Probation in Europe

Finland

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1. Introduction

1.1 Probation organization
The implementation of community sanctions falls under the responsibility of the Criminal Sanctions Agency, which is subordinate to the Ministry of Justice. The organisation of the Criminal Sanctions Agency includes the Central Administration operating in Helsinki and three criminal sanctions regions, which are:

- Criminal Sanctions Region of Southern Finland
- Criminal Sanctions Region of Western Finland
- Criminal Sanctions Region of Eastern and Northern Finland

Each criminal sanctions region consists of a region centre lead by the region director and a separate assessment centre as well as prisons and community sanctions offices subordinate to the region centre. The community sanctions offices are responsible for the implementation of community sanctions and prepare related statements and reports together with the assessment centres and, especially in the case of young offenders, also with the social welfare authorities. The main statements and reports related to the implementation of community sanctions are:

- Suitability assessment for community service
- Enforcement plan for juvenile punishment
- Pre-sentence report concerning young offenders (15-20 years old)
- Report on the preconditions of monitoring sentence
- Enforcement plan for monitoring sentence

1.2 Probation activities in nutshell
Probation activities consist mainly of the implementation of community sanctions. Community sanctions include: 1) community service, 2) juvenile punishment, 3) supervision of suspended sentences imposed on young offenders, 4) supervision of conditional release and 5) monitoring sentence. The daily number of the clients serving community sanctions has in recent years decreased to an average of nearly 4000 clients. The age distribution varies from 15 year-old teenagers to mature seniors released from prison with the median age being between 25 and 29 years.

As a result of the diversification of community sanctions, the scope of probation has expanded and become more complicated and professionally demanding. Besides the traditional rehabilitation and supervision relying mainly on face-to-face contacts and discussions, the present-day probation includes a greater degree of rehabilitation and treatment influenced by the “What Works” approach as well as new types of supervision methods, which places more demands on the probation workers’ skills and abilities. Additionally, the tasks of the probation service include more and more developmental activities and case management in form of informing, guiding and counselling. In nutshell, the present-day probation can be defined as a complicated mix of activities including both formal and informal components in order to help the probationers to comply with the terms and conditions of their sentence and thereby also to help them out of crime.
1.3 General remarks about the implementation of Probation Rules

The Probation Rules of the Council of Europe have not directly influenced the reforms carried out since 2006 nor do we have special mechanisms, which could be used to monitor the compliance with and the introduction of the Probation Rules. Nevertheless, the legislation and the practices have been developed in a manner that, in many respects, corresponds to the principals of the Probation Rules concerning the different judicial, administrative and organisational practices of probation work as well as its effectiveness and the implementation of its content.

The supervision, report and assessment procedures of community sanctions have been reformed in a way that their control and rehabilitation practices would better correspond to the assigned goal to reduce recidivism. The report and assessment procedures have been unified and the effectiveness of community sanctions has been improved by increasing the amount and binding force of the supervision meetings, by introducing electronic monitoring and by enabling more systematic and comprehensive use of rehabilitative and therapeutic interventions in connection with different sanctions. The staff is trained in the use of the new methods according to the principle of continuity. The organisation of the Criminal Sanctions Agency has also been reformed by joining the separate organisations of the probation and prison services. The main goal of the reform was to change the focus to enforcement carried out in freedom. During the reform, community sanctions were given a clearer status in the whole criminal sanctions system.

At the moment, the legislation on community sanctions is under reform. The aim of the reform is to combine the separate acts on community sanctions into one act in order to clarify the interrelation between the sanctions. The Probation Rules of the Council of Europe have also been taken into consideration in the proposal for a new single act on community sanctions drafted by a committee preparing the reform. The purpose of the reform is to bring under a common legislation the current separate acts regulating each community sanction.

2. Historical development of the Probation System

2.1 History from the origins to 2008

In Finland, the roots of the probation service are in the work of the Finnish Prison Association, which was established in 1870. The ideological foundation of the Association was religious. Many of the board members were priests or representatives of the religious upper class. The general aim was to prevent recidivism through the moral education of prisoners. In the beginning, the Prison Association focused exclusively on helping missionary work in prisons and especially on improving the poor prison conditions.¹

Besides the work in prisons, the Association also started the aftercare of released prisoners. 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 (now called the Criminal Code of Finland) in 1889. The emphasis of the work changed to supporting released prisoners. The clients were assisted in finding work, dwelling, 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. The work was mainly carried out by volunteers because there were no subsidies from society. The funding of the Association was composed of membership fees and donations made by the church and private persons.²

The Penal Code, which entered into force in 1889, had a great impact on the tasks of the Prison Association. It introduced conditional release 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.³

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.⁴ From the point of view of the statutory parole supervision, the 1940s were considered a more significant decade 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.⁵

The legislation laid down in the 1940s formed the basis for the direction of the Finnish probation services in relation to the other European countries. At this stage, Finland did not want to copy a youth probation used in the United States and England. The Young Offenders Act issued in 1940 provided that supervision could be ordered as an additional punishment to conditional sentences. The aim of the supervision was to support young offenders to desist from offending and criminal lifestyle. After the formation of the youth supervision system in the 1940s, the Finnish Prison Association performed two types of supervision: the supervision of parolees, which was support work with tight control, and the supervision of conditionally sentenced young offenders, which emphasised supportive work.⁶ The Young Offenders Act has later been criticised about the fact that that it does not provide enough means to intervene in the criminal behaviour of young offenders.

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³ ibid., p. 19
⁴ ibid., p. 72
⁵ ibid., p. 70
⁶ ibid., p. 73
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.  

In 1949, the Prison Association was assigned a new task to maintain work camps which were intended to employ those parolees who were otherwise unable to make an honest living. The work camps were officially included in the penal system as release units, which could be even used as one of the conditions for parole release. 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 show that the parolees had ability to succeed and, at the same time, form a financial basis for the life in freedom.

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 Prison Association was changed to Registered Association of Probation in 1966.

The reforms launched in the 1960s were continued in the 1970s. The administrative framework and the orientation of the client work changed. The semi-official Probation Association was established in 1975. The activities of the 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). From now on, the emphasis was directed at the supervision of parolees, especially at the aftercare of released prisoners and the development of housing services. Preparing for the release from prison and informing about the services of the Association as well as other public sector services were also prioritised.

The 1980s saw the beginning of reforms laying a basis for more thorough changes in probation work in the 1990s and 2000s. 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 discontinued at the end of the 1990s. At the same time, the work camps were closed because they were no longer considered to correspond to the development needs of the probation.

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11 ibid., pp. 84-85.

12 ibid., p. 106.
Attention was now shifted to the adoption of community service as a new form of sanction. Preparations for this reform were started in connection with the overall reform of the Penal Code launched in the 1980s.

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. The act included 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 lasting until 31 December 1996. The Community Service Act of 12 December 1996 (1055/1996) established community service as a sanction permanently.13

The positive experiences of community service also had 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. As a result, the act on experimenting juvenile punishment (1058/1996) entered into force 1997 as an experiment in seven different localities. The experiment lasted eight years, after which the act of 21 December 2004 (1196/2004) regularised juvenile punishment in the whole country.14

The expansion of the community sanctions required the redefinition of the status of the Probation Association as an enforcement authority. The revised Constitution of Finland provided that all activities involving the use of force and coercive measures should be in the hands of the government officials. Since the community sanctions clearly contained these elements, the Probation Association was removed from the domain of the Ministry of Justice in connection with a larger organisation reform in 2001.15 The implementation of the community sanctions was now specified as the duty of the state and, hence, the Probation Service was established under a new administrative board, the Criminal Sanctions Agency, operating under the direction of the Ministry of Justice and consisting also of the Prison Service. The Probation Service, which comprised regional units and was headed by Chief Director, was henceforth in charge of the direction and development of the implementation of community sanctions.

Including community service and juvenile punishment in the penal system was the first stage in the overall efforts to shift emphasis more permanently to community sanctions. For this purpose, several other changes were made concerning the individual community sanctions as well as the whole penal system. Electronically monitored early release practice (supervised probationary freedom) was introduced in connection with the prison legislation reform in 2006. At the same time, the legislation concerning the supervision of conditionally released prisoners and the community service was reformed. The supervision was changed to more demanding and systematic, which introduced an opportunity to include measures enhancing the parolees’ capacity for social functioning. In community service, the possibilities to participate in substance abuse treatment were improved.

2.2 Recent history from 2008 to 2011
Since 2008, the probation work has been under a constant change. In the organisation reform in 2010, the Probation Service and the Prison Service were united into one authority under the name of Criminal Sanctions Agency. The aim of the unification of the operations was to guarantee the continuous support of the sentenced offenders during imprisonment and release as well as during community sanctions. Additionally, it was hoped that the reform would make it easier to move the focus from prison sentences to more open sanction forms.

In 2011, electronically supervised monitoring sentence was introduced as a substitute for short prison sentences. At the same, the reformed legislation concerning the supervision of conditionally sentenced young offenders entered into force and a new pre-sentence report system was taken into use. The new legislation lays down more precise provisions on the rights and obligations of the young offenders in accordance with the European Probation Rules. The preparations for a total reform of the legislation on community sanctions were also started.

3. Legislative Basis of the Probation System

 Relevant Probation Rules
The aim of the supervision of conditional release and the supervised probationary freedom is to promote the sentenced offender’s reintegration into society (Act on the Supervision of Conditional Release, 782/2005, section 1). (Rule 1)

Provisions on the sentencing of community sanctions are laid down in the Criminal Code of Finland (39/1889). Moreover, separate acts and decrees apply to each community sanction type. The organisation of the probation service is provided in the Act (953/2009) and Decree (1108/2009) on the Criminal Sanctions Agency. (Rule 8)

In order to promote the appropriate enforcement of monitoring sentence, a person who consents to the task and has applicable training in the criminal sanctions field, social welfare, health care or pedagogy as well as suitable work experience can be ordered to assist the supervisor (Act on the Supervision of Conditional Release, 782/2005, section 3). (Rule 34)
The Criminal Sanctions Agency is not in contact with the victims in a way that the matter of informing victims on the grounds of imposing community sanctions would be relevant. (Rule 95)

The Criminal Sanctions Agency is not involved in any restorative justice processes, which fall under the responsibility of the regional mediation offices financed by the government. (Rule 97)

The Criminal Sanctions Agency co-operates closely with the police, the social services, the health care services and the educational institutions. The main goal of the supervision of conditional release is to increase public safety by supporting the supervised person in order to promote his or her social coping and by preventing him or her from committing new offences (Act on the Supervision of Conditional Release 782/2005, section 1). (Rule 98)

Finnish legal system thus fully meets the requirements of Probation Rules The contents of Finnish legislation and policy aspects will be found in detail in chapters 3.1–3.5.

3.1 Legislative Basis
Provisions on the sentencing of community sanctions are laid down in the Criminal Code of Finland (39/1889). Moreover, separate acts and decrees apply to each community sanction type. The organisation of the probation service is provided in the Act (953/2009) and Decree (1108/2009) on the Criminal Sanctions Agency (Rule 8).

