

Finland

1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

CONDITIONAL IMPRISONMENT	
Name of the judgement or the probation decision	<p>Conditional imprisonment</p> <p>Ehdollinen vankeus</p>
Classification of this judgement or the probation decision	<p>Suspended sentence (Article 2, para 2)</p>
Legal basis of this judgement or the probation decision	<ul style="list-style-type: none"> - Criminal Code of Finland, Chapter 2b and Chapter 6, Section 10, para 2 - Young Offenders Act, Section 10 and 11 (concerning young offenders legislation will be amended) <p>The current law concerning supervision of conditionally imprisoned young offenders is mainly from 1940 (with some specifications in 2003) and does not give appropriate and modern guidance for work with young offenders. Therefore Criminal Sanctions Agency has given guidelines adopted from other laws concerning community sanctions to be used in this work. In this answer we have not referred to the elements of the old law that are not prevailing practise. Instead we have tried to shed light on how the work is done now in accordance to the fact that elements of the new law have already been in use for a period of time.</p>
Definition of this judgement or the probation decision	<p>A prison sentence of maximum two years can be passed as conditional.</p> <p>When a sentence of imprisonment is imposed conditionally, the enforcement of the sentence is postponed for a probation period. The length of the probation period is from one to three years. The probation period begins at the pronouncement or the issue of the judgment.</p> <p>The court may order the enforcement of conditional imprisonment if the convicted person commits an offence during the probation period, where the court deems that a sentence of unconditional imprisonment is the appropriate sanction and the charge has been brought within one year of the end of the probation period. In this event, the conditional sentence to be enforced, the sentence for the offence committed during the probation period</p>

	<p>and the sentences of imprisonment for the other offences considered in the same trial shall be joined as one unconditional sentence of imprisonment in accordance with the provisions of chapter 7. The court may also order that conditional imprisonment be enforced only in part, in which case the remainder of the sentence shall continue to be conditional, subject to the same probation period.</p> <p>An offender who has committed his crime when he or she has been under 21 years of age, can be ordered to supervision to boost up the conditional sentence passed by the district court. Supervision is ordered if it is considered to improve the offender's social coping and prevent recidivism.</p> <p>For the age group 20 years and over the conditional sentence has no actual content other than the sentence in itself. It is in a way a suspended sentence: if you commit more crimes the conditional sentence may be enforced. Same applies for those 15-20 year olds who are NOT placed under supervision.</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<ul style="list-style-type: none"> - Regarding the seriousness of the offence, the guilt and the criminal history of the offender, - An offender who has committed his crime when he has been under 21 years of age, can be ordered to supervision (see above).
<p>Type of probation measures</p>	<ul style="list-style-type: none"> - the young offender has to inform of his or her residence and place of work, - the young offender has a responsibility to meet the supervisor regularly and he may not be under the influence of intoxicants at the supervising meetings, - during supervision the supervisor and the offender draw up a sentence plan in which they set targets for the probationary period.
<p>Combination of sanctions or measures</p>	<p>As mentioned before, supervision can be imposed to boost up the sentence for young offenders (age group 15-20). Besides supervision, a fine can be imposed. If the conditional imprisonment is longer than a year, 20-90 hours of community service can be passed. This can be converted into unconditional imprisonment if breaches occur (min. 4 days, max 90 days).</p> <p>To boost up the conditional imprisonment for 15-20 year old young offenders the courts gave in 2007 :</p> <ul style="list-style-type: none"> - 863 supervision orders, - 22 community service orders, - 1378 fines. <p>All in all 2 811 conditional imprisonment sentences were ordered to this age group.</p> <p>For all age groups 15 956 conditional imprisonment sentences were ordered in 2007. There is no supervision for 21 years and over.</p>
<p>Authority responsible for taking such a decision</p>	<p>Court - A court is responsible for taking decisions on conditional imprisonment, community service and juvenile penalty. By a court it is meant all district courts. Court of Appeal renders decisions when an appeal has been lodged against district courts decision. A decision on release on parole concerning prisoners of life a decision is made in Helsinki Court of Appeal.</p> <p>At the request of the prosecutor the Criminal Sanctions Agency (i.e. the assessment unit) draws up a personal inquiry report, in which an assessment of the need of supervision is made. The court can use this assessment as basis for its decision on supervision.</p>

