Males: $M = 3.3$ ($SD=0.9$)  
Females: $M = 3.6$ ($SD=0.8$)  

$\rightarrow t(206,3)=2.72, p < 0.01$
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!
References


References


References

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References