An experiment on community service was launched in Finland on 1 January 1991. Community service became a permanent part of the penal system on 1 January 1997 (Community Service Act 1055/1996).

Pursuant to Chapter 6, section 11 of the Criminal Code of Finland (39/1889), an offender can be sentenced to community service instead of unconditional imprisonment if the unconditional prison sentence is at most eight months long. The scale ranges from 20 to 200 hours. Unconditional prison sentences, previous community service sentences or other weighty reasons can prevent the passing of a new community service sentence. The prerequisites for imposing a community service also include the offender’s consent to it and his or her assumed ability to complete the community service. The preconditions of completing community service are assessed in a separate suitability report prepared by the Criminal Sanctions Agency.

Juvenile punishment was introduced as an experiment in seven District Courts in 1997 (Act on Experimenting Juvenile Punishment 1058/1996, section 1). Since the beginning of 2005, juvenile punishment has been used across the country (Act on Juvenile Punishment 1196/2004). More detailed provisions were introduced in the Government Decree on Juvenile Punishment (1284/2004). Juvenile punishment is a special sanction imposed for an offence committed before the age of 18 years (Criminal Code of Finland 39/1889, Chapter 6(1)(2)). In other words, a person who has committed the offence at the age of 15 to 17 can be sentenced to juvenile punishment. Juvenile punishment can last from four to twelve months. Juvenile
punishment is placed between a fine and unconditional imprisonment in the so-called staircase model of sanctions. In practice, juvenile punishment is comparable to conditional imprisonment in severity.

The aim of juvenile punishment is to break the cycle of crime of a young offender and improve his or her social abilities. The enforcement of juvenile punishment includes supervision for the duration of the sanction, activities and programmes carried out under supervision, an orientation to employment as well as support and guidance in connection with the enforcement. Juvenile punishment always requires the preparation of an enforcement plan provided in the Act on Juvenile Punishment (1196/2004, section 4). The enforcement of juvenile punishment and the support measures advancing the sentenced offender’s life control and serving of the sentence have to be fitted together. The Criminal Sanctions Agency approves the content of the activities and programmes that are included in juvenile punishment and that promote social functioning abilities (Government Decree on Juvenile Punishment 1284/2004, section 8).

The imposition of a monitoring sentence is provided in Chapter 6, section 11a of the Criminal Code of Finland (39/1889). According to that, an offender who is sentenced to unconditional imprisonment of at most six months can be imposed instead a monitoring sentence of the same length if the preconditions determined in detail in the act are fulfilled. The offender carrying out a monitoring sentence is supervised with the help of technical equipment that are installed in the offender’s residence, given to his or her possession or attached to his or her wrist, ankle or waist, or a combination of such equipment.

Pursuant to Chapter 6, section 10(2) of the Criminal Code of Finland (39/1889), a person who has committed an offence when under 21 years of age can be subjected to supervision for 15 months in order to reinforce suspended imprisonment, where this is to be deemed justified in view of the social adaptation of the offender and the prevention of further offences. The need for supervision is assessed based on a pre-sentence report prepared by a community sanctions office of the Criminal Sanctions Agency. The criteria for ordering to supervision are nearly identical to the preconditions of sentencing to juvenile punishment.

Provisions on arranging supervision in connection with suspended imprisonment and on assigning a supervisor are included in the Act on the Supervision of Conditional Imprisonment (634/2010). Conditional imprisonment means that the enforcement of the prison sentence is conditionally suspended.

Chapter 2c, section 8 of the Criminal Code of Finland (39/1889) lays down provisions on the placement of a prisoner serving a fixed-term prison sentence in supervised probationary freedom. For the promotion of the prisoner’s social adjustment, he or she can be placed in supervised probationary freedom outside the prison for at most six months before the conditional release.
In the Act on the *Supervision of Conditional Release (782/2005)*, it is stated that the purpose of the supervision is to increase public safety by supporting the supervised person, by promoting his or her social coping and by preventing him or her from committing new offences (section 1).

The Act on the Criminal Sanctions Agency (953/2009) lays down general provisions on the duties and goals, the area of operation and the organisational form of the Criminal Sanctions Agency. Furthermore, it includes provisions on the competence and tasks of the director general, the region directors and the unit directors. The Decree supplementing the Act (Decree on the Criminal Sanctions Agency 1108/2009) issues more detailed provisions on the organisation of the Criminal Sanctions Agency at the level of the Central Administration, the regions and the units (prisons and community sanctions offices) as well as on the competence and decision-making power between the different levels, for instance, in regard to the establishment and abolition of units or the appointment of staff. The Decree also lays down provisions on the qualifications and tasks of the staff. The Rules of Procedure of the Criminal Sanctions Agency (30 September 2011) sets even more detailed provisions on, among others, the decision-making power and tasks of the management at central, regional and unit level as well as on the tasks of the officials of different levels.

### 3.2 Mission and Mission statement

The general goals and principles presented in the following subsection also define the enforcement of community service and juvenile punishment. The community service, monitoring sentence and juvenile punishment seek to minimise both the disadvantages and the costs. The aim of the supervision of conditional release and the supervised probationary freedom is to promote the sentenced offender’s reintegration into society (Rule 1). The prevention of recidivism is essential also in the enforcement. Especially the enforcement of juvenile punishment aims to improve the young offender's life control. Those who have completed a community service sentence have not reoffended at any rate more than those who have completed a prison sentence. If anything, it seems that the recidivism rate is lower.

From the point of view of the sentenced offender, community sanctions are demanding sanction forms. The enforcement includes abstinence from substances during the service or other events related to the enforcement, regularity, and responsibility for one’s own actions. The offender sentenced to community service answers for the success of the enforcement and, thus, is concretely responsible for his or her actions *him- or herself*. In prison, the enforcement is taken care of by the authorities. Based on studies, offenders who have completed community service have considered that serving the sentence in that form is demanding. At the best, community service forces the sentenced offender to take responsibility for his or her future and to change his or her lifestyle permanently towards a life without crime. The ultimate meaning is to reintegrate the sentenced offender into society. Besides the criminal sanctions authorities, the enforcement also involves a large number of other operators, such as service place organisers, employees at the service place and clients of the service place.
In the enforcement of juvenile punishment and supervision of suspended imprisonment, the aim is to make the young offender 1) understand his or her responsibility for the criminal acts, 2) think about the causes and effects of his or her actions, 3) question the values and attitudes related to criminal lifestyle, 4) understand the offences from different viewpoints, such as the victim, the judicial system and the immediate community, 5) develop skills to observe and control his or her own behaviour, and 6) believe in his or her own resources. The completion of a supervision programme like this is highly demanding for a young offender. Especially in the case of juvenile punishment, the problem actually is that those who would benefit most from the completion of juvenile punishment are not able to fulfil the conditions. On the other hand, juvenile punishment can also be imposed on a young offender who has already started desisting from criminality. Juvenile punishment can then surely support the young offender’s effort to permanently change his or her lifestyle to fit the rules of the community.

In community sanctions, secondary crime prevention is in priority; they are used as widely as possible without much impeding primary crime prevention. This is also reflected in the enforcement. Community sanctions are not converted into imprisonment unless the sentenced offender has grossly breached the service conditions or has been found guilty of another serious offence. At least the enforcement of community service is cheaper than the enforcement of imprisonment. The enforcement of juvenile punishment is more laborious and expensive than community service but, when successful, more productive than imprisonment.

Community sanctions are also safe sanction forms. The possible risks related to community service are prevented with the help of the suitability assessment and the selection of the service place. For example, an offender sentenced for narcotics offences is not placed to work in a hospital nor is a sexual offender placed in a day nursery.

### 3.3 Crime Prevention

The penal system of Finland is based on a neoclassical ideal. The main legitimacy of the penal system is in the effects of its primary prevention. Moral and trust are essential: the regulation of certain acts as punishable and the punishment of those found guilty of offences maintain the general trust in the fact that the law cannot be broken without consequences and that it is worth obeying the law. Thus, the imposition of punishment is regarded to reinforce the moral standards of people. In so-called morally colourless offences such as traffic offences, the key point is the risk of getting caught. Another central point in the Finnish penal policy is the minimisation of the overall costs caused by criminality and their distribution in a manner that takes into account the basic rights and is also otherwise fair.

The enforcement of sentences is mainly based on the aspects of secondary prevention. The enforcement does not aim at achieving a deterrent effect nor is it regarded to have any other effect of primary prevention. The enforcement should be arranged so that it decreases or at least does not increase the risk of recidivism. The conditions in a prison have to be arranged, as far as possible, so that they correspond to the living conditions prevailing in society. Other restrictions can be used to the extent that is required by the security of imprisonment and the prison order.
The sentence has to be enforced so that it does not unnecessarily hinder but, as far as possible, promotes the prisoner’s adjustment to society. Efforts have to be made to prevent any detriment resulting from the loss of freedom. Sanctions enforced in freedom, i.e. conditional imprisonment and supervision of conditionally sentenced young offenders, monitoring sentence, juvenile punishment and community service, aim especially at minimising the risk of recidivism. One of the goals of community sanctions is to offer the sentenced offender positive communal contacts and, hence, enable the offender to get a new job or keep an already existing workplace. The Criminal Sanctions Agency co-operates closely with the police, the social services, the health care services and the educational institutions (Rule 98). The main goal of the supervision of conditional release is to increase public safety by supporting the supervised person in order to promote his or her social coping and by preventing him or her from committing new offences (Act on the Supervision of Conditional Release 782/2005, section 1).

3.4 Victim assistance
The tasks of the Criminal Sanctions Agency do not include crime victim assistance. In Finland, the victim assistance is taken care of by the Victim Support Finland, which operates mainly based on voluntary work. The police also provide crime victim protection. A victim of a crime can be appointed a support person for the criminal investigation or the trial in a case relating to a domestic violence or a serious sexual or violent offence (Criminal Procedure Act 689/1997, Chapter 2(3)). The victim also has a right to use a counsel and, on certain conditions, a right to get legal aid.

The Criminal Sanctions Agency does not participate in the mediation of crimes either. The mediation is carried out by regional mediation offices financed by the government. The Criminal Sanctions Agency is not in contact with the victims in a way that the matter of informing victims on the grounds of imposing community sanctions would be relevant (Rule 95).

3.5 Volunteers’ involvement
In community service, a person who consents to the task and has applicable training in the criminal sanctions field, social welfare, health care or pedagogy as well as necessary work experience to take care of the task can be appointed as an assistant supervisor, who helps the official responsible for the supervision. Other person suitable for the task can also be appointed if it is necessary to secure the supervision of community service or for other corresponding reason (Community Service Act 1055/1996, section 2a).

In order to promote the appropriate enforcement of monitoring sentence, a person who consents to the task and has applicable training in the criminal sanctions field, social welfare, health care or pedagogy as well as suitable work experience can be ordered to assist the supervisor (Rule 34). Other person suitable for the task can also be appointed as an assistant supervisor if it is necessary to secure the supervision (Act on Monitoring Sentence 330/2011, section 29).