Authority responsible for supervising	<p>Criminal Sanctions Agency</p> <p>There are 16 offices for community sanctions in Finland. The young offender's supervision is organised in the city whose he or she lives in. If he or she lives in a small locality where there is no office, private people function as supervisors under certain requisitions.</p> <p>The task of the supervisor is to help the offender to rehabilitate socially and reduce recidivism through assessing his or her situation, joint sentence planning and target oriented work. The offender has to meet up the supervisor twice or once every month, according to his or her needs.</p>
Authority responsible in case of infringement	<p>The court may order the enforcement of conditional imprisonment if the convicted person commits an offence during the probation period. In 2007 courts ordered 118 such enforcements for 15-20 year old convicts, mainly wholly. That same year courts gave 2 811 orders of conditional sentence for 15-20 year old offenders in all.</p> <p>Later this year a new law will be passed about supervision of conditionally sentenced young offenders. It will oblige the Criminal Sanctions Agency (i.e. the areal offices) in case of infringement :</p> <ul style="list-style-type: none"> - to control the young offenders' use of intoxicants by various tests, - to give oral and/or written cautions and/or warnings and, - to make a proposition to the court of prolonging the period of supervision.

COMMUNITY SERVICE	
Name of the judgement or the probation decision	<p>Community service Yhdyskuntapalvelu</p>
Classification of this judgement or the probation decision	<p>Alternative sanction (Article 2, para 4)</p>
Legal basis of this judgement or the probation decision	<ul style="list-style-type: none"> - Criminal Code of Finland, Chapter 6, Section 11 - Community Service Act
Definition of this judgement or the probation decision	<p>Community service is a sanction which can be pronounced instead of an unconditional prison sentence. It consists of no less than 20 and no more than 200 hours of regular, unpaid work, performed under control.</p> <p>An offender who is sentenced to a fixed term of unconditional imprisonment of at most eight months shall be sentenced instead to community service, unless unconditional sentences of imprisonment, earlier community service orders or other weighty reasons are to be considered prohibitions to the imposition of the community service order.</p>

Legal Conditions of this judgement or the probation decision	A prerequisite for the imposition of a community service order is that the offender has given his or her consent to the community service order and that he or she may be assumed to complete the community service order. The suitability of the offender is assessed by Criminal Sanctions Agency in a suitability report, which is drawn up by the closest community sanctions office or assessment unit on basis of an interview and enquiries to various authorities.
Type of probation measures	<p>A person sentenced to community service is obliged to take part in the drawing of the service plan and in the occasions and meetings at the community sanctions office that the enforcement of community service requires.</p> <p>A person sentenced to community service shall comply with the service plan and schedule confirmed for him, and meticulously performs the duties given to him.</p> <p>A convict is not allowed to use alcohol or other intoxicating substances or be under the influence of intoxicants in the service place or the occasions required by the enforcement of the service.</p>
Combination of sanctions or measures	If the conditional imprisonment sentence is longer than a year, 20-90 hours of community service can be imposed. This can be converted to unconditional imprisonment if breaches occur (min. 4 days, max 90 days). In 2007 the courts gave all in all 559 conditional imprisonment sentences that were longer than a year. In 141 cases a community service sentence was imposed to boost up the conditional imprisonment.
Authority responsible for taking such a decision	Court (see above)
Authority responsible for supervising	Criminal Sanctions Agency The local community sanction offices are responsible for finding the sentenced person a community, where he or she can carry out community service by doing unpaid work under control. These communities are for example NGOs or municipal places of work. The offices are responsible for controlling the enforcement in co-operation with the contact person at the place of work.
Authority responsible in case of infringement	If the sentenced person breaches he or she will be given one written warning by the community sanctions office of Criminal Sanctions Agency. If he or she commits the same kind of breach again his or her sentence will be sent to the prosecutor who may send it to the court and seek for conversion to an unconditional prison sentence.

JUVENILE PENALTY	
Name of the judgement or the probation decision	<p>Juvenile penalty</p> <p>Nuorisorangaistus</p>

