

# **Chapter 11**

## **Finland**

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# **1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM**

## **1.1 The start of probation in Finland**

The roots of the Probation Service in Finland are in the work of the Finnish Prison Association. The work began in 1870 when the Association was established. The ideological foundation of the Association was religious. Many of the board members were priests or religious upper class representatives. The general aim was to prevent recidivism through the moral education of prisoners. In the beginning, the Prison Association focused exclusively on a helping mission in prisons and especially on improving the poor prison conditions (Huhtala 1984, 2-3). Besides the work in prisons, the Association also started the aftercare of released prisoners in the early stages of its operation. The Anglo-American parole system, which was already in use in some European countries, was not adopted in Finland before the enactment of the Penal Code in 1889. The emphasis of the work changed to supporting released prisoners. The clients were assisted in finding work, accommodation, and livelihood. According to the Prison Association rules, giving financial aid was not allowed apart from some exceptions and it was never given in the form of alms. The rules also emphasised the principle of free will. Nobody was to be forced to accept the assistance of the Association. Both general education and religious education were considered the best methods of "curing" prisoners. Volunteers mainly carried out the work because there were no subsidies from the society. The funding of the Association was composed of membership fees and donations made by the Church and private persons. (Huhtala 1984, 11-17)

## **1.2 Important developments**

The Penal Code (39/1889), which entered into force in 1889, had a great impact on the tasks of the Prison Association. The Penal Code introduced the release on parole for the first time in Finland. However, it did not include provisions on the supervision of parolees. In addition, the Prison Association did not have such professional organisation to be able to carry out supervision at that point. Thus, despite the new Penal Code, the main function of the Association was to organise aftercare for released prisoners (Huhtala 1984, 19).

In 1931, the Prison Association was assigned its first statutory duty as the Decree on the Supervision of Conditionally Released Prisoners (279/1931) entered into force on 9 October 1931. The Decree did not, however, include provisions on developing a supervision system even though it had been brought up in the preparation phase (Huhtala 1984, 72). From the point of view of the statutory parole supervision, the 1940s were considered a significant period as the Young Offenders Act (262/2940) entered into force in 1940. Along with the new Act, the Association reorganised its operations and the work with young offenders was put in a central role whereas the aftercare of released prisoners received significantly less attention in the 1940s and 1950s (Huhtala 1984, 70).

The legislation laid down in the 1940s formed the basis for how the Finnish probation services were directed in comparison with the other European

countries. At this stage, Finland did not want to copy a youth probation system used in the United States and England according to which a mere order to supervision was considered a form of punishment. The Young Offenders Act issued in 1940 provided that supervision could be ordered as an additional punishment to conditional sentences. The aim of supervision was to support young offenders to stop committing offences. After the formation of the youth supervision system of the 1940s, the Finnish Prison Association performed two types of supervision: the supervision of parolees, which was characterised by support work with tight control, and the supervision of conditionally sentenced young offenders, which emphasised support work. Hence, the breaches of conditions of conditional sentences were not generally considered severe (Huhtala 1984, 73). The Young Offenders Act has later been criticised about that it does not provide enough means to intervene in the criminal behaviour of young offenders. The wish to introduce the practices of the Anglo-American youth justice system in the Finnish system at some point was brought up in some discussions (Marttunen & Takala 2002, 8-10). Even though the number of the new tasks was increasing, aftercare was still considered as one the main priorities of the Prison Association. In 1949, the Prison Association assigned a new task to maintain work camps, which were intended to employ those parolees who were otherwise unable to gain an honest living (Ruotsalainen 2006, 17). At the same time, the work camps became a part of the sanction enforcement (Karjalainen et al 1988, 9). The idea was to facilitate the conditions of those parolees who may have had difficulties during parole due to lack of work or accommodation. The aim of the work camps was to indicate the parolees' abilities to succeed and, at the same time, form a financial basis for the life in freedom (Huhtala 1984, 76). The work camps operated until the 1980s when they were no longer considered to correspond to the development needs of the probation services. The work camps were closed by a Decision of the Ministry of Justice in 1988 (Ruotsalainen 2006, 19). The status of the Prison Association improved greatly in the 1960s. It was a time of social transition and in addition to other social services both the social welfare and the prison administration were subject to criticism. The work of the Association was also examined critically. Public debate resulted in an improved financial situation and a rapid organisational development. The name of the Association was changed to registered association of Probation Services in 1966 (Huhtala 1984, 84-85.)

The reforms launched in the 1960s were continued in the 1970s. The administrative framework and the orientation of the client work changed. The Probation Association as a statutory body was established in 1975. The operations were directed by the central office and the board of directors under the supervision of the Prison Department of the Ministry of Justice. The activities of the Probation Association were regulated by an act (31/1975) and decree (134/1975) on the government funding of the probation work and the decree on the Probation Association (135/1975). District offices subject to the central office were established around the country (Huhtala 1984, 100).

The emphasis of the client work was changed so that help and support work were prioritised. The work was set out to be done within the frame of reference of social work and attention was paid to the development of professional approach (Karjalainen et al 1988, 9). The emphasis of the work was especially directed at

the supervision of parolees. The work concentrated more on the aftercare of released prisoners and the development of housing services. The cooperation with prisons was developed in order to improve the services aimed for released prisoners. Preparing for the release from prison and informing about the services of the Probation Association as well as other public sector services became important. From 1971, the social workers of the Probation Association district offices visited their clients in prisons regularly and arranged information and discussion meetings for parolees (Huhtala 1984, 106). These forms of activities have remained important to this day and their significance has been even more emphasised since the Act on Imprisonment (767/2005) and the Act on the Supervision on Conditional Release (782/2005) entered into force in 2006. The goals of the enforcement of sentences have been stated in the new acts more explicitly than previously to include reduction of recidivism, promotion of life without crime, reintegration into the society, and other targets. That requires more efficient co-operation between the probation and prison services (Mohell & Pajunoja 2006). A traditional part of the probation work has been the housing services, which was still continued in the 1970s. The housing services were introduced as early as in 1871, when a shelter for women was established. Under the Probation Association (est. in 1975) all district offices kept dormitories and support homes. In 1982, the Social Welfare Act (710/1982) entered into force and it determined that supportive housing services were included in the responsibilities of the municipalities along with the other social services. The housing services of the Probation Association were ended at the end of the 1990s after which there were only a few support homes in some municipalities (Ruotsalainen 2006, 20). The overall reform of the Penal Code launched in the 1980s laid also a basis for the reform of the Probation Association activities. The adoption of community service in the penal system was started in the 1980s. (Linderborg 2001, 43-44 At the same time, the discussion on creating a community sanction for juveniles was also continued (Marttunen & Takala 2002, 12).

Community service was introduced in the Finnish legal system through an act on its experiment (1105/1990) which entered into force on 14 December 1990. This act called for an experimental period of three years (between 1 January 1991 and 31 December 1993) during which the sanction was tested in 12 rural districts and six cities. The experiment was subsequently expanded and an amendment issued on 25 March 1994 (227/1994) ultimately extended it to all Finnish courts for an experimental period ending on 31 December 1996. The Community Service Act of 12 December 1996 (1055/1996) established community service as a sanction permanently (Joutsen et al 2001, 31-32). The positive experiences of community service had also an influence on the breakthrough of a sanction aimed at young offenders. The Ministry of Justice appointed a working group to discuss the introduction of juvenile punishment in 1994. The act on experimenting juvenile punishment (1058/1996) entered into force on 12 December 1996 and it was applied in seven district courts for an experimental period of five years (between 1 February 1997 and 31 December 2001). The act of 21 December 2004 (1196/2004) regularized juvenile punishment in the whole country (Marttunen & Takala 2002, 13).