The supervision of conditional release can also involve a person approved by the Criminal Sanctions Agency as an outside supervisor. The person appointed to assist the supervisor is required to have applicable criminal sanctions field, social, youth
or pedagogic training as well as necessary experience to take care of the task. For a special reason, another suitable person can also be ordered to the task.

Furthermore, in order to support the enforcement of conditional imprisonment and to assist the supervisor, a person consenting to the task can be appointed as an assistant supervisor. The assistant supervisor has to have criminal sanctions field, social, youth or pedagogic training and work experience suitable for the task. Another suitable person can also be ordered to the task for a special reason. For example, the assistant supervisor can be an official of municipal youth or social services or even a private person. The personal qualities of the assistant supervisor have to be suitable for the task. An assistant supervisor can also be ordered to assist the supervisor of a juvenile punishment.

A person acting as an assistant supervisor is paid a salary and remuneration of expenses from public funds the amount of which is decided by the Criminal Sanctions Agency (Community Service Act 1055/1996, section 2a; Act on Juvenile Punishment 1196/2004, section 10; Act on the Supervision of Conditional Imprisonment 634/2010, section 4; Act on the Supervision of Conditional Release 782/2005, section 3; Act on Monitoring Sentence 330/2011, section 29). The assistant supervisors operate under the guidance and oversight of the supervisors.

The Criminal Sanctions Agency is not involved in any restorative justice processes, which fall under the responsibility of the regional mediation offices financed by the government (Rule 97).

4. The Organization of Probation Services

Relevant Probation Rules
As a whole, the legislation regulating probation meets the requirements included in the European Probation Rules. With regard to recruitment, there are general eligibility requirements regarding education and suitability. In addition, the candidate must possess good cooperative and interactive skills and be able to work in a network and to carry out reformative work with demanding client groups. The candidate can also be required to have special skills depending on the job requirements (Rule 22). After being nominated everyone has to attend a four-day initial training course. Each employee also receives an individual in-service training plan covering their whole career, which is updated regularly according to the changes in their duties. The employees are also provided other in-service training as well as an opportunity to complete a degree at a university or a polytechnic (Rules 23, 24 and 25). The probation staff have mostly standard caseloads. Training on working with specific types of offenders is not available to any great extent (Rule 27). The caseloads have remained within the goals set for them. In 2011, the average daily number of community sanction clients was about 20 per employee throughout the country. However, the daily amount of clients per employee varies between different regions (Rule 29). As regards the co-operation with the judicial authorities, the probation service has a long time ago established a good relationship with the courts and other relevant partners in the criminal justice system as well as with the relevant civil society organizations and agencies (Rule 37). The preparation of pre-sentence reports
and the communication with the courts is an essential part of the probation tasks and it has also been taken into consideration in the legislation (Rule 42). Provisions on the special services for offenders of foreign nationality are not included in the current legislation nor do the probation service have authority to find out about the conditions of Finnish nationals sentenced and serving a sanction abroad unless the enforcement of the sanction is transferred to Finland (Rules 63, 64 and 65).

4.1 Main characteristics
The probation service is part of the Criminal Sanctions Agency, which operates under the Criminal Policy Department of the Ministry of Justice. The Criminal Policy Department draws general strategic guidelines for the penal policy in the whole country and determines the performance targets for the Criminal Sanctions Agency. The Criminal Sanctions Agency consists of three criminal sanctions regions, the Central Administration, the Enforcement Unit, the Health Care Unit and the Training Institute for Prison and Probation Services.

![Figure 4.1: Criminal Sanctions Agency](image)

4.2 Internal organization
The Central Administration is headed by the Director General, who is responsible for the comprehensive management, development and guidance of community sanctions and prison sentences. The criminal sanctions regions consist of a region centre lead by the region director and an assessment centre as well as prisons and community sanctions offices subordinate to the region centre. The region centres direct, develop and guide the operation in the region and are responsible for the realisation of the goals of the units of the region. The assessment centres are in charge of the preparation of statements, reports and plans. The community sanctions offices are responsible for the implementation of community sanctions and prepare related
reports and plans together with the assessment centres also in those municipalities where there is no separate assessment unit.

The Enforcement Unit is responsible for the maintenance of the enforcement register except for the data needed in the enforcement of community sanctions and the data on disciplinary sanctions.

The Health Care Unit of the Criminal Sanctions Agency includes the following common services that are provided nationwide FOR PRISONERS: the Medicine Dispensary, the Prison Mental Hospital (Turku and Vantaa), the Prison Hospital and the polyclinics situated in prisons as well as the dental care services.

The Training Institute for Prison and Probation Services is responsible for the degree education related to the criminal sanctions field as well as the in-service training that maintains and improves vocational proficiency.

4.2.1 Probation workers

Along with the organisation reform, we introduced a joint job title called criminal sanctions official, which is applied to all those carrying out client work in the enforcement of any sanction form, and at the same time, unified the structure of the public offices also in other respects. In the community sanctions offices, the job titles of the staff responsible for the enforcement are divided according to the hierarchical structure as follows:

1) director, 2) assistant director, 3) senior criminal sanctions official, 4) criminal sanctions official.

The duty of the director of a community sanctions office is to lead and develop the operation of the office in accordance with the performance targets agreed in the criminal sanctions region. The director is responsible for the allocation of the tasks based on the human resources. The assistant directors are generally in charge of the guidance and development of client work. The senior criminal sanctions officials function as the immediate superiors of the criminal sanctions officials and as team leaders answering for the guidance and planning of the client work in their area of responsibility. The criminal sanctions officials are responsible for the client work connected with the enforcement of community sanctions. The client work is mainly based on the principle that everybody does everything included in the enforcement without specialising in certain specific tasks or client groups. However, bigger offices can have some employees, who mostly focus on the preparation of reports and assessments. The staff members carrying out client work can also be divided into teams based on the sanction type, such as community service and supervision teams.

In 2012, the total number of the staff responsible for the enforcement of community sanctions was a little over 300. Most of the employees carry out direct client work. In client work, private persons can be used as assistant supervisors especially in sparsely populated regions. The assistant supervisors take care of the supervision of conditionally released prisoners and conditionally sentenced young offenders under the guidance of the local community sanction office. The assistant supervisors handle nearly 170 clients annually. In 2012, the probation service had approximately 250 assistant supervisors, all of whom do not have clients all the time.

Approximately ten per cent of the staff members carry out management and administrative support duties. The general job title of those carrying out administrative support duties is office secretary.
Table 1. The staff structure

<table>
<thead>
<tr>
<th>Number of staff</th>
<th>312</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management staff</td>
<td>28</td>
</tr>
<tr>
<td>Executive staff</td>
<td>268</td>
</tr>
<tr>
<td>Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.)</td>
<td>16</td>
</tr>
</tbody>
</table>

At the moment, the staff members who carry out client work have been given a recommendation on the number of clients in enforcement simultaneously. The recommended number of clients is 20 in community service, 30 in the supervision of conditionally released prisoners, 35 in the supervision of conditionally sentenced young offenders, eight in juvenile punishment, and 12 in monitoring sentence. The recommended number of reports prepared annually by one employee is 260.

4.2.2 Education, training requirements and opportunities

After the organisation reform, the educational qualifications required of the executive staff of the probation service are quite similar to those required of other executive staff in the Criminal Sanctions Agency. The qualification requirements for the posts in the probation service are defined in the Government Decree on the Criminal Sanctions Agency (1108/2009) as follows:

- director of a community sanctions office, Master’s level degree and experience in managerial duties
- assistant director of a community sanctions office, university degree
- criminal sanctions official or senior criminal sanctions official, university degree
- other posts, education and experience corresponding to the task.

An appropriate Bachelor’s degree (in social services) has been the most common education among the assistant directors, senior criminal sanctions officials and criminal sanctions officials. A Master’s degree (at university or polytechnic in social sciences, social work or social services) has been the most prevailing educational background among the directors of community sanctions offices.

The staff is provided both an initial training course and in-service training within the scope of the individual plan. The plan is updated constantly and the training is arranged based on the duties of the employee. In-service training is always arranged in connection with new legislation. The employees have a possibility to participate in the training of the criminal sanctions field as well as in training arranged by other parties. The training can be related to a specific task, such as programme activities, or it can aim at a degree in higher education.

4.2.3 Other organizations involved in probation work

The starting point is that the probation work lies in the hands of a criminal sanctions official with responsibility for the legality of his or her actions. The nature of the probation service requires, however, the involvement of NGOs in the probation work.
The Criminal Sanctions Agency has a long history of co-operation with associations called KRITS (a non-profit aftercare foundation for sentenced offenders and their families) and CRIS (abbreviation for Criminals’ Return into Society). The purpose of both NGOs is to improve the deprived status of released prisoners and community sanction clients as well as their families by offering housing services, drug and alcohol addiction counselling and rehabilitation, peer support, etc. Local NGOs can also be involved in the probation work depending on the needs and challenges faced by the local offices.

4.3 Probation and offenders abroad
The probation service does not include specific services targeted at offenders of foreign nationality. Foreign nationals sentenced to community sanctions receive the same support services and guidance included in the enforcement as Finnish nationals. The support of foreign nationals, who return to their country of residence after completing the sanction, is the responsibility of other authorities. The enforcement of a community sanction imposed by another EU country on a Finnish national or a person living in Finland permanently can, however, be transferred to Finland in accordance with the Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. Additionally, transfers in accordance with the Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union can also be carried out. In practice, they have not been implemented because only a few European countries have transposed the Framework Decision. The transfer of the enforcement of community sanctions between the Nordic countries is based on a prior valid agreement, which enables a flexible and quick transfer procedure.