Classification of this judgement or the probation decision	Alternative sanction (Article 2, para 4)
Legal basis of this judgement or the probation decision	- Criminal Code of Finland, Chapter 6, Section 10a - Juvenile Penalty Act
Definition of this judgement or the probation decision	A juvenile penalty of 4 - 12 months may be imposed for an offence committed at the age of 15-17.
Legal Conditions of this judgement or the probation decision	<p>A juvenile penalty may be imposed if:</p> <p>(1) a fine is, with consideration to the seriousness of the offence, the guilt of the offender manifested in the offence and the criminal history of the perpetrator, an insufficient punishment and there are no weighty reasons requiring the imposing of an unconditional sentence of imprisonment, and</p> <p>(2) the imposing of a juvenile penalty is to be deemed justified in order to promote the social adaption of the perpetrator and the prevention of new offences.</p> <p>A juvenile penalty may be imposed on the prerequisites provided in subsection 1 (above) also if only some of the offences considered by the court at the same time have been committed under the age of 18 years.</p> <p>A hearing of the young offender must be organised before a juvenile penalty can be sentenced. Guardians must also be given this possibility.</p> <p>The Criminal Sanctions Agency will draw up a plan of enforcement at the requisition of the prosecutor. The court will use this plan as basis for sentencing.</p>
Type of probation measures	<p>Juvenile penalty consists of supervision meetings, activities and programmes carried out under supervision, and an orientation to employment and work.</p> <p>A convict is not allowed to use alcohol or other intoxicating substances or be under the influence of intoxicants during the supervision meetings.</p>
Combination of sanctions or measures	/
Authority responsible for taking such a decision	Court (see above)
Authority responsible for supervising	Criminal Sanctions Agency is responsible for enforcement of the sentence. They can use a private supervisor to help, if the offender does not live in a city where there is a community sanctions office.

Authority responsible in case of infringement	<p>When infringement occurs the Criminal Sanctions Agency is responsible for giving the offender an oral and/or written caution and thereafter a written warning. Finally the sentence will be sent to the prosecutor who may send it to the court. The court will consider a conditional sentence or in some cases a fine instead of the juvenile penalty. Also an unconditional sentence is an option, in most serious cases.</p>
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RELEASE ON PAROLE	
Name of the judgement or the probation decision	<p>Release on parole Ehdonalainen vapaus</p>
Classification of this judgement or the probation decision	<p>Conditional release (Article 2, para 6)</p>
Legal basis of this judgement or the probation decision	<ul style="list-style-type: none"> - Criminal Code of Finland, Chapter 2c, Section 5-14 - Act on Supervision of Parole
Definition of this judgement or the probation decision	<p>Release on parole refers to the release of a prisoner serving an unconditional sentence of imprisonment, to serve the rest of his or her sentence at liberty.</p>
Legal Conditions of this judgement or the probation decision	<p>A person serving a determinate sentence of imprisonment shall be released on parole when he or she has served two-thirds of the sentence, or in the case of a sentence imposed for an offence committed under the age of 21 years, when he or she has served one-half of the sentence (In Finland, release on parole is almost automatic). A prisoner who during the three preceding years has not served a sentence of imprisonment in prison shall be released on parole when he or she has served one-half of the sentence of, in the case of a sentence imposed for an offence committed under the age of twenty-one, when he or she has served one-third of the sentence.</p> <p>Release on parole is possible after 14 days have been served of the sentence of imprisonment.</p> <p>A person sentenced to life imprisonment may be released on parole at the earliest when he or she has served twelve years in prison. A person sentenced to life imprisonment for an offence committed before the age of twenty-one years may be released on parole at the earliest when he or she has spent ten years in prison. The Helsinki Court of Appeal shall decide on the matter. If a life-time prisoner is not released on parole the question of release shall be reconsidered at intervals of at least one year.</p>

In practice the postponement of parole is very seldom. Release on parole may be postponed without the consent of the prisoner if on the basis of the conduct of or threats made by the prisoner there is the evident danger that on release he or she would commit an aggravated offence against life, health or liberty and postponement of the release is necessary in order to prevent the offence.

Release of a convicted person on parole begins the parole period, which is equivalent to the length of the sentence remaining at the time of release. However, the maximum length of the parole period is three years. The parole period and remaining sentence for a person sentenced to life imprisonment is three years.

Not all prisoners are released under supervision. In 2007 all in all 4 567 offenders were released on parole and out of these only 1 140 were placed under supervision, usually by decision of the prison governor.

Supervision is ordered :

- if the prisoner is under 21
- if the remaining sentence is more than a year
- if the prisoner wishes to be placed under supervision

The supervision shall include regular meetings between the supervisor and the supervised person to monitor the circumstances of the supervised person and changes therein and aiming at improving the ability of the supervised person to bear his responsibilities and to act in a manner acceptable in society. The supervision may also include tasks or programmes enhancing social functional ability. The supervision appointments as well as the tasks and programmes belonging to supervision may take up at most 12 hours monthly. The monthly number of hours may vary during the supervision as required by the expedient implementation of supervision.

The supervision appointments shall especially handle factors influencing criminal behaviour. The supervised person shall also be assisted in contacts with the authorities and other parties necessary with regard to arranging the life of the supervised person and he shall be directed to the necessary support measures and services.