Including community service and juvenile punishment in the penal system had a considerable effect on the prevailing sentencing policies according to which the penalties should have been predictable and the same for everyone (Lappi-Seppälä 2001, 92-93). Based on this so-called neoclassical theory on penalties, it was not considered necessary to include different measures of social work or other public aid providers in the penalties (Lappi-Seppälä 1992, 8, Mohell et al 2004, 108-109). Generally speaking, it can be said that the tension between the criminal policy and social policy measures prevailing earlier in the 1990s alleviated (Marttunen & Takala 2002, 14). Along with the new community sanctions, the Probation Association started to develop the co-operation with those public and third sector operators whose methods could be used to influence the desistance from criminal lifestyle and the reintegration into the society (Lappi-Seppälä 2001, 105-106).

In the 1990s, the development of a community sanction system, which was clearly different from imprisonment, also required the redefinition of the duties of the Probation Service. The funding of the Association was reorganised in 1996. The duties of the Association were determined to include the enforcement of community sanctions and other functions connected with it such as research and development (Mohell et al 2004, 115).

### **1.3 Probation activities in a nutshell**

The present-day Probation Service is in charge of the enforcement of community sanctions and other activities connected with non-custodial sanctions. Community sanctions are a significant part of the sentence enforcement system in Finland. Community sanctions include the supervision of conditionally sentenced young offenders, juvenile punishment, community service, and supervision of parolees. Additionally, the tasks of the Probation Service include more developmental activities as well as informing, guiding and counselling.

## **2 LEGISLATIVE BASIS AND MISSION**

### **2.1 Legislative basis**

The enforcement of sentences is part of the administrative field of the Ministry of Justice. The expansion of the use of community sanctions and the reform of the Constitution of Finland led to organisational changes at the end of the 1990s. The Constitution provides that all activities involving the use of force and coercive measures should be in the hands of civil servants. Since the enforcement of community sanctions clearly contained these elements, the semi-official Probation Association was removed from the domain of the Ministry of Justice. This was done in connection with a larger reform (Mohell et al 2004, 114-115). The Probation Association was reorganised based on the Act of 16 February 2001 (2001/135) and the Decree of 22 March 2001 (275/2001). The enforcement of community sanctions was now specified as the duty of the state and, hence, the Probation Service was established and the public Probation Association was abolished. A new department called the Criminal Policy Department was

established under the Ministry of Justice. In addition, a new administrative board, the Criminal Sanctions Agency, was established. The Criminal Sanctions Agency is in charge of the direction and development of the enforcement of community sanctions and prison sentences (Mohell et al 2004, 115). The following administrative rules and regulations are applied to the Probation Service:

- State Civil Servants Act (750/1994): the Act applies to public service employments where the state is the employer and the civil servant the employee;
- Administrative Procedure Act (434/2003): The Act contains provisions on the principles of good administration and the procedure applicable in administrative matters;
- Language Act (423/2003): the national languages of Finland are Finnish and Swedish. The Act lays down provisions on the constitutional right of every person to use his or her own language, either Finnish or Swedish, before authorities;
- Act on the Openness of Government Activities (621/1999): the Act contains provisions on the right of private individuals and corporations to influence the exercise of public authority and to protect their rights and interests;
- Personal Data Act (523/1999): the Act applies to the protection of private life in the processing of personal data;
- Act on the Processing of Personal Data in Enforcement of Sentences (422/2002): the Act lays down provisions on the keeping of personal data registers and other processing of personal data necessary in the enforcement of sentences.

In Finland, penalties can be graded according to their severity based on a ladder model where different types of penalties represent different levels of severity. As the blameworthiness of the offence and the culpability of the offender increase, the severity of the penalty rises as well. At the top is unconditional imprisonment. Community sanctions that include community service, juvenile punishment, and supervision of conditionally sentenced young offenders, and supervision of conditionally released prisoners (parolees) are in severity placed between fine and unconditional imprisonment. (Mohell et al 2004, 108-109). Probation work in Finland is not confined to certain offences. The blameworthiness of the offence affects the penalty the offender is sentenced to. This principle also has same the influence on community sanction sentences. (Mohell et al 2004, 109) Certain sanctions, such as community service, juvenile punishment and supervision of conditionally sentenced young offenders, have their own special criteria, which are followed when sentencing to them (Marttunen & Keisala 2007, 17-19, Mohell et al 2004). From the aspect of each form of sanction, community sanction clients differ, however, distinctively from each other. This has an influence on the types of problems probation work is directed at:

- Community service; the courts impose approximately 3,500 community service sentences annually. A typical community service client is a male between 35 and 40 years of age with some level of substance dependence and difficulties in engaging in employment. Over half of community service

- sentences are imposed on drunken driving. Other common offences are violence and property offences. (Lappi-Seppälä 2007).
- Juvenile punishment; the annual number of juvenile punishment sentences varies between 20 and 30. Typical principal offences leading to juvenile punishment are theft, assault and traffic offences. The sentences often cover several offences. At the time of the offence, the average age of offenders sentenced to juvenile punishment has been 16.5 years. The average age of sentenced offenders is over 17 years. The length of a juvenile punishment is eight months on average. (Marttunen & Keisala 2007, 19-23)
  - Supervision of conditionally sentenced young offenders; some 800 young offenders, who have committed an offence under the age of 21, are ordered to supervise conditional sentence annually. The legislation concerning conditional imprisonment was amended in September 2001. According to the new provisions, a person who has committed an offence when under 21 years of age may be subjected to supervision in order to reinforce conditional imprisonment, where this is to be deemed justified in view of the social coping of the offender and the prevention of further offences (Penal Code, Chapter 6, section 10(2)). Since the amendment, the amount of supervision orders has decreased significantly. Over the past few years, supervision has been included in the conditional prison sentences of offenders between 15 and 20 years of age only in every third case. The use of supervision also varies between different age groups. In the age group of 15 to 17 year-olds supervision was included in the conditional sentence in two-thirds of the cases whereas in the age group of 15 to 17 year-olds supervision was ordered only in every fourth case (Marttunen 2005, 359). Typical principal offences of offenders ordered to supervision include theft, assault and traffic offences. (Marttunen 2005, 359)
  - Supervision of parolees; annually about 1,400 conditionally released prisoners, i.e. parolees, are ordered to supervision. Conditionally released supervision clients are usually men between 35 and 50 years of age with multiple problems and long criminal history. Most of them have substance abuse problems, which have led to the criminal lifestyle. Typical principal offences are property offences, violence, drunk driving, and drug offences. (Lappi-Seppälä 2006a, 344-345)

## **2.2 Mission and mission statement**

The Probation Service and the Prison Service have a joint mission adopted in 1998 that defines the common goals, values, and principles of the two organisations and the means of achieving the goals. The goals of the Prison Service and the Probation Service are to contribute to security in society by maintaining a lawful and safe system of enforcement of sentences and to assist in reducing recidivism and preventing the development of social exclusion maintaining criminality. In order to achieve this goal, enforcement is carried out so that it is safe for the society, the convicts and the personnel, that the chances of the convicts to manage in society and to maintain their health and well-being are promoted and that the capability of the convicts to adopt a way of life without crime is improved.