5. Different Stages of the Criminal Justice Process
All measures of the Criminal Sanctions Agency imposed before a trial are based on the offender’s consent and the rule according to which a suspect has to be treated innocent during the pre-trial investigation and the trial (Act on Pre-Trial Investigation, 449/1987, section 7). (Rule 7)

The Criminal Sanctions Agency has to obtain necessary information on the social situation of the suspect from other authorities as well as private communities and persons for the pre-sentence report (see e.g. Act on the Clarification of the Situation of a Young Suspected Offender, 633/2010). (Rule 12)

Alleged offenders are given the opportunity to be involved in the preparation of the report, and their opinion, where available, are reflected in the report and its contents will be communicated to them and/or to their legal representative (Penal Code, Chapter 6, section 11). (Rule 44)

The Criminal Sanctions Agency prepares a release plan. The release plan is part of a sentence plan, which is drawn up, to the extent necessary and with the consent of the
prisoner, in co-operation with the authorities of his or her municipality of residence or of the municipality where he or she is staying, other authorities as well as private organizations and people (The Imprisonment Act 767/2005, Chapter 4, section 7). (Rule 45)

The sentenced offender is reserved a possibility to be heard before the confirmation of the community service plan. The plan can be altered for a valid reason. The enforcement plan is notified to the sentenced offender in the same order as a summons is served within a reasonable time before the beginning of the service. Usually, the plan is notified to the sentenced offender in a community sanctions office or a service place (Community Service Act, 1055/1996, section 6). (Rule 46)

The enforcement process has to strive to minimize the harms caused to the offender (Community Service Act 1055/1996, section 3; Act on Juvenile Punishment 1196/2004, section 11). According to the law, the stigmatizing of the sentenced offender has to be prevented. (Rule 47)

The Criminal Sanctions Agency is a public authority, which has no intention of generating financial gain for any private party. (Rule 48)

Community service and monitoring sentence can include substance abuse treatment (Community Service Act 1055/1996, section 1; Act on Monitoring Sentence 330/2011, section 3). Additionally, measures supporting a life without crime and participation in support programmes can be incorporated in community service, juvenile punishment, the supervision of conditional release, and monitoring sentence. (Rule 51)

The sentenced offender is reserved a possibility to be heard before the confirmation of the plan and he/she shall be informed about the work available and consulted about their working abilities (Community Service Act, 1055/1996, section 6). (Rule 52)

Measures supporting a life without crime and participation in support programmes can be incorporated in community service, juvenile punishment, the supervision of conditional release, and monitoring sentence. Since the end of 1990s, various motivating and cognitive behavioural programmes have been in use in the criminal sanctions field. (Rule 55)

Where appropriate, and in accordance with national law, probation agencies, directly or through other partner agencies, shall also offer support, advice and information to offenders’ families. In Finland such a task is organized by local social work and by the third sector, not by the probation agencies. (Rule 56)

Community service, juvenile punishment, the supervision of conditional release, and monitoring sentence can also contain measures that improve social functioning abilities or rehabilitate (see e.g. Community Service Act, 1055/1996, section 1). (Rule 57)
The release plan is drawn up, where necessary and with the consent of the prisoner, also in co-operation with the social, health, housing and labour authorities (The Imprisonment Act, 767/2005, Chapter 4, section 6). Rule 59)

As written above, the release plan is drawn up, where necessary and with the consent of the prisoner, also in co-operation with the social, health, housing and labour authorities of the municipality of residence of the prisoner or of the municipality where he or she is staying, in order to improve the placement of the prisoner in society. The goal is to create a so-called release path, which leads the released prisoner towards a life without crime (The Imprisonment Act, 767/2005, Chapter 4, section 7). Rule 61)

The social welfare and health care authorities are responsible for the social and health care services also during the serving of community sanctions. In addition, voluntary organisations offer their services for released prisoners. Rule 62)

The prescribed consequences of breaching the enforcement conditions as well as their threat and use are the last possible measures applied in the enforcement. Rule 85)

In all stages, the accused or sentenced offender has to be explained his or her rights and duties as well as the consequences of breaching the duties (see e.g. Community Service Act 1055/1996, section 2). Rule 86)

As a whole, the legislation regulating probation meets the requirements included in the European Probation Rules. The legislation will be described more in detail in chapters 5.1–5.3.

5.1 Pre-trial/remand/trial stage

Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage

<table>
<thead>
<tr>
<th>Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence</th>
<th>Provision in legislation</th>
<th>Probation service involvement</th>
<th>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unconditional waiver by the public prosecutor</td>
<td>x</td>
<td>x</td>
<td>At the request of the prosecutor, the Criminal Sanctions Agency draws up a pre-sentence report on a suspected offender who has committed an offence at the age of 15-20 years. Based on the pre-sentence report, the prosecutor can decide not to prosecute.</td>
</tr>
<tr>
<td>Conditional waiver by the public prosecutor</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence</td>
<td>Provision in legislation</td>
<td>Probation service involvement</td>
<td>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Conditional suspension of the pre-trial/remand detention</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Pre-trial/remand detention</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police custody</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Bail</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Caution</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Surety</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>House arrest</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Electronic monitoring</td>
<td>x</td>
<td>x</td>
<td>Clarification of the preconditions for imposing a monitoring sentence</td>
</tr>
<tr>
<td>Community service</td>
<td>x</td>
<td>x</td>
<td>Suitability assessment</td>
</tr>
<tr>
<td>Treatment order</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Training/learning order</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Drug/alcohol treatment program</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Compensation to the victim</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Mediation</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Semi-detention</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Attending a day centre</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Liberty under judicial control</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Interdiction to leave the country</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Interdiction to enter different cities/places</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Interdiction to carry out different activities</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Interdiction to contact certain persons</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Psychiatric treatment</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence

<table>
<thead>
<tr>
<th>Provision in legislation</th>
<th>Probation service involvement</th>
<th>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferment of sentence</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fine</td>
<td>x</td>
<td>-</td>
</tr>
<tr>
<td>Other financial sanctions</td>
<td>x</td>
<td>-</td>
</tr>
</tbody>
</table>

All measures of the Criminal Sanctions Agency imposed before a trial are based on the offender’s consent and the rule according to which a suspect has to be treated innocent during the pre-trial investigation and the trial (Rule 7). At this stage, the role of the Criminal Sanctions Agency is to prepare various reports for the use of the prosecutor and the court.

Sentencing a young offender to *supervision as an ancillary sanction to suspended sentence* is always preceded by a clarification of the situation as provided in the Act on the Clarification of the Situation of a Young Suspected Offender (633/2010). Pursuant to section 1 of the Act, the Act is applied to the clarification of the situation of a young person, who is suspected of an offence committed at the age of 15-20 years, for the purpose of the consideration of charges, the imposition of a sanction and the enforcement of a sanction. The aim of the clarification is to review the young suspected offender’s social situation and the reasons affecting the committing of the offence as well as to assess the risk of offending and the preconditions for supporting the young offender to live without crime. According to section 2 of the Act, a young suspected offender refers to a person who is suspected of committing an offence at the age of 15-20 years.

Provisions on the procedure are laid down in sections 3 to 8 of the Act. Within 14 days of the moment when the young person is booked as a young suspected offender in the data system of the pre-trial investigation authorities, those authorities have to notify the prosecutor, the social welfare authorities and the Criminal Sanctions Agency of the offence of the young person. However, there is no need for the notification if 1) the pre-trial investigation is concluded without bringing the matter to the prosecutor for consideration, or 2) the offence was committed when the suspect was at the age 18-20 years and a summary penal proceeding or a petty fine is applied to the matter. Within 14 days of receiving the notification of the young person’s offence, the prosecutor has to request the Criminal Sanctions Agency to draw up a *pre-sentence report* if the presumed sentence for the offence is more severe than a fine. The pre-sentence report can also include comments on the suitability of juvenile punishment but the law provides that a separate enforcement plan has to always be drawn up before sentencing to juvenile punishment.

The public prosecutor has to ask the Criminal Sanctions Agency for a pre-sentence report when the prosecutor has decided to bring charges for an offence, which can lead to a community service sentence (Community Service Act 1055/1996, section 2). The pre-sentence report prepared by the Criminal Sanctions Agency does not legally...
bind the court but, in practice, the viewpoint normally has a guiding effect on the decision (see Supreme Court Decision 1996:9). The suspect’s consent to community service is also asked in the pre-sentence report. Community service can only be sentenced if the accused consents to it (Rule 44). The alternative is unconditional imprisonment. The aim is to present the suspect’s wishes and expectations related to the judgement and the sentence form also otherwise in the pre-sentence report. Community service can be sentenced instead of unconditional imprisonment of at most eight months long (Criminal Code of Finland 39/1889, Chapter 6(11)). Furthermore, community service can be imposed in addition to conditional imprisonment (Criminal Code of Finland 39/1889, Chapter 6(10)(3)).

At the request of the prosecutor or the court, the Criminal Sanctions Agency has to review the suspect’s personal circumstances important from the point of view of imposing a monitoring sentence as well as other preconditions for a monitoring sentence. A monitoring sentence can be imposed instead of unconditional imprisonment of at most six months long (Criminal Code of Finland 39/1889, Chapter 6(11a)). If the Criminal Sanctions Agency considers a monitoring sentence justified or the prosecutor or the court requests it separately, the report is included in the enforcement plan. Provisions on the clarification of the preconditions and the enforcement plan are laid down in section 7 and 8 of the Act on Monitoring Sentence (330/2011).

A monitoring sentence can be passed if the offender consents to it and other adults sharing the residence with the offender give their consent to the enforcement of the sentence in the residence in question. The opinion of those under 18 years old, who live in the same residence, has to also be inquired and they have to be heard in cooperation with the child welfare authorities (Act on Monitoring Sentence 330/2011, section 8).

5.1.1 Pre-trial/pre-sentence report
Provisions on determining the situation of a young person are issued in the Act on the Clarification of the Situation of a Young Suspected Offender (633/2010). For the purpose of clarifying the situation of a young suspected offender, the Criminal Sanctions Agency has to assess based on the available information and within 30 days of the request of the prosecutor how the selection and the enforcement of a sanction can promote the social coping of a young suspected offender and prevent him or her from reoffending. In order to prepare the aforementioned assessment, the Criminal Sanctions Agency has to acquire and compile information in cooperation with the social welfare authorities on the young suspected offender’s living conditions, in particular substance use, substance rehabilitation, mental health and use of related services, and need for other services and support measures as well as other factors essentially linked to his or her social situation. The Criminal Sanctions Agency has to also obtain necessary information on the social situation of the suspect from other authorities as well as private communities and persons for the pre-sentence report (Rule 12).

Based on the assessment, the Criminal Sanctions Agency draws up a written pre-sentence report, which also contains relevant information on the social situation of the young suspected offender. The pre-sentence report presents views on the need for
sentencing the young offender to supervision as an ancillary sanction to conditional imprisonment. The report can also include other account or statement made due to the crime that the prosecutor has requested for the purpose of sentencing to a community sanction.

As mentioned earlier, the Criminal Sanctions Agency prepares for the court suitability assessments related to community service and, if necessary, enforcement plans related to monitoring sentence. The Criminal Sanctions Agency also draws up the reports provided in the law on those suspects of foreign nationality who live in Finland.

The statements and reports prepared by the Criminal Sanctions Agency and the information revealed in them are confidential (Act on the Openness of Government Activities 621/1999, Act on the Publicity of Court Proceedings in General Courts 370/2007).