Type of probation measures

When under supervision, the parolee has obligations:

- Meetings with the supervisor,
- He or she must carry out tasks which improve social capacity and programs,
- He or she is not allowed to use alcohol or other intoxicating substances or be under the influence of intoxicants during the supervision meetings,
- He or she has to follow the instructions of the supervisor,
- He or she has to inform inter alia his or her residence and place of work.

The obligations of the parolees under supervision are similar to those of the conditionally sentenced under supervision, but they are more severe and the staff react to breaches more quickly and severely. An important target of supervision of parolees, however, is to help them cope socially and reduce recidivism through assessing their situation. This is done in co-operation with the parolee by sentence planning and target oriented work. The parolees needs and risks are evaluated and according to the result of that targets and other content of the probationary period are set.

If the parolee is not placed under supervision, his obligation is just to stay out of trouble, i.e. NOT to commit crimes during the probationary period. However, if he is convicted of crimes he has committed during his probationary period the court can, in connection with ordering him a new sentence, order him to serve in a prison a part of the remaining sentence.

Combination of sanctions or measures	/
Authority responsible for taking such a decision	- Prison governor - Helsinki Court of Appeal (concerning prisoners of life)
Authority responsible for supervising	Criminal Sanctions Agency is responsible for organising the supervision in an office close to where the offender lives. If he lives in a remote area a private supervisor may be used. It is the duty of Criminal Sanctions Agency to control that the offender does not breach and on the other hand promote his or her social rehabilitation and life without crimes.
Authority responsible in case of infringement	If the offender breaches he or she is given an oral and/or written warning and finally his case can be sent to the prosecutor who may take the sentence to court for evaluation. This, however, is done rarely. If the offender does not show up help will be required and he or she will be picked up by the police.

SUPERVISED PAROLE	
Name of the judgement or the probation decision	Supervised parole Valvottu koevapaus
Classification of this judgement or the probation decision	Conditional release (Article 2, para 6)
Legal basis of this judgement or the probation decision	Criminal Code of Finland, Chapter 2c, Section 8
Definition of this judgement or the probation decision	A prisoner may, for the promotion of his or her social adjustment, be placed outside the prison into parole supervised through technical means or otherwise through special means for at most six months before release on parole.
Legal Conditions of this judgement	The conditions for supervised parole are that : (1) parole promotes the implementation of the sentence period plan referred to in the Imprisonment Act, (2) on the basis of the information received on the conduct of the prisoner

<p>or the probation decision</p>	<p>during his or her sentence, his or her personality and his or her criminality, it can be deemed probable that he or she will follow the conditions of parole,</p> <p>(3) the prisoner undertakes to refrain from using intoxicating substances and the doping substances and commits to the supervision of his or abstinence from intoxicants,</p> <p>(4) the prisoner undertakes to follow the duty to maintain contact and the other necessary written conditions connected with moving outside the institution and participating in activities,</p> <p>(5) adherence to the conditions of parole can be supervised in a suitable manner, and</p> <p>(6) the prisoner consents to the prison administration authorities being to the necessary extent in contact with authorities, private associations and persons in matters related to the investigation of the conditions for parole or adherence to the conditions.</p> <p>Supervision is carried out with technical equipment such as gsm-telephone or other electronic monitoring. Supervision is usually organised more intensively than during parole. The Criminal Sanctions Agency is responsible for supervision.</p> <p>If the conditions of supervised parole are violated, it can be revoked. In that case the prisoner shall come back in the prison.</p>
<p>Type of probation measures</p>	<ul style="list-style-type: none"> - The prisoner undertakes to follow the duty to maintain contact and the other necessary written conditions connected with moving outside the institution and participating in activities. - Restrictions concerning meetings with other people can be imposed.
<p>Combination of sanctions or measures</p>	<p>/</p>
<p>Authority responsible for taking such a decision</p>	<ul style="list-style-type: none"> - Director of the assessment centre of criminal sanctions region - Criminal Sanctions Agency (concerning prisoners of life)
<p>Authority responsible for supervising</p>	<p>Criminal Sanctions Agency is responsible for enforcing the decision, which is done according to an accurate plan. The prisons control that the offender follows the plan, which can include e.g. studying, working, voluntary work, taking care of your own children or rehabilitating measures. Enforcement takes place at offender's home town.</p>
<p>Authority responsible in case of infringement</p>	<p>Prison governor or Criminal Sanctions Agency</p>