The Prison Service and the Probation Service commit themselves to the values of respect for human dignity and justness, which are highly esteemed in the Finnish society. Their work is also guided by a notion of an individual's potential to change and grow. A commitment to these values means, among other things, safeguarding the basic rights and human rights, treating convicts humanely, appropriately and equally, observing the lawfulness of all activities and complying with justice and fairness; and carrying out enforcement in a manner that supports the convict's personal growth and development as well as their intention to lead a life without crime. Enforcement of sentences is based on the principle of normality. In addition, the Prison Service and the Probation Service conform to the principles of efficiency, individuality and individual responsibility, professionalism, co-operation, and good administration.

The Prison and the Probation Service aim at attaining their common goals by supporting and encouraging convicts to lead a life without crime, supervising that convicts observe the limits set on them and influencing society as a whole so that working in accordance with the goals is possible. Developing the professional skills and working conditions of the personnel, utilising their skills comprehensively, and involving them in the development supports the goals.

### **2.2.1 The credibility of the enforcement of community sanctions**

Community sanctions shall be enforced so that they are convincing penalties from the point of view of citizens, authorities, and interest groups as well as convicts, the legal protection and uniform treatment of convicts are ensured, the sanctions are enforced without delay and according to the law and the sanctions include sufficiently intensive supervision.

### **2.2.2 The effectiveness of community sanctions**

Community sanctions shall be enforced so that their contents and enforcement methods support convicts serving their sentence in freedom, they promote the convicts' reintegration into society and they reduce the convicts' risk of recidivism.

## **2.3 Crime prevention**

The district offices of the Probation Service work in close co-operation with local authorities in order to prevent crimes. An intersectoral internal security programme prepared under the direction of the Ministry of the Interior was completed in the summer 2004. The main aim is to improve the co-operation between authorities in order to increase the effectiveness of the internal security and improve the quality of the services. The Government has also ratified the Alcohol Programme 2004-2007. The resolution guides the different branches of administration to co-operate especially in controlling the alcohol use of young people, preventing the harm to traffic safety caused by alcohol, promoting public order and safety, and preventing crimes.

## **2.4 Victim protection**

Probation Service in Finland is not responsible for providing services for victims.

### **3 THE ORGANIZATION OF PROBATION SERVICES**

#### **3.1 Main characteristics**

In the criminal sanctions field both the Prison Service and the Probation Service are organised under the Criminal Policy Department in the Ministry of Justice. This department draws general strategic guidelines for the penal policy (Figure 1). The Probation Service consists of the directive unit in the Criminal Sanctions Agency called the Probation Administration and 15 district offices, which may have one or more separate operating units (Figure 1).

**Figure 1: Criminal sanctions field**

## Criminal Sanctions Field



### 3.2 Internal organisation

The Probation Service is lead by the Chief Director. The directive unit is responsible for the planning and development of the functions of the Probation Service:

- direction of the methods and the operating and financial plan of the Probation Service;
- development of the contents of the community sanctions;
- evaluation of the effectiveness of the functions;
- in-service training of the personnel of the Probation Service; and
- data systems connected with the enforcement of community sanctions.

The Chief Director of the Probation Service ratifies together with the Criminal Sanctions Agency and the Criminal Policy Department the performance target document on behalf of the Probation Service. There are three probation administration directors who sign annual performance agreements with the district offices of their regions and carry out individual performance appraisals with the directors of the district offices. Once a year, each employee meets with the immediate superior for performance appraisals during which the realisation of the goals of the past year is evaluated and new individual goals are set for the next year. The performance targets determined on different levels are based on the performance target document of the Criminal Sanctions Agency and the Criminal Policy Department. The realisation of the performance targets is evaluated annually.

#### 3.2.1 Probation workers

On 31 December 2006, the Probation Service had a total of 330 employees, which adds up to 296.13 person-years, i.e. the use of personnel resources during the whole year.



**Table 1: The personnel of the Probation Service in 2006**

Administration	41
Management	16
Client work	260
Real estate maintenance	12
Work supervision	1
Total	330

Due to historical reasons, the Probation Service has had a complex job title structure of public offices. The goal is that by 2010 the job titles of the district offices of the Probation Service consist only of the titles of director, assistant director, probation worker, and office clerk. The assistant director is responsible for the direction of the client work and the quality control and the probation worker is a general title for posts in the enforcement of community sanctions.

### **3.2.2 Education, training requirements and opportunities**

The qualification requirements are defined in the Government Decree on the Administration of the Enforcement of Sentences (275/2001). The qualification requirements for the employees of the Probation Service are as follows:

- the post of district unit director, higher university degree and experience in managerial duties;
- the post of assistant director, university degree; and
- other posts, education and experience corresponding the task.

An appropriate higher university degree or vocational qualifications in social care have been considered suitable degrees for the posts as probation workers. In 2006, a total of 77% of the personnel were women. The average age was 43 years. The development of the educational background of the personnel is monitored with the help of the education level index. The index of those who have completed basic education is 1.5, upper secondary education is 3.5, lower university degree is 5, and higher university degree is between 6 and 8 depending on the degree. The education level index of the personnel of the Probation Service was 5.4 in 2006. The training days of the personnel added up to 2,273 in 2006, which means an average of 7 training days per a person-year. The Probation Service had approximately 316 private supervisors in 2006. The private supervisors take care of the supervision of parolees and the conditionally sentenced young offenders under the guidance of the district offices.

### **3.2.3 Other organizations involved in probation work**

The starting point for Probation Service is that the enforcement of the community punishments and all the tasks involved within it lies in the hands of an official (probation officer) with responsibility for the legality of his actions. Some tasks may still require that private persons or organizations are used. In supervision of conditionally sentenced young offenders a private person chosen for the task may act as a supervisor. Even in supervision of conditionally released

prisoners private persons are used. Private supervisors take care of nearly 330 conditionally sentenced young offenders and conditionally released prisoners annually.

Probation Service cooperates with Probation Foundation within a project named WOP (It works if you work it out). The project is intended for under 26 year old prisoners from southern Finland with about six months of remaining sentence. The project aims creating a network model to support release and diminish crime repetition after release by developing skills and thinking which support substance-free lifestyle. The project aims also at supporting the functionality of the prisoner and his involvement in society as well as enabling the continuum of rehabilitation after release.

## **4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS**

### **4.1 General**

The probation work during the criminal justice process is based on the following acts and decrees:

- Act on the Supervision of Conditional Release (782/2005);
- Decree on the Supervision of Conditional Release (511/2006);
- Young Offenders Act (262/1940);
- Young Offenders Decree (1001/1942);
- Community Service Act (1055/1996);
- Community Service Decree (1259/1990);
- Decree on the Implementation of Community Service (1260/1990);
- Juvenile Punishment Act (1196/2004) and Decree (1284/2004).

**Table 2: Probation work during the different stages of criminal procedure**

	Pre-Trial Phase See 4.2	Trial and Enforcement Phase	Post Release Phase
Preparing a social enquiry report		x	
Supervising/organising community service		x	
Juvenile punishment		x	
Supervising etc. conditional sentence		x	
Supervising etc. conditional release/parole		x	x

### **4.2 Pre-trial phase**

There are not any interventions available in the pre-trial phase in which the Probation Service could be involved. Mediation is in use in Finland since 1983. Mediation in Finland is administered by local social welfare authorities. Probation Service is not involved in mediation. Successful mediation may in some cases result in decision not to prosecute or to less severe sentence (Mielityinen 1999, 1-2).