5.2 Enforcement stage

Table 3. Sanctioning system and probation involvement in the enforcement stage

<table>
<thead>
<tr>
<th>Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence</th>
<th>Provision in legislation</th>
<th>Service involvement</th>
<th>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprisonment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>x</td>
<td>x</td>
<td>Supervision of a young offender sentenced to suspended sentence</td>
</tr>
<tr>
<td>Conditional sentence</td>
<td>x</td>
<td>x</td>
<td>-</td>
</tr>
<tr>
<td>Affidimento in prova</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>House arrest</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Electronic monitoring 1)</td>
<td>x</td>
<td>x</td>
<td>Electronic monitoring of an offender serving a monitoring sentence</td>
</tr>
<tr>
<td>Community service as sanction</td>
<td>x</td>
<td>x</td>
<td>Enforcement of community service and juvenile punishment</td>
</tr>
<tr>
<td>Semi-liberty</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Semi-detention</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Treatment order</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Training/learning order</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence</td>
<td>Provision in legislation</td>
<td>Service involvement</td>
<td>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Drug/alcohol treatment program</td>
<td>x</td>
<td>x</td>
<td>Measures supporting a life without crime and participation in support programmes can be incorporated in community service, juvenile punishment, the supervision of conditional release, and monitoring sentence. The Criminal Sanctions Agency is responsible for such measures.</td>
</tr>
<tr>
<td>Educational measures</td>
<td>x</td>
<td>x</td>
<td>Measures supporting a life without crime and participation in support programmes can be incorporated in community service, juvenile punishment, the supervision of conditional release, and monitoring sentence. The Criminal Sanctions Agency is responsible for such measures.</td>
</tr>
<tr>
<td>Compensation to the victim</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mediation</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Attending a day centre</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interdiction to leave the country</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interdiction to enter different cities/places</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interdiction to carry out different activities</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interdiction to contact certain persons</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fine</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Day fine</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other financial penalties</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence</td>
<td>Provision in legislation</td>
<td>Service involvement</td>
<td>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>In/out patient order (psychiatric treatment)</td>
<td>x</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Security measures</td>
<td>x</td>
<td>-</td>
<td>Enforcement of community service imposed in addition to conditional imprisonment</td>
</tr>
<tr>
<td>Combined order</td>
<td>x</td>
<td>x</td>
<td>-</td>
</tr>
<tr>
<td>Community punishment</td>
<td>x</td>
<td>x</td>
<td>The Criminal Sanctions Agency is responsible for the enforcement and supervision of community service</td>
</tr>
<tr>
<td>Conditional release / Parole</td>
<td>x</td>
<td>x</td>
<td>Provisions on the conditional release are laid down in the Criminal Code of Finland. A conditionally released prisoner can be placed under the supervision of the Criminal Sanctions Agency. Another possibility is to place a prisoner in supervised probationary freedom six months before the actual conditional release. The Criminal Sanctions Agency is responsible for the supervision of an offender placed in probationary freedom.</td>
</tr>
<tr>
<td>Mandatory release</td>
<td>x</td>
<td>x</td>
<td>See above</td>
</tr>
<tr>
<td>Open prison</td>
<td>x</td>
<td>x</td>
<td>A prisoner can be placed in an open prison based on certain conditions. The open prisons are maintained by the Criminal Sanctions Agency, which is responsible for their operation. A community sanctions office may take part in arranging programme activities for prisoners.</td>
</tr>
<tr>
<td>Penitentiary program outside the prison</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other sanctions/ measures etc.</td>
<td>x</td>
<td>-</td>
<td>Driving ban, prohibition to pursue business, ban on animal keeping.</td>
</tr>
</tbody>
</table>
1) This refers to a monitoring sentence, which also includes an obligation to stay at home with certain exceptions.

The types of punishments used in Finland are summary penal fine, fine, juvenile punishment, community service, monitoring sentence, suspended sentence of imprisonment, unconditional imprisonment and corporate fine. The task of the Criminal Sanctions Agency is the enforcement of juvenile punishment, community service, monitoring sentence, suspended sentence, and unconditional imprisonment.

In certain cases, suspended sentence can include supervision. A person who has committed an offence when under 21 years of age can be subjected to supervision (Criminal Code of Finland 39/1889, Chapter 6(10)(2)). The Criminal Sanctions Agency attends to the supervision (Act on the Supervision of Conditional Release 782/2005). The aim is to support the young offender to live without crime.

The Criminal Sanctions Agency answers for the enforcement of a monitoring sentence, which includes supervision and various forms of support. An offender carrying out a monitoring sentence is supervised electronically, which is the responsibility of the Criminal Sanctions Agency. In practice, the offender is supervised with the help of technical equipment that are installed in the offender’s residence, given to his or her possession or attached to his or her wrist, ankle or waist, or a combination of such equipment.

The Criminal Sanctions Agency confirms the enforcement plan of a community service, which includes the work assignments, the ending date of the service as well as the requirements concerning the service duties and the conditions of the service place. The Criminal Sanctions Agency draws up separately a specific schedule for the service. The sentenced offender is reserved a possibility to be heard before the confirmation of the plan. The plan can be altered for a valid reason. The enforcement plan is notified to the sentenced offender in the same order as a summons is served within a reasonable time before the beginning of the service. Usually, the plan is notified to the sentenced offender in a community sanctions office or a service place (Rules 46–47).

The content of juvenile punishment is provided in sections 2-5 of the Act on Juvenile Punishment (1196/2004). An offender sentenced to juvenile punishment is under supervision for the duration of the sentence. Juvenile punishment consists of supervision appointments, activities and programmes that promote social functioning abilities and that are carried out under supervision as well as guidance and support provided in connection with them. Juvenile punishment also includes supervised orientation to employment and working unless it is considered clearly unnecessary or it is particularly difficult to arrange. The enforcement is based on an enforcement plan prepared by the Criminal Sanctions Agency on request of the public prosecutor or the court before sentencing to juvenile punishment. The plan consists of the regulations related to the communication between the supervisor and the sentenced offender, the activities and programmes promoting social functioning ability, and the orientation to employment and working.
The Criminal Sanctions Agency is a public authority, which has no intention of generating financial gain for any private party (Rule 48). The Criminal Sanctions Agency approves the service place providers, which can be public sector entities, public associations or other non-profit organisations or foundations. Organisations or foundations striving for profit can be service place providers if they produce services for the public community under public supervision (Community Service Decree 1259/1990, section 1). The Criminal Sanctions Agency makes an agreement with the service place concerning the realisation of community service, defining the rights and duties of both parties and the contact person of the service place (Community Service Decree 1259/1990, section 5).

Community service, juvenile punishment, the supervision of conditional release, and monitoring sentence can also contain measures that improve social functioning abilities or rehabilitate (Community Service Act 1055/1996, section 1; Act on Monitoring Sentence 330/2011, section 3; Act on Juvenile Punishment 1196/2004, section 2; Act on the Supervision of Conditional Release 782/2005, section 5;). Community service and monitoring sentence can include substance abuse treatment (Community Service Act 1055/1996, section 1; Act on Monitoring Sentence 330/2011, section 3). Additionally, measures supporting a life without crime and participation in support programmes can be incorporated in community service, juvenile punishment, the supervision of conditional release, and monitoring sentence (Community Service Act 1055/1996, section 1; Act on Monitoring Sentence 330/2011, section 3; Act on Juvenile Punishment 1196/2004, section 2; Act on the Supervision of Conditional Release 782/2005, section 5;). The Criminal Sanctions Agency is responsible for such measures (Rules 51 and 55).

Since the end of 1990s, various motivating and cognitive behavioural programmes have been in use in the criminal sanctions field. The programmes are based on the knowledge that some factors, i.e., static factors that have an effect on reoffending (e.g. age and gender) cannot be influenced, whereas other factors, i.e., dynamic factors can be influenced at least to some extent. The dynamic factors include especially education, qualifications for employment, housing situation, substance use, family situation, attitudes, values, problem solving skills, and social skills. The programmes have been developed to correspond to the conditions in Finland based on models received mainly from Sweden, Canada and Great Britain. Thus, the enforcement is to a large extent something else than just supervision (Rules 55–56).

From the point of view of the sentenced offender, community sanctions are demanding sanction forms. The enforcement includes abstinence from substances for the duration of the sanction or during the events included in the enforcement, regularity, and responsibility for one’s own actions. The offender sentenced to community service answers for the success of the enforcement and, thus, is concretely responsible for his or her actions himself or herself. In the enforcement, the aim is to take into account the sentenced offender’s wishes, life situation, age, gender, and need for support measures (Rule 51). The enforcement process has to strive to minimise the harms caused to the offender (Community Service Act 1055/1996, section 3; Act on Juvenile Punishment 1196/2004, section 11). According to the law, the stigmatising of the sentenced offender has to be prevented (Rule 47).
A prisoner can be placed in an open prison based on certain conditions (Imprisonment Act 767/2005, Chapter 4(9)). The open prisons are maintained by the Criminal Sanctions Agency, which is responsible for their operation.

Provisions on the conditional release are laid down in the Criminal Code of Finland (39/1889, Chapter 2c(5)-(7)). A conditionally released prisoner can be placed under supervision (Act on the Supervision of Conditional Release 782/2005, section 4). Another possibility is to place a prisoner in supervised probationary freedom six months before the actual conditional release (Criminal Code of Finland 39/1889, Chapter 2c(8)). The Criminal Sanctions Agency is responsible for the supervision of an offender placed in probationary freedom.

Community service and monitoring sentence can only be imposed on an accused person who consents to make amends for his or her act by that kind of sanction. The alternative is unconditional imprisonment. Juvenile punishment and the supervision of conditional release do not require the consent of the offender. One of the three grounds for supervised conditional release is the prisoner’s own request. The sentenced offender has to be heard when planning the content of the sanction and making decisions affecting the offender’s rights and duties. Numerous provisions on this are laid down in the acts on the different community sanctions. The idea is to work in mutual understanding with the sentenced offender. The prescribed consequences of breaching the enforcement conditions as well as their threat and use are the last possible measures applied in the enforcement (Rule 85). The aim is to encourage the sentenced offender to take responsibility for his or her future by himself or herself. In all stages, the accused or sentenced offender has to be explained his or her rights and duties as well as the consequences of breaching the duties (Rule 86, e.g. Community Service Act 1055/1996, section 2).

Provisions on the conditional release are laid down in the Criminal Code of Finland (39/1889, Chapter 2c(5)-(7)). Usually, a prisoner has to be conditionally released after having served a specific share of the sentence. The specific share can be one-third, one-half or two-thirds, which depends on the age of the offender at the time when the offence was committed and on the length of time since the previous prison sentence. The decision on a conditional release is made by the prison director. A life sentence prisoner can be conditionally released after having served 12 years of the sentence by the decision of the Helsinki Court of Appeal. A person sentenced for a serious offence to a fixed-term imprisonment of at least three years can be ordered to serve the entire sentence in prison if the person has been found guilty of a serious offence before. Such a prisoner can be conditionally released by the decision of the Helsinki Court of Appeal after having served five-sixths of the sentence.

A conditionally released prisoner can be placed under the supervision of the Criminal Sanctions Agency as provided in the Act on the Supervision of Conditional Release (782/2005, section 4). The purpose of the supervision is to increase public safety by supporting the supervised person, by promoting his or her social coping and by preventing him or her from committing new offences (section 1). The Criminal Sanctions Agency attends to the implementation of the supervision and the supervisor is usually an official of the Agency. A conditionally released prisoner is placed under supervision if 1) the probationary period is longer than one year, 2) the
offence is committed when under 21 years of age, or 3) the prisoner himself or herself so requests.

Another possibility is to place a prisoner in supervised probationary freedom six months before the actual conditional release (Criminal Code of Finland 39/1889, Chapter 2c(8)). A prisoner serving the whole sentence as well as a life sentence prisoner can also be placed in supervised probationary freedom. A prisoner serving the whole sentence has to be placed in supervised probationary freedom three months before the release if he or she has not been conditionally released before that.