2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	See point "Type of probation measures" concerning conditional imprisonment and release on parole (above).
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	See point "Legal conditions of this judgement or the probation decision" concerning supervised parole, point 4 (above). Restraining orders and coercive measures (travel ban) can include these kinds of measures.
Obligation containing limitations on leaving the territory of the executing State	See point "Type of probation measures" concerning conditional imprisonment (above). Also travel ban can include these kinds of measures.
Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity	See point "Type of probation measures" concerning juvenile penalty, conditional imprisonment and release on parole (above).
Obligation to report at specified times to a specific authority	See point "Type of probation measures" concerning conditional imprisonment, community service, juvenile penalty and release on parole (above).
Obligation to avoid contact with specific persons	Restraining orders include this kind of measure.
Obligation to avoid contact with specific objects, which have been used or are likely to be used by the	In principle there aren't these kinds of measures in the Finnish legislation. But for example Firearms Act includes provisions concerning activities subject to authorisation and for example possession of firearms is subject to authorisation.

<p>sentenced person with a view to committing a criminal offence</p>	
<p>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</p>	<p>In principle there aren't these kinds of measures in the Finnish legislation. However Act on Conciliation in Criminal and Certain Civil Cases can be interpreted in a way that its objectives are in line with these kinds of measures.</p>
<p>Obligation to carry out community service</p>	<p>See answers concerning community service (above).</p>
<p>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</p>	<p>See point "Type of probation measures" concerning conditional imprisonment, community service, juvenile penalty, release on parole and supervised parole (above)</p>
<p>Obligation to undergo therapeutic treatment or treatment for addiction</p>	<p>The Finnish Coercive Measures Act includes a provision that the person subjected to a travel ban may also be obliged to remain in an institution or hospital in which he already is or into which he will be admitted. This provision has a same objective than a measure mentioned in this point.</p> <p>At present we don't have obligation to undergo therapeutic treatment or treatment for addiction as a probation measure. Such treatments can be discussed and planned together with the offender during probation, but he will not undergo them as part of the probation measure or alternative sanction.</p> <p>According to the Government Proposal given to the Parliament in December 2010 pharmacological treatment aimed at sexual offenders is proposed to be taken as a part of the system of sanctions. Pharmacological treatment would be incorporated as part of a supervised parole and, when the offender is released on parole, as part of his or hersentenceplan. Prisoners would obtain for themselves a privilege - supervised parole - but at the same time they would have to commit to continuing pharmacological treatment during parole.</p> <p>According to the proposal pharmacological treatment should always be based on thevoluntariness of the convicted sexual offender. If the sentenced offender withdrew consent, discontinued treatment or breached any of the obligations set, supervised parole could be withdrawn for a fixed period or totally. If the offender stopped treatment under his or her release on parole, it could be ordered to be forfeited for at least four days and not more than 14 days.</p>

b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?

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c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?

Currently, there is no specific treatment concerning specific kind of offences in the Finnish legislation. There are some general provisions, for example in Community Service Act, concerning using services designed for reducing problems associated with the abuse of intoxicants. Participating in programs of any kind is not obligatory by law.

3) Electronic monitoring

Does your national law provide for the possibility to use Electronic Monitoring?

No.

Do you intend to provide Electronic Monitoring in the future?

Yes, Finland intends to introduce a new sanction for offences, electronic monitoring. (called as "monitoring sentence"). Electronic monitoring could be imposed instead of an unconditional sentence of at most eight months if the offender is deemed to be able to complete the sentence and if community service is not possible. For example earlier sentences of unconditional imprisonment, or the nature of the new offence, could be a prohibition to imposition of electronic monitoring.

Continuous or serious violation of the conditions of electronic monitoring would lead to conversion of the sanction into unconditional imprisonment. The legislative proposal has been given to the Parliament in March 2010. The intention is that new sanction would be taken into use at the beginning of 2011

Is Electronic Monitoring part of the classification provided for in Article 2 of this Framework Decision (suspended sentence, conditional sentence, conditional release or alternative sanction)?

Finland intends to classify electronic monitoring as an alternative sanction (Article 2, para 4).

What are the technical means provided for in your Member State that enables the use of the Electronic Monitoring (e.g. GPS)?

Not decided yet; according to the legislative proposal both GPS and RF are possible

Is Electronic Monitoring dependant on particular conditions?

Yes, see above; electronic monitoring could be imposed instead of an unconditional sentence of at most eight months if the offender is deemed to be able to complete the sentence and if community service is not possible. The offender should remain at home whether, according to the enforcement plan, there is no agreed reason to leave home. The offender would be allowed to move only within certain areas outside of the home. The electronic monitoring would also require that the offender completely abstains from any intoxicants.

4) Formalities

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

In addition to the certificate the Finnish competent authority needs criminal record and, where available, social inquiries.