### **4.3 Trial phase**

#### **4.3.1 General**

The preparatory procedures for bringing a suspect to trial begin when the police start to investigate the offences. The Probation Service is not involved at this stage. If a young person aged between 15 to 17 years is suspected of an offence, the social welfare is requested to look after the young offender's interests during the police investigation (Child Welfare Act (683/1983)). The Probation Service procedures start when the public prosecutor decides whether the facts based on the police investigation are sufficient to warrant prosecution. If the legal conditions for prosecution exist, the prosecutor can ask the Probation Service to prepare a suitability report on the suspect who would be eligible for community service sentence. In the case of young offenders, the public prosecutor can ask the Probation Service to prepare an enforcement plan and a social enquiry report. The trial activities can generally be divided into two main groups:

- Work with young offenders
  - Young Offenders Act (262/1940) and Decree (1001/1942), Decision of the Ministry of Justice on Young Offenders (310/1943), Juvenile Punishment Act (1196/2004) and Decree (1284/2004)
  - Preparation of social enquiry reports of young offenders (18-20 year-old) and supervision of conditionally sentenced young offenders
  - Preparation of *enforcement plans* for young offenders under the age of 18 who may be sentenced to juvenile punishment in compliance with the Juvenile Punishment Act
- Work with those sentenced to community service
  - Community Service Act (1055/1996) and Decree (1259/1990), Decree on the Implementation of Community Service (1260/1990)
  - Preparation of suitability assessments for courts of law
  - Evaluation of risks and needs for the suitability assessment

The following describes the above-mentioned activities in more detail.

##### **4.3.1.1 Supervision of conditionally sentenced young offenders**

A prison sentence of two years in maximum can be passed as conditional. Conditional prison sentence is used in case of young offenders (aged 15 to 20) whose offences do not call for more intensive intervention. Offenders under 18 years of age are sentenced to imprisonment only for weighty reasons. When a young person (aged 15 to 20) is suspected of an offence punishable with a more severe punishment than a fine or six months of imprisonment, the local

prosecutor in the municipality where the offence has taken place requests the social welfare office of the youth's domicile or the district office of the Probation Service to prepare a personal history report (Young Offenders Act (262/1940) and Decree (1001/1942)). The personal history report prepared for the court proceedings is an expert statement based on the interview with the young person (annex 1). The function of the statement is to assess the effect of different sanction alternatives on the young person's life situation. The court can place young offenders sentenced to conditional imprisonment under supervision. The court decision on supervision is based on, among other things, the personal history report. If the personal history report provided by the Probation Service (or the local social welfare authority in case of 15 to 17 year-olds) recommends supervision, the young person is almost without exception placed under supervision for a probationary period. The term of the probationary period varies from one to three years.

#### **4.3.1.2 Juvenile punishment**

Juvenile punishment is specific sentence for offenders under the age of 18. The decision on sentencing to juvenile punishment is made by the court. The court can sentence a young person to juvenile punishment for four to twelve months. Juvenile punishment can be imposed if the accused has committed the offence at the age of 15 to 17 and the court considers a fine to be too lenient and unconditional imprisonment too severe a sanction for the offence of the young person. The preconditions for sentencing to juvenile punishment also include that it should assist in improving the young offender's skills to cope in society and in preventing recidivism. Juvenile punishment consists of supervision appointments, different activities and programmes promoting coping in society, and an orientation to working life and work. The juvenile punishment process starts when the prosecutor asks the Probation Service to draw up a juvenile punishment enforcement plan. The duty of the Probation Service is to assess the appropriateness of sentencing to juvenile punishment. The content of each juvenile punishment is determined in the enforcement plan approved by the court. The Probation Service formulates the juvenile punishment enforcement plan together with the young offender, his/her guardian, and the social welfare officials. The enforcement plan is based on the information received from meetings, the young offender's interview, the guardian's hearing, and different authorities.

#### **4.3.1.3 Community service**

Community service may be sentenced if:

- the sentence for the offence/offences is unconditional imprisonment not exceeding eight months;
- the accused consents to community service; and
- the accused is assumed to be capable of carrying out the service.

Depending on the length of the prison sentence, the length of the service varies from 20 to 200 hours. One day of imprisonment equals one hour of community service. Community service can also be sentenced as a supplementary sanction to

a conditional sentence exceeding one year in which case the maximum length is 90 hours. The court bases its decision on, among other things, the suitability assessment prepared by the Probation Service.

The prosecutor is obliged to request the Probation Service to provide a suitability assessment on the accused when the expected sentence for the offence is less than eight months of unconditional imprisonment. The suitability assessment is an expert statement and it can also be drawn at the request of the accused or his/her representative. The suitability assessment reviews the accused person's life situation and motivation to perform community service. When making the assessment, the accused is invited to an interview. In addition, information relevant to the assessment is acquired from different authorities. Based on the assessment, the Probation Service submits a report on the accused person's suitability for performing the service. If necessary, support services can be planned to ensure the service is carried out successfully. The accused is compensated for moderate travelling expenses caused by the suitability assessment.

#### **4.3.2 Trial and enforcement phase**

In Finland, the Probation Service generally does not have any role in the trial phase of the criminal justice process. The work of the Probation Service starts from the enforcement phase. The enforcement can be divided into two main groups:

- work with young offenders
  - risks and needs assessment ("työskentelylomake") for the supervision plan for *conditionally sentenced young offenders* (Young Offenders Act (262/1940) and Decree (1001/1942)) (annex 2);
  - specification of the supervision plan for conditionally sentenced young offenders (Young Offenders Act (262/1940) and Decree 1001/1942);
  - implementation of the supervision plan for conditionally sentenced young offenders (Young Offenders Act (262/1940) and Decree (1001/1942))
  - suspension or conclusion of supervision of conditionally sentenced young offenders
  - provision of the order to report for juvenile punishment and first meeting (Juvenile Punishment Act (1196/2004) and Decree 1284/2004)
  - specification of the enforcement plan and related assessments and reviews (Juvenile Punishment Act 1196/2004, section 5);
  - implementation of adjusted enforcement plan (Juvenile Punishment Act 196/2004)
  - conclusion of juvenile punishment and evaluation of the enforcement (Juvenile Punishment Decree (1284/2004), section 10);
  - notifying the public prosecutor of breaches of order (Juvenile Punishment Decree 1284/2004).
- work with those sentenced to community service
  - arranging a service place for the convict;
  - assessment and specification of the individual service plan (Community Service Act (1055/1996), section 7);

- implementation of the service plan (Community Service Act (1055/1996) and Decree (1259/1990));
- support activities: implementation of activity programmes related to community service and supervision of the attendance at substance treatment programmes (Community Service Act (1055/1996), section 1);
- notifying the public prosecutor of breaches of order and forbidding starting the service or ordering it to be suspended (Community Service Act (1055/1996), section 8).