The Criminal Sanctions Agency prepares a release plan. The release plan is part of a sentence plan, which is drawn up, to the extent necessary and with the consent of the prisoner, in co-operation with the authorities of his or her municipality of residence or of the municipality where he or she is staying, other authorities as well as private organisations and people. A private person refers to the prisoner’s relatives, other close people and the private supervisor ordered to the prisoner. A private organisation means, for example, a private substance abuse institution or other corresponding unit where the prisoner is placed when release conditionally. The release plan is drawn up, where necessary and with the consent of the prisoner, also in co-operation with the social, health, housing and labour authorities of the municipality of residence of the prisoner or of the municipality where he or she is staying, in order to improve the placement of the prisoner in society. The goal is to create a so-called release path, which leads the released prisoner towards a life without crime (Rules 45, 46, 59 and 61).

The Imprisonment Act (767/2005, Chapter 8, section 9) enables a placement in an outside institution during the sentence. A prisoner who is deemed reliable and has a substance abuse problem or who is assessed to have special problems in coping in freedom can, for a fixed period of time, be placed in an outside institution or a corresponding unit, where he or she participates in substance rehabilitation or in other goal-oriented activities improving his or her functioning abilities. The goals, the time and duration, the content of the activities and the conditions binding the different parties are agreed in a placement agreement.

The purpose of the prison leave system used in Finland is to accustom the prisoner to freedom and promote his or her social functioning abilities. The decisions on prison leaves are mainly made by the prison director. The prison leave has to promote the implementation of the sentence plan. Another precondition is that, on the basis of information received on the behaviour of the prisoner during the sentence term as well as on his or her person and criminality, compliance with the prison leave conditions can be deemed likely. The prisoner has to commit himself or herself to the substance control and to other supervision necessary with regard to compliance with the conditions of the prison leave. Besides the prisoner’s behaviour and possible disciplinary infractions, the behaviour during the sentence term also refers to the compliance with the sentence plan. A written decision on the prison leave has to include the conditions of the prison leave relating to moving outside the prison, the grounds for the permission of leave, abstinence from substances, supervision, the behaviour of the prisoner and his or her return to the prison. The decision has to also note the possible consequences for a breach of the conditions.
Notwithstanding the aforementioned conditions, a prisoner can be granted a prison leave under escort or under the necessary supervision to attend an outside event or for another corresponding reason. The maximum duration of this kind of prison leave is 12 hours. This provision can also be applied in open prisons so that prisoners supervised, for instance, with the help of a mobile phone can go to a church or a shop outside the prison.

A prison leave can be granted for an important reason or to attend an outside event for as long as it is necessary to take care of the matters based on which the prison leave was granted. The prison leave can be granted to a prisoner, who is deemed likely to comply with the conditions and consents to the substance control and the supervision of the other conditions of the prison leave. It is required that the granting of the prison leave is important with regard to attending to the family, health care, subsistence, work, training, social or housing issues of the prisoner or for another corresponding reason. An important reason can be, for instance, a move, an application to an educational institution or a job interview (Government Proposal 263/2004 p. 185).

If the compliance with the conditions of the prison leave cannot be deemed sufficiently likely, the prisoner can be granted a prison leave under the necessary supervision. The supervision can be direct guarding or indirect monitoring, for instance, via a regular contact by telephone.

A prisoner has to be granted a prison leave for a particularly important reason. Reasons that are considered particularly important include a serious illness of a close relative or another close person or a funeral of a close relative or another close person or other corresponding particularly important reason, which can mean, for example, a serious accident of a relative. The prison leave can be denied if the denial is necessary in order to prevent an escape, a release attempt or a new offence or for another corresponding weighty reason.

Pardon is decided by the President of the Republic after obtaining a statement from the Supreme Court. The Criminal Sanctions Agency is not involved in the hearing of matters related to pardon. Finland does not have provisions on a general amnesty, which would be possible only by an act enacted by the Parliament of Finland.
Table 4. Other probation activities in the enforcement stage

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing support to the families of the offenders/detainees</td>
<td>-</td>
</tr>
<tr>
<td>Coordinating volunteer prison visitors</td>
<td>-</td>
</tr>
<tr>
<td>Preparing offenders for (conditional) release</td>
<td>x A release plan is drawn up for prisoners and a supervision plan for those placed under supervision after release.</td>
</tr>
<tr>
<td>Preparing prisoners for home leave and/or providing support during home leave</td>
<td>-</td>
</tr>
<tr>
<td>Providing support to persons that have been pardoned or amnestied</td>
<td>-</td>
</tr>
<tr>
<td>Providing advisory report with respect to amnesty or pardon</td>
<td>-</td>
</tr>
<tr>
<td>Other tasks that are not included here.</td>
<td>-</td>
</tr>
</tbody>
</table>

5.3 Care and after-care outside the criminal justice system

These measures do not in belong to the authorities of the criminal sanctions field in Finland. The social welfare and health care authorities are responsible for the social and health care services also during the serving of community sanctions. In addition, voluntary organisations offer their services for released prisoners (Rule 62).

Valuable support is provided by KRITS, which is a non-profit private foundation without the power of an authority. The purpose of the foundation is to reduce recidivism. It provides supported housing services for sentenced offenders from the Helsinki region and maintains a peer support service. The supported housing services are meant for released prisoners who have committed themselves to rehabilitation and abstinence from substance and are residents in the Helsinki region. The foundation has orientating housing communities, supported housing, and housing instructors. It offers peer support, service counselling and substance-free leisure activities.

The duty of the Ombudsman for probation and aftercare is to provide judicial assistance, guidance and support for sentenced offenders and their relatives and families. The assistance and guidance are often needed in, for instance, the arrangement of debts, debt recovery procedures, or social and health care services.

In addition, the foundation carries out projects, which aim to promote the arrangement of appropriate services for people with criminal background and their families, and develops an internet portal Gateway to Freedom together with other operators of the field. The activities of the foundation also include child and family work as well as orientation to learning.

A private, non-profit Guarantee Foundation provides help with the arrangement of debts also for released prisoners and other sentenced offenders who have difficulties with, for example, paying the compensation for damages.
6. Probation methodology

Relevant Probation Rules
After having considered that an unconditional prison sentence may be converted into community sanction, the public prosecutor requests the Criminal Sanctions Agency to prepare a suitability assessment of the offender’s capacity and willingness to carry out a community sanction. The Criminal Sanctions Agency should inform the offender of the conditions of and interventions used in the community sanction, which is not always fully realised especially when there is an extensive need for treatment (Rule 6). When the supervision begins, the risks, needs and resources present in the offender’s current life situation are assessed. Based on the assessment, an individual work plan determining the goals and means of the supervision period is drawn up in collaboration with the offender (Rule 66). The offender is normally involved in the planning of what he or she needs to do and is able to see and comment on the work plan (Rule 67). The process and outcomes of the assessment are explained to the offender (Rule 68). The assessments are reviewed and updated especially during longer sentences (Rule 69). The assessment is usually reviewed if the offender’s life situation has remarkably changed and when there is a need to change the intensity and duration of the supervision. At the end of the supervision period, a final assessment should always be done (Rule 70). Appropriate assessment training is provided to all probation staff (Rule 71). As far as possible, the work plan should be based on mutual negotiations and an agreement between the supervisor and the supervisee on the fact that the measures and interventions included in the plan are relevant and appropriate regarding the offender’s life situation and offending behaviour (Rule 73). The interventions used in probation are a mixture of control and rehabilitation, which together contribute to and facilitate desistance. For this purpose, many new control and rehabilitative interventions have been taken into use. Their nature and intensity vary in different types of community sanctions (Rule 76). At present, the whole probation staff is acquainted with motivational interviewing and a large proportion is qualified to apply some offender behaviour programmes (Rule 77). The idea that a criminal sanctions official, who undertakes the assessment, decides on the work plan and co-ordinates the interventions, has been accepted as the basic principle of organising probation work. In practice, there is still need to improve the continuity and consistency of the transitions from prison to community. Transferring the pre-sentence assessment work to specialised staff located in separate units has, in fact, increased the discontinuity and communication problems (Rule 80). There are regular face-to-face meetings where the clients’ life situation and criminality are evaluated and recorded in the client database. These evaluations may influence the contents and requirements of the supervision (Rule 81). All the measures and procedures are recorded into an individual file in the client data system (Rule 88). An enforcement judge system does not exist in Finland. The probation agencies do not give regular accounts or reports of their work to the court or the public prosecutor (Rule 91). The probation work is monitored by the specialised staff at the Central Administration of the Criminal Sanctions Agency (Rule 103).

One requirement of the probation work is that it should be credible in penal sense. That requires a good insight into the judicial regulations and the administrative procedures surrounding the probation work. The probation work also aims to influence the individual and social factors maintaining criminality, which, on the
other hand, requires a good knowledge of interaction skills, social life and public service system, and a capacity to work towards a systematic change together with the client. In other words, the Finnish probation work can be said to lie on the following four competencies:

1) Judicial and administrative competency: Complicated legal and administrative issues are handled continuously in the probation work.
2) Social and interaction competency: Methods typical of social work and pro-social modelling are used in the daily probation work.
3) Case management competency: The clientele facing multiple problems demands individually planned services based on their special needs.
4) Methodological competency: This means familiarity with the evidence-based methodology, which has become an established part of the probation work.

The evidence-based methodology has become synonymous with the cognitive behavioural programmes. At the moment, the emphasis is on the following, mostly individual programmes: 1) Steering Wheel Programme and Traffic Safety Programme, which both are aimed at offenders sentenced for drunken driving; 2) Anger Management Programme; and 3) Behaviour-Interviewing-Change Programme BSF, which is based on a motivating interview. The Anger Management Programme is used both in individual and group settings.

The accreditation panel reviews the programmes proposed to be implemented and determines whether or not the programmes satisfy the accreditation criteria. At present, the panel consists of outside experts and officials of the Criminal Sanctions Agency. The expert members represent universities and those public and NGO operators with whom the Criminal Sanctions Agency co-operates. The accreditation panel assembles three to four times a year.

The intake is an orientation-type process that is the first step of the enforcement phase. It begins when the decision of the community sanction has been sent to the regional community sanctions office and the client is referred to a certain criminal sanctions official according to the office practices. The basic principle is that the enforcement starts without delay after the date when the office has received the decision. In practice, the first meeting takes place within a period ranging from a few days to a month depending on the type of community sanction. In the first meeting, the criminal sanction official explains the terms, conditions and contents of the community sanction in question and starts planning the enforcement by filling in the general work form. Every client should have the general work form, which consists of the following three sections:

1) Initial assessment: In this section, the criminogenic factors affecting the offending are charted and identified based on the following eight themes: criminality, substance abuse, lifestyle and social relations, thinking and behaviour, attitudes, accommodation, employment and education, as well as health. The initial assessment generates a profile of each client, which forms the basis for conclusions.
2) Conclusions: In this section, the criminal sanction official evaluates, which are the elementary risk factors and strengths and how the interventions (e.g. treatment for substance abuse, anger management, etc.) should be directed.
3) Planning: In the planning section, the goals are set based on the conclusions. The goals should be defined in such a way that it is possible to achieve them and to evaluate their realisation during the enforcement. In the evaluation, the realisation of the goals is classified as follows: realised completely, realised partly, not realised, 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 work form for each client despite the number of sentences the client has. The form is updated based on the situation during the last sentence. The form is linked to the actual enforcement plan of each client.

The client data system provides the following enforcement plan formats for each type of community sanction:

1) Supervision plan (supervision of conditionally sentenced young offenders): The frequency of the supervision meetings and the content of the supervision as well as the possible programmes and other measures are confirmed in this plan based on the initial assessment of the basic assessment form.

2) Supervision plan (supervision of conditional release): The supervision plan is an individual work plan, which is prepared before the release together with the parolee ordered to supervision. It is co-ordinated with the sentence plan and other plans prepared elsewhere, for instance, in the social services. The plan includes information on the frequency of the meetings and the goals of the supervision period as well as the means to reach the goals. In accordance with the plan, different themes are covered in the meetings with the help of discussions, tasks and exercises. Participation in various groups and courses is also possible during the supervision period.

3) Enforcement plan (community service): The enforcement plan defines in detail the service tasks and the date when the service will be completed. The programmes (e.g. Anger Management) and other interventions (e.g. treatment for alcohol abuse) are also defined in the plan. A separate form includes a more detailed schedule (days and hours) of the service and it is also used to monitor the realisation of the service.

4) Specified enforcement plan (juvenile punishment): When juvenile punishment is to be enforced, the preliminary enforcement plan made for the court will be specified. The specified 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) and the frequency of the activities. Different sanctions for breaches during the enforcement are recorded on a separate form. The plan also provides a separate schedule form in order to follow the progress of the enforcement.

5) Specified enforcement plan (monitoring sentence): The plan is based on the preliminary enforcement plan. It includes a weekly schedule and a separate section where the daily programme is defined in detail. The daily programme can consist of work, education, rehabilitation, activity programmes or other programmes promoting the desistance process.
In accordance with the evidence-based approach and risk management thinking, the emphasis of probation work has shifted from unspecified casework to more structured and methodical work. Electronically monitored enforcement has brought along a more tightly controlled and scheduled praxis, which is also reflected in other sanctions, e.g. in the form of alcohol testing and other control measures with a more punitive character. A new group of professionals, who work in pairs, the so-called supervision patrols, have been introduced to the probation practice. The supervision patrols monitor and guide clients who are serving a monitoring sentence under the direction of a criminal sanction official.

Case management is an essential part of all client work because matters concerning education, work, drug and alcohol abuse, accommodation, family relations, livelihood, etc. are constantly handled in probation work. Only those clients’ homes are visited regularly at least once a week, who are serving a monitoring sentence. Due to the revised legislation, the frequency of the meetings has been intensified in all community sanctions to a minimum of once a month. However, the frequency varies to some degree depending on the type of community sanction. After having evaluated the client’s needs, motivation, suitability and other criteria, the criminal sanctions official decides, which programme the offender should undertake. The criminal sanctions official usually runs the programme or refers the client to a colleague handling that programme.

As wide competence as possible forms the basis for the client work. 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 the enforcement of community service and a group in charge of the supervision of parolees and conditionally sentenced young offenders as well as the juvenile punishment.

Even today, supervision and assistance can be defined as two sides of the same coin, i.e. it is very difficult to draw a distinction between the elements of control and support in the supervision process. Assistance is always included as an essential part in the supervision process. Its intensity and forms vary depending on the client’s individual needs and life situation. All clients benefit from assistance provided during supervision. Assistance can contain individual discussions concerning criminality and personal issues or welfare service guidance in accordance with the principles of case management.

In the probation work, the main principle is to achieve compliance with the help of co-operation rather than force, which requires that the client’s consent is taken into account in most measures except those imposed based on breaches of the terms. Even in those cases, the client has to be heard in regard to the circumstances surrounding the breaches. The criminal sanctions officials have a wide discretionary power in issuing a warning or reporting to the court in relation to the breaches. After hearing the client, the official can take into consideration the severity and type of the breach, past breaches and other matters when making a decision.
The quality insurance is a continuous process, which is carried out both at the central as well as the local level. At the central level, the internal inspection unit monitors that the activities are carried out in accordance with the legislation regulating the probation work by using other experts of the Criminal Sanctions Agency. At the local level, the directors of the criminal sanctions regions and the directors and assistant directors of the community sanctions offices monitor that the work fulfils the goals set in the performance target negotiations.

7. Finances, accounting, registration systems and evaluation procedures

Relevant Probation Rules
The probation service is publicly funded and a statutory part of the criminal justice system (Rule 10). In the past few years, the probation offices have not been subject to inspections conducted by the Parliamentary Ombudsman of Finland (Rule 15). There is lack of systematic research on probation (Rule 16). Ensuring the competence and developing the management are the key principles of the strategy adopted by the Criminal Sanctions Agency. The achievement of these goals is continuously monitored in different ways (Rule 21). The same performance-related pay system is applied to all staff members. Compared with other public sector professionals with a similar level of education and performance requirements, the probation staff are slightly undercompensated (Rule 33). The evidence-based practice has been developed for the past few years. Attempts have been made to enhance the research directed at these practices (Rule 104). The criminal policy of Finland is expert-oriented, i.e., the reform of the legislation surrounding the probation service and other reforms have mainly been made based on scientific and expert knowledge (Rule 105).

7.1 Finances
The probation service is not privately funded nor can it raise funds itself. The only financial source is the state budget that covers all the operating expenses. The appropriations for the probation service are annually allocated in the state budget. When preparing the budget proposal, the Ministry of Justice sets the performance targets of the criminal sanctions field concerning the effectiveness, economy and productivity of the operations as well as the development of the staff by using key figures. The performance targets are approved in the budget proceedings.

The Parliament of Finland approves the operating expenses for the enforcement of sentences. In 2012, the operating expenses allocated to the probation service were EUR 17.9 million, which is about 8.4 per cent of the EUR 214.9 million allocated to the enforcement of sentences in total. The operating expenses of the prison service were EUR 196.9 million. The annual operating expenses calculated based on each probation client were EUR 49 34 while the corresponding ratio per each prisoner was EUR 60 843. In 2011, the average number of the probation staff calculated based on person-years was 236.6, whereas the corresponding number of the prison staff was 2 264. In the same year, the daily average of probation clients was 1 490 and prisoners 3 262.
<table>
<thead>
<tr>
<th>Probation Services</th>
<th>Prison System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total current yearly expenditure (euro)</td>
<td>13 442 372</td>
</tr>
<tr>
<td>Average number of employed staff (person-years)</td>
<td>236.6</td>
</tr>
<tr>
<td>Daily average number of offenders/clients dealt with</td>
<td>3900</td>
</tr>
</tbody>
</table>

### 7.2 Accounting

The Criminal Sanctions Agency is inspected externally by the National Audit Office of Finland (NAO) and internally by the Internal Inspection Unit of the Criminal Sanctions Agency.

The NAO is an independent and neutral expert body. Its task is to ensure the correctness of the financial management of all accounting state agencies, the reliability of the reported information, and the compliance with the state budget. For this purpose, the NAO conducts annually financial audits and prepares a report for the Parliament of Finland. The report is publicly available.

The Criminal Sanctions Agency prepares and approves the final accounts each year within a certain time limit. The final accounts will then be submitted to the Ministry of Justice, the State Treasury, and the NAO. The NAO sends the financial audit report to both the Criminal Sanctions Agency and the Ministry of Justice for further action.

The duty of the Internal Inspection Unit is to establish the appropriateness and sufficiency of internal supervision to the management of the Criminal Sanctions Agency, to develop the risk management in the Criminal Sanctions Agency as well as to carry out the inspections ordered by the Director General. Approximately six to nine internal inspections are carried out annually in all the units of the Criminal Sanctions Agency.

### 7.3 Registration Systems and Evaluation Procedures

The Criminal Sanctions Agency has an IT-based community sanction register that includes data on all forms of community sanctions. The register supplies quarterly and monthly summary reports for managerial purposes as well as for various research and policy development needs. Besides the expert statements and the enforcement documents, the register includes statistics used in the planning and assessment of the probation activities both at the central administrative level and at the local level. The realisation of the performance targets is also monitored with the help of the register data.

Every client has an individual folder in the register. The folder contains information on the client and a detailed documentation of the supervision process. The folder includes the following items: personal data and living conditions, type of community sanction, formal enforcement sheet, risk and needs assessment sheet, targets defined in the assessment, and their realisation during the sentence planning. The criminal sanction official is responsible for the follow-up of the client’s progress during the supervision including any areas of concern, such as employment, substance abuse and offending, by keeping detailed notes on the meetings and other contacts, e.g. by
telephone or e-mail, as well as on the different types of measures and interventions. The notes must be kept up to date in order to provide an accurate record of the changes in the client’s behaviour and the possibilities of avoiding future offending. At the end of the supervision, a final assessment containing the client’s comments on the progress of the sentence plan targets is written.

The community sanction register is included in the client data system of the Criminal Sanctions Agency as a nationwide personal data register. In Finland, the processing of personal data is defined in the Personal Data Act (523/1999) and the Act on the Processing of Personal Data in Enforcement of Sentences (422/2002), which determine the general principles. Personal data has to be processed lawfully and carefully, in compliance with good processing practice, and so that the protection of the recorded person’s private life and other basic rights, which safeguard his or her right to privacy, are not restricted without lawful reasons.

8. Societal Support and Client’s Views

Relevant Probation Rules
The operations of the probation service are presented in an annual report. The media is invited to yearly information meetings concerning the criminal sanctions field and probation (Rule 17). The Communication Services at the Central Administration of the Criminal Sanctions Agency informs the media on matters concerning the probation and the criminal sanctions field in general (Rule 106). The Criminal Sanctions Agency has established good exchange and co-operation relationships with universities and scientific research institutions (Rule 106). Other agencies, service users and the general public, both nationally and internationally, have access to different types of policy statements and other official documents concerning probation (Rule 108).

8.1 Societal support
Research conducted in the early 21st century show that there are different types of challenges when tackling the multiple needs of the probation clients. The research of Jouko Karjalainen and Olli Viljanen (2009) on the offenders’ need for support maps out how the reintegration problems of the probation clients have been handled in the welfare service system. The used data consists of questionnaires and interviews targeted at municipal and governmental welfare authorities along with data obtained from the client data system. The outcomes point to the conclusion that the basic social and employment services do not provide sufficient support to improve and enhance the probation clients’ integration. It is especially clear as regards housing and employment: it seems that the normal welfare services have abandoned probation clients in a dead space to wait for better times to come or they have even rejected them. It appears that there is lack of one clear agent to take full responsibility for the social support and case management of the conditionally released prisoners and community sanction clients.

Anssi Keinänen (2008) has examined statistically in his doctoral dissertation on community service as a subject of empirical criminological research which factors affect the probability of revocation of community service in Finland, and furthermore, how accurately the revocation of community service can be predicted. The main result
is that substance abuse connected to the accumulation of social problems predicts the risk of revocation of community service. The conclusion is that the probation clients’ integration into society cannot be successful without prevention measures aimed to reduce the clients’ substance abuse.