The above-mentioned activities can be described as follows:

#### **4.3.2.1 Conditionally sentenced young offenders ordered to supervision**

In the enforcement phase, an essential tool of the supervision of conditionally sentenced young offenders is the supervision plan drawn based on the situation assessment. According to the Young Offenders Decree (1001/1942), the supervisor has to get familiar with the offences and their motives as well as the personality, life situation and circumstances of the offender ordered to supervision. Based on the acquired information, the supervisor assesses which measures, advice or regulations are necessary in order to fulfil the obligations of the supervision, promote social coping, and prevent recidivism. The most important part of the plan drawn based on the assessment is the regular meetings between the supervisor and the supervised offender. The content and frequency of the meetings is determined by the account of the situation assessment. In general, two meetings per month during the first three months are considered an appropriate number of supervision meetings. After that the number of meetings can be reduced to one per month. In addition to the meetings supervision may include different tasks and programmes, such as anger management, according to the needs of the young offender.

The Criminal Sanctions Agency can decide to cancel supervision on the proposal of the supervisor a minimum of six months after the beginning of the supervision providing that the goals set in the supervision plan have been reached. There has to be enough supervision meetings and no risk of recidivism. At the end of the supervision, the supervisor and supervised offender have a final discussion where they assess the supervision period and its effects and decide on possible further measures to stabilise the life situation of the young offender.

#### **4.3.2.2 Juvenile punishment**

The enforcement phase starts from the time that the juvenile is sent an invitation to report to the district office of the Probation Service in order to start juvenile punishment and specify the enforcement plan (Juvenile Punishment Act, section 14, and Decree, section 5). In the first meeting, the juvenile is informed about the obligations related to juvenile punishment and the sanctions of breaching the obligations. The juvenile is especially reminded that a serious breach of the conditions will ultimately lead to prison sentence instead of the juvenile punishment.

In the first meeting, they also start to specify the enforcement plan so that it can be followed through as planned during the term of the sentence (Juvenile Punishment Act, section 5). For this reason the social situation of the juvenile is reviewed, and at the same time, the risk of recidivism and the needs of the juvenile are assessed. Specifying the enforcement plan means making necessary adjustments to the sentence plan presented in the court proceedings. The adjustments may include adding a certain work programme or work orientation place in the plan. The aim is to complete the adjusted enforcement plan within the first two weeks of the enforcement. The implementation of the content of juvenile punishment proceeds in a structured manner according to the adjusted enforcement plan. Juvenile punishment includes sections obligatory for everyone as well as parts that can be adapted based on the need. The working methods include motivating discussions and cognitive behavioural framework. The enforcement of juvenile punishment has to be assessed two weeks after its execution. The assessment is made of both completed and suspended punishments. The assessment views whether juvenile punishment was a suitable sanction from the aspect of social coping of the juvenile or prevention of recidivism and, in addition, whether the different parts and tasks of the juvenile punishment had a positive influence on the development of the juvenile.

#### **4.3.2.3 Community service**

The enforcement of community service starts when the Judicial Unit of the Criminal Sanctions Agency informs the district office of the Probation Service that the enforcement documents have been sent to the bailiff. At that time, the district office must immediately start to arrange a service place for the convict. An appointment is made with the convict in order to hear him/her on matters related to the service place, service tasks, schedules and practical arrangements. In addition, a separate appointment is made with the service place. Offenders sentenced to community service receive a situation assessment and service plan at the beginning of the enforcement. The service plan includes a detailed schedule of the community service and a description of the service tasks. The service plan also confirms the date of starting the service and the date by which the service should be completed. If the offender attends programmes reducing recidivism or uses substance abuse services during community service, the service plan will include a separate schedule on them. Participation in activity programmes or substance abuse services is based on the situation assessment and is considered individually in each case.

The Probation Service supervises the performance of community service by visiting the service places and keeping contact with the service place provider and the offender. If the offender does not comply with the service plan or the prohibition on using specified or controlled substances, the Probation Service gives an oral or written warning (Community Service Act (1055/1996), section 7 b). If the offender does not start the community service, does not complete it or otherwise grossly breaches the service plan, the Probation Service must notify the public prosecutor without delay. At the same time, the Probation Service has to forbid starting the service or order it to be suspended (Community Service Act (1055/1996), section 8). If the public prosecutor considers that the community

service should be converted into imprisonment, the prosecutor has to present a proposal on the matter to the court without delay. The enforcement of community sanctions ends in completed sentence, court decision or death of the offender.

#### **4.4 Post-release phase**

In Finland, the activities of the Probation Service concern the supervision of conditionally released prisoners, i.e. parolees. The supervision of parolees is based on the following acts and decrees:

- Act on the Supervision of Conditional Release (782/2005);
- Decree on the Supervision of Conditional Release (511/2006);
- Penal Code (39/1889), amendment 780/2005;
- Act on Imprisonment (767/2005);
- Decree on Imprisonment (509/2006);
- Act on the Release Procedures of Long-term Prisoners (781/2005).

The following procedures of the supervision process can be distinguished:

- Participation in making the release plan (Act on Imprisonment (767/2005), section 6);
- Specification of the Supervision plan (Act on Imprisonment (767/2005), Act (782/2005) and Decree (511/2006) on the Supervision of Conditional Release);
- Implementation of the supervision (Act (782/2005) and Decree (511/2006) on the Supervision of Conditional Release);
- Suspension of supervision (Act on the Supervision of Conditional Release (782/2005), section 11, Decree on the Supervision of Conditional Release (511/2006), section 8);
- Notifying the public prosecutor of breaches of order (Act on the Supervision of Conditional Release (782/2005), section 10, Decree on the Supervision of Conditional Release (511/2006), section 6).

##### **4.4.1 Conditional release and related supervision**

A mandatory parole system is used in Finland. Prisoners serve part of their sentence in prison and they are released after a fixed term. The Probation Service does not decide on the release on parole but the director of the prison makes the decision in question in accordance with instructions issued by the Ministry of Justice. The remaining sentence will be served in freedom. In general, recidivists are released after they have served two-thirds (2/3) of their sentence and first offenders are released after they have served one-half (1/2) of their sentence. First offenders under 21 years of age are released after they have served one-third (1/3) of their sentence. In Finland, prisoner will be released under supervision if:

- the remaining sentence is over 12 months;
- the offence was committed under the age of 21 years; and
- the prisoner self requests it.

The supervision period can be as long as the probationary period of the remaining sentence, which can be three years in maximum. Supervision can, however, be suspended if it is not considered to be necessary from the aspect of

preventing the risk of recidivism. The decision on placing under supervision is made by the prison director. After receiving the decision, the Probation Service informs the prison on the official named as the supervisor who will thereon be responsible for the supervision and related practices. The Probation Service based on the proposal of the supervisor makes decision on ending supervision.

#### **4.4.2 Implementation of parole supervision**

The preparatory measures of the enforcement of supervision are launched already during imprisonment. The Probation Service participates in the specification of the release plan of prisoners released under supervision by providing information (Act on Imprisonment (767/2005)). The specification of the release plan is the responsibility of the Prison Service. The supervision plan is an important tool from the aspect of implementing supervision. Just as the release plan, the supervision plan is part of the whole sentence plan. Its goals have to fit together with the sentence plan. The preparation of the supervision plan is done in co-operation with the prisoner and is actually started before release so that it can be introduced right at the beginning of the supervision. The plan is drawn in co-operation with other authorities and it must be ensured that the supervision plan supports the care, welfare and rehabilitation plans of the local authorities (Decree on the Supervision of Conditional Release (511/2006), section 3). The method and frequency of keeping contact as well as the most probable meeting location are recorded in the supervision plan. It also contains information on the prisoner's possible participation in some programme during the supervision period. Records of the main plans and goals as well as means to reach them after release are also included in the supervision plan. The supervision plan creates a setting for the actual supervision work, which is specified in the meeting between the supervisor and the supervised person. The aim is to try to achieve the goals set in the supervision plan. Nevertheless, the changes in the life situation cannot be comprehensively taken into account in the sentence plan. The sentence plan can, therefore, be adjusted if required by adding new goals and regulations concerning the supervision.

Regular contact is essential from the aspect of reaching the goals of the sentence plan. In the first meeting, emphasis is put on the supervised parolee's obligation to keep contact with the supervisor and the consequences of neglecting communication. When considering the consequences of neglecting to keep contact and otherwise breaching the supervision regulations, the whole situation of the client is taken into account. The consequences include a written warning or, in the case of gross breaches of conditions, a notification to the public prosecutor (Decree on the Supervision of Conditional Release (511/2006), section 6). The prosecutor may ask the court to order the conditional release to be forfeited and a maximum of 14 days of the remaining sentence enforced. One of the goals of the supervision meetings is to help and motivate the supervised parolees to detach themselves from the criminal lifestyle. With the help of the meetings, supervised parolees supported in their efforts to enter the employment and housing market.

The Probation Service does not have any statutory role in the court proceedings if a conditionally released prisoner ordered to supervision has

committed a new offence and is sentenced to unconditional imprisonment. If the term of the new unconditional imprisonment sentence is long, the court usually declares the conditional freedom forfeited, which automatically ends the supervision. If the sentence is short, the conditional release may not be forfeited but the term of supervision resumes after the offender is released from prison again. If the supervision has lasted at least six months, the Probation Service may on the proposal of the supervisor end the supervision providing that there has been an adequate amount of supervision meetings and the life situation of the supervised parolee is considered stabilised. In addition, it is required that the supervised parolee has not committed offences or breaches during the supervision. The information is checked from the police and the Legal Register Office of the Ministry of Justice. If there is no proposal on suspending the supervision, it ends when the probationary period of the parole ends. The probationary period can last at most three years.

#### **4.5 Probation procedures and processes**

##### **4.5.1 Assessment and planning**

The Finnish probation work is based on a planned and target-oriented work method. The Probation Service has an IT-based client data system, which covers all community sanctions in use and is used in preparing statements, planning and enforcement. The client data system provides a joint basic assessment form used in all community sanctions and separate forms for each sanction to specify the enforcement plans.

#### **4.5.1.1 Basic assessment form**

The basic assessment form is aimed to support the supervision in such a way that the change process of the client as well as the changes of the clients' life situation and the development of the criminality can be taken into account better. Every client will have this kind of basic assessment form, which consists of the following three sections:

- Initial assessment: all clients go through the process of initial assessment. It is intended to identify the criminogenic factors in the client's life situation, which have affected his/her criminal behaviour and the changes in it. The assessment is made based on eight themes to identify the practices, interventions and programmes that may effect a change in behaviour and lead to a desistance process. The themes are: criminality, substance abuse, life style and social relations, thinking and behaviour, attitudes, accommodation, employment and education, and health. The initial assessment generates a profile of each client.
- Conclusions: the initial assessment is used to identify the type and level of intervention required to achieve the change in the client's criminal behaviour. In the conclusion, the probation officer evaluates, based on the initial assessment, which are the elementary risk factors and strengths and how the interventions should be directed (substance abuse, social relations, etc.).
- Planning: in the planning section, the goals are defined in such a way that it is possible to evaluate their realisation during enforcement. In the evaluation, the realisation of the goals is classified as follows: realized completely, realized partly, not realized, and withdrawn. Each goal includes information on which theme it concerns (substance abuse, social relations, etc.) as well as the date when it was issued and the date when the realisation of the goal was evaluated. This reveals the process nature of the supervision work and development of the motivation to desist.

The aim is that there is only one basic assessment form despite the number of sentences the client has. The basic assessment form is updated based on the situation of the last sentence. The form is linked to the actual enforcement plan of each client.

#### **4.5.1.2 Enforcement plans**

The client data system provides the following procedures and forms for each type of community sanction in order to support the supervision of the enforcement.

1. Supervision of conditionally sentenced young offenders: in case of conditionally sentenced young offenders, the planning section of the basic assessment form is used as the supervision plan. A separate enforcement plan is not be specified. The plan includes information on the frequency of the supervision meetings and the content of the supervision as well as the possible programmes planned for the young offender, such as anger management or motivating discussions. The frequency and content of the supervision are determined based on the initial assessment of the basic assessment form. The frequency of the meetings is normally two meetings per month during the first three months are considered an appropriate number of supervision meetings. After that the number of meetings can be reduced to one per month.

2. Community service: the client data system contains the following enforcement forms and schemes:

- suitability assessment: the offender's suitability for community service is assessed in following areas: social relations, family situation and accommodation; education, employment and financial situation; substance abuse and health; need for supportive measures and plan to realise them; offender's own evaluation of his/her ability to cope; and other information (e.g. criminal record). The probation officer assesses the social situation of the offender on the basis of the above-mentioned areas and writes a statement of the offender's suitability to community service and records it in the client data system;
- service plan: the service plan contains the service tasks and the date when the service will be completed. This information is recorded as soon as the enforcement begins.
- schedule form: a more detailed schedule of the service is recorded on a separate form, which is also used to monitor the realisation of the service.

3. Juvenile punishment: the following forms and schemes will be filled:

- preliminary enforcement plan for the court: the form is used for recording the social situation of the juvenile based on which a summary is drawn on the factors influencing the choice of the sanction type. If juvenile punishment is recommended, a preliminary enforcement plan is made for the court;
- specified enforcement plan: when juvenile punishment is to be enforced, the preliminary enforcement plan made for the court will be specified. The plan includes information on the length of the punishment and the date when it is completed as well as the detailed content of the punishment (e.g. supervision meetings, programmes and tasks, work orientation) and frequency of the activities;
- enforcement form: the form is used to monitor the realisation of the enforcement. It includes cancellations, enforcement transfers and different sanctions for breaches.
- schedule form. A more detailed schedule of the punishment is on this form in order to follow the realisation of the enforcement.

#### **4.5.2 Ideology behind intervention**

One requirement of the enforcement of community sanctions is that the sanctions should be credible in penal sense. That requires good judicial and administrative competence. Enforcement also aims to influence individual and social factors maintaining criminality, which, on the other hand, requires good knowledge of interaction skills, social life and public service system, and typical What Works methods. The Finnish community sanction work consists of the following sectors:

- Judicial and administrative work. Judicial and administrative work has a central part in the supervision related to the enforcement of community sanctions. The duties related to formal enforcement do not conflict with the integration and rehabilitation measures if applied professionally. Tight and clear rules and obligations related to serving sentences are useful especially in the case of clients whose life control skills are weak.

- Social work. Methods of social work are used in the daily client work when examining the client's life situation and aiming to motivate and encourage the client towards change. Orientation, which is typical to social work, is also used when the client's life situation is being assessed and the measures planned for a longer term.

- Case management. Case management is in an essential role in the community sanction work. The multiple problems of the clients demand that they get individually planned service entities based on their needs. This is especially important from the point of view of clients with substance abuse problems who form a big share of the clientele. The need for case management in the enforcement is taken into account when drawing sanction-based plans.

- Methodical work. In Finland, methodical work means the application of What Works type of cognitive behavioural programmes. The application of the programmes is based on the consent and motivation of the client. Therefore, the programmes cannot be used as widely as in countries where the programmes are used as part of the sentences. Using programmes is profitable providing that they are carried out consistently as part of the whole client work.

At the moment, both individual and group programmes are applied. The aim is to put more emphasis on the individual programmes, which include a programme called Steering Wheel aimed for offenders sentenced for drunken driving and a programme of five discussions about change based on a motivating interview. Programmes on traffic safety and anger management are for groups. The experiment of anger management as an individual programme is also intended.

An accreditation panel was established in Finland in 2002. The panel consists of six outside expert members and officials of the Criminal Sanctions Agency. The expert members represent universities and those public and third sector operators with whom the Criminal Sanctions Agency co-operates in activities related to client rehabilitation and reintegration. The accreditation panel assembles twice a year.

Community sanction work is based on seeing that the competence is as wide as possible. The goal is that the employees would have a comprehensive knowledge of different sanctions and related procedures and processes so that they would be able to answer for the enforcement of different sanctions flexibly if necessary. This is especially important in smaller local units where there might be only two employees. Nevertheless, specialising in certain sanction has been necessary in offices in bigger cities where the clientele is wider. These kinds of offices often have a separate group responsible for community sanction enforcement and a supervision group, which is in charge of the supervision parolees and conditionally sentenced young offenders and the juvenile punishment. Some larger offices also have a separate group for preparing statements. That group prepares suitability assessments related to community service and personal history reports of young offenders. The application of cognitive behavioural programmes is only in its early stages in Finland. They are mostly used in the bigger district offices where a number of members of the personnel are familiar with the implementation of one or more programmes. They implement the programmes along with their own work so that it is taken

into account in their working hours. The goal is that cognitive behavioural programmes would be used evenly around the whole country.

#### **4.5.2.1 Work with offenders in custody**

According to the Act on Imprisonment entering into force in 2006, an individual plan for the term of the sentence shall be made for each prisoner. Sentence plans are drawn up in the assessment and allocation units that are part of the Prison Service system. When formulating the sentence plan, the officials of the Probation Service co-operate to a necessary extent with the personnel of the assessment and allocation unit. The plan is supplemented by a release plan and a supervision plan in a good time before the probable release of the prisoner. When formulating the release plan, the prisoner's abilities to cope in freedom and need for services are assessed when necessary. The Probation Service is responsible for formulating supervision plans. The supervision plan is connected to the sentence plan and it requires close co-operation with the officials of the Prison Service and the Probation Service. When formulating the supervision plan, it is also necessary to co-operate with the prisoner's municipality of domicile or residence and other authorities.

The officials of the Probation Service do not work in prisons but they visit prisons in order to prepare a supervision plan, to make suitability assessments and personal history reports, or to visit people ordered to supervision. The Probation Service and the Prison Service have similar activity programmes aimed to reduce recidivism which, if needed, can be realised jointly either in prison or in a district office of the Probation Service. In certain municipalities, the Probation Service has participated in the practical realisation and arrangement of extramural programmes and camps organised by prisons. Nevertheless, the prison makes the decisions and is responsible for the prisoners for the term of imprisonment.

#### **4.5.2.2 Conditional release, open units**

Prisoners are in general released on parole after serving two thirds or a half of the sentence. According to the new Act, a conditionally released prisoner is ordered to supervision if the probationary period exceeds 12 months (formerly 18 months), if the offence was committed under the age of 21, or if the prisoner requests it. The prison director decides on the need for supervision and on ordering to supervision. In 2006, a total of 4 800 prisoners were conditionally released 24% of whom were placed under the supervision of the Probation Service. It is possible to serve all or part of the sentence in an open prison. One of the preconditions for getting allocated to an open prison is that the prisoner commits to supervised abstinence from substances. Prisoners serving their sentence in an open prison can work or study outside the prison or work in the prison. They receive normal wages for their work. In open prison, prisoners pay for their keep. The Probation Service has no influence on the decision making of prisons on matters concerning the enforcement of sentences in an open prison or other unconditional prison sentences.

#### **4.5.2.3 Aftercare**

The municipalities are responsible for the aftercare of released prisoners. According to the Social Welfare Act, the duties of the municipalities include the tasks related to social services directed at the residents of the municipality – including those released from prison – and for those tasks the municipality receives government grant for every resident. The services include, e.g., supportive housing services, granting social assistance, substance care and mental health services of released prisoners, and debt arrangement services. The social exclusion from services due to criminal background has been and still is a problem. The legislation provides that the officials of the Prison Service and the Probation Service shall co-operate to the necessary extent with the prisoner's municipality of domicile or residence and other authorities.

#### **4.5.2.4 Pardon**

In an individual case, the President of the Republic of Finland may remit, either wholly or partly, a sentence or other criminal penalty imposed by a court. However, the President must request a statement from the Supreme Court before pardoning. In practice, the presidential pardon is used quite rarely. The Probation Service has no role in issues concerning pardon. The Finnish legislation does not include laws on amnesty.

## **5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION**

### **5.1 Finances and accounting**

The appropriations for the enforcement of community sanctions are granted in the State Budget annually. While the Parliament approves the operating expenses, it also approves the estimated allocation of the appropriation between the Prison Service, the Probation Service, their joint enforcement and administrative duties, and the Training Institute of Prison and Probation Services. In the 2006 State Budget, the operating expenses of the enforcement of community sanctions were allocated 13.9 million euro, which is 6.8% of the 193 million euro allocated to enforcement of sentences in total. In 2006, the operating expenses of the Probation Service per community sanction client were 3 000 euro. When preparing the budget proposal, the Ministry of Justice sets the criminal sanctions field performance targets concerning the effectiveness of the operations, economic and productivity, and personnel development by using key figures. The performance targets are approved in the budget proceedings.

The operations and financial management of the Criminal Sanctions Agency are monitored by the National Audit Office, the Parliamentary Auditors, and the Internal Audit Unit. The directive unit of the Probation Service carries out inspections of the district offices together with the Judicial Unit of the Criminal Sanctions Agency. The aim of these inspections is to monitor the validity of enforcement and assess the quality of the enforcement process. The Criminal Sanctions Agency follows the regulations of internal inspection, and the use of appropriations and human resources in the district offices are monitored and assessed with the help of performance guidance system.

### **5.2 Registration systems and evaluation procedures**

The Probation Service has a nationwide IT-based client data system that covers all forms of community sanctions. Besides expert statements and enforcement documents, the client data system provides statistics needed when planning and assessing the operations. The realisation of the performance targets is also monitored with the help of the client data system. The Probation Service has up-to-date data on the time already served of each community service sentence on a particular day. If a community service sentence is suspended, the court is informed of how many community service hours have been performed. The data

on completed community service sentences is entered into the criminal records administered by the Legal Register Office of the Ministry of Justice.

The community sanction register, which contains necessary information on the person serving community sanction from the aspect of sentencing and enforcing community sanctions, is included in the client data system of the Probation Service as a nationwide personal data register. The processing of personal data is defined in the Personal Data Act (523/1999), which determines the general principles. Personal data shall be processed lawfully and carefully, in compliance with good processing practice, and also so that the protection of the recorded person's private life and other basic rights, which safeguard his/her right to privacy, are not restricted without lawful reasons. The Act on the Processing of Personal Data in Enforcement of Sentences (422/2002) contains provisions on matters concerning collecting data from other authorities and disclosing data regardless of secrecy provisions if it concerns carrying out duties connected to the enforcement of a community sanction. The Judicial Unit of the Criminal Sanctions Agency decides on granting a permit if someone wants to use the registered data of the criminal sanctions field in a scientific research.

### **5.3 Societal support and PR**

In Finland, the change in the criminal policy climate has not been as drastic as in many other countries. There is no general demand for more severe sentences and the development of criminality has been steady in Finland for the past decade. According to the court statistics, the number of conditional imprisonment cases has increased in four successive years. Even the amount of unconditional prison sentences has increased from 1997 to 2004 with 43 per cent (Lappi-Seppälä 2006b, 290). The utilisation rate of community service (the share of community services compared to those unconditional prison sentences which, based on the length of the sentence and the type of offence, could have been converted to community service) has been around 35% over the past few years. During each of the past five years, on average, 3750 community service orders have been issued, of which an average of 2800 have been completed. (Mohell et al 2004, 107-108) In 2004 the number of community service orders was 3621 (Lappi-Seppälä 2006b, 291). Based on national population surveys, the fear of crime has decreased from the situation in the 1990s. According to the National Research Institute of Legal Policy, the level of the fear of crime cannot be explained entirely or even partly merely by the number of crimes or by the risk assessment of becoming a victim of a crime. Different mental images seem to affect especially the fear of crime more than the crime trends in the society (Heiskanen et al 2004, 27-30).

The internal security programme {Arjen turvaa} initiated by the Government and the alcohol programmes {Alkoholiohjelma 2004-2007} were approved in 2004. Both of them require wide regional and local co-operation between authorities. The aim of both programmes is to prevent financial and social exclusion. Simultaneously, a programme on improving productivity of the public administration was approved (Decision by Government 11th March 2005). The aim of the programme is to maintain the present quality of the services provided by the state and municipalities by rationalising the activities. However, the

resources are smaller than before. Especially the financial difficulties of municipalities and the discussion on the allocation of the scarce resources may tighten the attitudes towards those who are socially excluded or in danger of becoming socially excluded as is mentioned in the report on after-care for ex-prisoners which the Ministry of Social Affairs and Health published in 2006 {Rikoksista rangaistujen tuen tarve}.

The services of the communication unit of the Criminal Sanctions Agency are available for the Probation Service. The Annual Report of the Criminal Sanctions Agency is issued every year. The Probation Service and the district offices have their own websites. There are a general brochure on the Probation Service and separate brochures on each community sanction which can be distributed to both clients and co-operating authorities. The brochures are available in Swedish and English, and some also in Russian and French.

#### **5.4 Societal support and clients' views**

Heli Valokivi's (2008) research "Citizen as a Client" presents knowledge on how the participation of law-breaking individual can be realised as a client of social and health care services and poses a question about the nature of the citizenship of the individual in the position of client. The Research data comprises three sets of spoken and written data from offenders in which users of services comment on their experiences of encounters with professionals of the service systems. The material includes interview data from two research and development projects within Probation Service which implemented case management.

Heidi Valokivi (2008, 12) notes in her research that policy guidelines in social and health care have stressed the responsibility of individual, their activity and mastery of their own lives. In public services there has been a shift towards individualism and consumerism and market-based services have been developed. This demand for an active citizen together with making the application for and granting of social and health care services a judicial and contractual issues mean that the realisation of the rights of active and able citizens will be stronger, the other side of coin being that the voice of the weak, the quiet and the incapacitated citizens does not get a hearing. Valokivi's (2008, 13) research findings show anyway that some offenders have potential for negotiating and contractual partnership in relation to services, but a larger proportion are excluded from this way of doing things.

### **6 PROBATION CLIENTS' RIGHTS**

People who are suspected of an offence have the right to cost-free legal proceedings if they lack the means and their interests specifically demand it. According to the Personal Data Act, people entered in the enforcement registers have the right to access data concerning them if it does not cause danger to the safety of the institution or some individual. In practice, clients of the Probation Service have had the right and possibility to access all documents concerning them. According to the Language Act, every person has the right to use either Finnish or Swedish when dealing with state authorities. About three per cent of

the clients of the Probation Service are foreigners. Interpretation can be arranged if necessary. The Probation Service clients have the statutory right to be heard in a matter concerning them before decision-making. The clients and also their close relatives have the right to complain about an official of the Probation Service, bad treatment, or unfairness to the Parliamentary Ombudsman. The number of complaints is very low.

## **7 NEW DEVELOPMENTS**

The strategic goal of the Ministry of Justice is to diversify the enforcement system. Sanctions served outside prison, which are more effective and inexpensive than imprisonment, have a central role in the development of the penal system. The Juvenile Punishment Act entered into force in 2005 that was the first stage of the reform of the legislation concerning young offenders. The next stage is to reform the pre-trial investigation, the consideration of charges, the court proceedings, and the sanction system concerning offences committed by young persons. The aim is to intervene in crimes committed by young persons more rapidly, concretely, and effectively. Youth detention that could be monitored by electronic equipment was proposed as a new coercive measure for young offenders. The Ministry of Justice has appointed a working group to examine the use of electronic monitoring in the supervision of probationary freedom and sentences served outside prison.

A recently proposed sanction form called a contract treatment is meant for offenders whose offences have been considerably influenced by substance abuse and who are not suitable for community service due to their substance problem. The realisation of such contract treatment has been discovered to involve various problems most significant of which is the cost of the legislation proposal. The Ministry of Justice considers solutions in which matters corresponding to the goals of the contract treatment were possible to solve by making changes in community service.

The newly shaped community sanctions require that, in addition to developing co-operation with other authorities and maintaining the service network, the Probation Service recruit private persons as assistant supervisors needed in the enforcement of sanctions. The emphasis of the development of community sanction enforcement is on intensifying systematic working methods, conducting assessments, and developing individual activity programmes aimed to control substance use and reduce recidivism. The Probation Service concentrates on short-term programmes in the development of activity programmes used in the enforcement of community sanctions.

The strategic policies of the development include:

- tightening the co-operation with local authorities;
- ensuring continuation of the work of the assessment and allocation units of the Prison Service;
- building regional co-operation networks with substance abuse treatment services;
- assessing the effectiveness of the enforcement on an individual basis;
- developing the district organisation by lightening the administration and directing resources to the enforcement of sentences;
- taking care of the wage trend and in-service training of the personnel. Special attention shall be paid on management level training;
- following actively the international development and, as far as possible, participating in developing co-operation in the enforcement of community sanctions especially in the European Union region.

## **8 IMPORTANT PUBLICATIONS**

### **National authors and publications**

M-K. Järvinen, Researcher, The Centre of Expertise on Social Welfare in Kanta-Häme, Pirkanmaa and Satakunta regions in Finland

T. Lappi-Seppälä, Professor Director, National Institute of Legal Policy

H. Linderborg, Senior Specialist, Criminal Sanctions Agency

M. Marttunen, Researcher, National Institute of Legal Policy

J-P.Takala, Researcher, National Institute of Legal Policy

M-K. Järvinen, *Dialogic assessment of client-employee relationship in probation services*, 2007, Helsinki, Criminal Sanctions Agency Publications 1/2007.

T. Lappi-Seppälä, *Regulating the Prison Population. Experiences from a Long-Term Policy in Finland*, 1998, Helsinki, Research Communications 38/1998. National Research Institute of Legal Policy

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### **Publications from abroad**

A. Duff, *Punishment, Communication and Community*, 2001, Oxford: Oxford University Press

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