In another doctoral dissertation *Community Service in the borderline of civil society and the state* (2011), Lasse Rautniemi discusses what impact the civil society involvement has in the legal status of community service. The study is based on theoretical literature and empirical data consisting of theme interviews with community service clients and the contact people of the community service places. In the conclusions, it is stated that the essential content of community service is produced in the service places, i.e. within the sphere of civil society and informal justice. This means, among other things, that this kind of sanction requires communities, which are ready to welcome sentenced offenders.

### 8.2 Client’s views
A research done by Hanna Väkiparta and Matti Marttunen and published by the National Research Institute of Legal Policy reviews the imposition of supervision on young offenders as a sanction ancillary to conditional imprisonment. The research is based on supervision documents of 160 supervised young offenders aged 15 to 20 years and on interviews with the supervised offenders and their supervisors. The research presents, among other things, the following findings and conclusions:

**Goals of supervision are difficult to match together.** The goals of supervision include elements that are difficult to match together: on the one hand, the duty of the supervisor is to support and help but, on the other hand, the supervisor should also impose control and prevent reoffending. In general, the task is managed well. In some cases, the supervision of young offenders seemed, however, unnecessary from the point of view of these goals. The offence was random and the supervised offender did not have such problems that supervision ordinarily aims to influence. Alternatively, some of the young offenders had besides social problems, also financial difficulties as well as mental or physical problems. The best person to take care of such problems is usually the professional of the specific field in question and not the enforcer of the sentence.

**Commitment to supervision is important.** The supervised offender’s commitment to the supervision is essential in respect of the success of the supervision. The main problems of supervision are, in fact, related to the inadequacy of regulations concerning it and the lack of sanctions for neglects. The biggest problem is to get young offenders with extremely difficult life situation to attend the supervision meetings. They rarely arrive at the meetings and often their supervision is concluded at the end of the probationary period without having implemented the supervision as planned. The young offenders can also be well aware of the fact that there are no sanctions for absences. Cancelling and rescheduling the supervision meetings is common but even commoner is simply not to show up at the meetings without any notice.

**Programmes are useful.** Based on the research material, the courses and programmes used in supervision are considered useful but they are used very rarely.
Planned programmes are the best option for those young offenders, whose criminal behaviour is influenced by single problems that can possibly be fixed with the help of interventions. On the other hand, the supervision meetings serve those young offenders, whose life situation in general requires more comprehensive planning and perhaps treatment. The supervision should promote the analysis of the behavioural models and attitudes that have led to the criminal act in order for the discussions to be useful. Alternatively, the best solution for young offenders with substance abuse problems would be substance abuse rehabilitation as part of the supervision. In such cases, the supervised offenders would be required to commit themselves to the rehabilitation but they would not have to attend so many supervision meetings as normally during planned supervisions. The supervision has to be individually planned and realised.

9. Probation Clients’ Rights

The legal protection of a sentenced probation client has been ensured on four different levels. First of all, the consent of the offender is generally a precondition for the sentencing of a community sanction. Secondly, the sentenced offender has to be heard when planning the enforcement of the sanction. Thirdly, the probation client serving a sentence has to be heard during the investigation of a suspected breach of conditions. A sanction more severe than a warning can only be imposed by the court. The fourth level refers to subsequent supervision, a complaint to the management of the Criminal Sanctions Agency or to a supervisor of legality, i.e. the Parliamentary Ombudsman or the Chancellor of Justice. The acts and decrees on each sanction form lay down detailed provisions on the rights of the probation client serving a community sanction. The main rights are listed in the following. The Finnish legislation primarily meets the norms regulated by the European Probation Rules (Rules 14, 100, 101, 41, 89 and 92).

An offender can be sentenced to community service instead of imprisonment if he or she is suitable for and consents to community service (Criminal Code of Finland 39/1889, Chapter 6(11)(2)). Community service can be sentenced instead of an unconditional imprisonment of at most eight months. The scale ranges from 20 to 200 hours. In practice, one day of imprisonment corresponds to one hour of community service. Thus, the offender can choose whether to serve the sentence in prison or in freedom. The court evaluates the defendant’s suitability for community service based on the suitability assessment prepared by the Criminal Sanctions Agency and also takes into account the goals of the penal system. In the case of juvenile punishment, the defendant does not have similar choice. The Criminal Sanctions Agency and the service place make an agreement, which defines the rights and duties of both parties and the contact person of the service place (Government Decree on Community Service 4/2011, section 8(3)). According to section 9 of the Government Decree, the Criminal Sanctions Agency has to reserve the sentenced offender an opportunity to be heard in relation to the enforcement plan of the community service. The Criminal Sanctions Agency and the sentenced offender prepare together an enforcement plan, which determines, among others, the schedule of the community service.
A monitoring sentence can be passed if the offender consents to it and other adults sharing the residence with the offender give their consent to the enforcement of the sentence in the residence in question (Criminal Code of Finland 39/1889, Chapter 6(11a)). The opinion of those under 18 years old, who live in the same residence, has to also be inquired and they have to be heard in cooperation with the child welfare authorities. The sentenced offender has to be heard when drawing up the enforcement plan and explained carefully the meaning of the obligations and restrictions connected with the monitoring sentence as well as the consequences of breaching them (Act on Monitoring Sentence 330/2011, section 8).

A conditionally released prisoner ordered to supervision has to be heard when drawing up the supervision plan (Government Decree on the Supervision of Conditional Release 511/2006, section 3). An offender sentenced to conditional imprisonment and ordered to supervision and a custodian of a young supervised offender have to be reserved an opportunity to participate in the preparation of the supervision plan (Act on the Supervision of Conditional Imprisonment 634/2010, section 5).

During the enforcement, an offender serving a sentence can be issued a warning or caution by the decision of the Criminal Sanctions Agency if the sentenced offender has breached the conditions of the enforcement (Act on the Supervision of Conditional Imprisonment 634/2010, section 10; Act on the Supervision of Conditional Release 782/2005, section 10; Community Service Act 1055/1996, section 7b; Act on Monitoring Sentence 330/2011, section 18; Act on Juvenile Punishment 1196/2004, section 16). The sentenced offender has to be reserved an opportunity to be heard before issuing the caution or warning. It is not possible to appeal against a caution or warning but the sentenced offender can lodge a complaint either to the management of the Criminal Sanctions Agency or to a public supervisor of legality, i.e. the Parliamentary Ombudsman or the Chancellor of Justice, which then investigates the matter.

A gross breach of the service or supervision conditions can result in the community sanction being converted into imprisonment. The conversion into imprisonment is always decided by the court on request of the prosecutor (Act on the Supervision of Conditional Release 782/2005, section 10(3); Community Service Act 1055/1996, section 8(2) and (3); Act on Monitoring Sentence 330/2011, section 25; Act on Juvenile Punishment 1196/2004, section 16(3) and 17). If the conditions have been breached, the Criminal Sanctions Agency draws up a report on the matter based on which the prosecutor decides whether or not to request imprisonment instead of the community sanction. The breaches are heard to the extent appropriate at court in the same order as the hearing of a charge or in connection with a charge (Community Service Act 1055/1996, section 10(2)). The sentenced offender has to be heard in connection with the hearing of the matter either personally (Act on Juvenile Punishment 1196/2004, section 17(2)) or he or she has to be at least reserved an opportunity to be heard (Community Service Act 1055/1996, section 10(2)). In all cases, the sentenced offender has the right to use a counsel and to appeal against a decision of the District Court to the Court of Appeal (Code of Judicial Procedure 4/1734, Chapter 25). The provisions on public legal aid also apply to cases concerning the conversion of a community sanction into imprisonment (Legal Aid Act 257/2002,
The sentenced offender is also entitled to interpretation if his or her native language is other than Finnish or Swedish.

Provisions on the processing of personal data in the enforcement of sentences are laid down in the Act on the Processing of Personal Data in the Enforcement of Sentences (422/2002). In addition, the Act on the Openness of Government Activities (621/1999) is applied to the secrecy and disclosure of personal data and the Personal Data Act (523/1999) is applied to other processing of personal data. The Act on the Processing of Personal Data in the Enforcement of Sentences (422/2002) issues detailed provisions on the right to register data and on the registered data (section 14) as well as on persons entitled to access the data (section 15). The data can only be disclosed to authorities for the purpose of carrying out official duties specified in the Act (section 16). The Criminal Sanctions Agency is entitled to get relevant data from other authorities (section 19).

The controller of a register has to inform the data subject of the processing of data as provided in the Personal Data Act (523/1999). The duty of providing information can, however, be deviated from as provided in the Personal Data Act (523/1999) or if it is necessary on account of the prison order and security (Act on the Processing of Personal Data in the Enforcement of Sentences 422/2002, section 21). In the processing of sensitive data included in the registers, the controller has to be particularly careful and ensure the sufficiency of the level of technical and organisational protection (section 24). The data has to be deleted according to the time limits provided in the Act (section 25). The penalty for a misuse of registered data is provided in the Criminal Code of Finland (39/1889, Chapter 38(1-2) and (8-9) and Chapter 40(5)).

10. Developments to be expected

10.1 Developments in coming years

The strategic goals of the Criminal Sanctions Agency concerning the enforcement practices have been outlined in the Strategy of the Criminal Sanctions Agency for 2011-2020. The main goal is to guide the offender towards a life without crime by planning and realising the sentence term so that the sentenced offender has a better chance to reintegrate into society as its full member after having served the sentence. To reach these goals, several working groups have been set up to draw up guidelines for the development of the practices in key areas. One of the groups focused on substance abuse work because, in Finland, the main risk linked to offending is still alcohol abuse combined to an increasing extent with the misuse of drugs and medicines. In its report Guidelines for Substance Abuse Work for 2012-2016, the working group defines, among others, the following goals that should be realised before 2016:

- The substance abuse assessment has to be continuous, comprehensive and holistic involving also the client instead of the current dispersed – and sometimes also distant – practice with assessment taking place in multiple instances.

- The motivation work has to be systematic and long-standing. All staff members have to be trained in motivational interviewing and be involved in
the motivation work. Offenders sentenced especially to community service and monitoring sentence have to be motivated and guided to seek substance abuse treatment before the beginning of the enforcement so that they are motivated to live without substances.

- The sanctioning system used by both the probation and prison services in cases of violations of the abstinence requirements cannot be haphazard or inconsistent nor can it be based on unaccountable discretion. The violations have to be addressed immediately, professionally and accordingly.

- Cooperative substance abuse treatment practices have been developed both in the probation and prison services. The whole staff has to be involved in the substance abuse work and receive appropriate training continuously.

- Professional barriers between the prison and probation staff have been crossed. Shared substance abuse programmes and measures are used in the prison and probation units.

Another body, which consists of different working groups representing both the prison and probation services, has outlined the guidelines for the development of the client assessment system. The main goal is that the basic assessment should be similar in all client groups and updates to the assessment as well as additional assessments are done when needed. The client process should be based on a comprehensive offender management, which means that one criminal sanctions official is responsible for the enforcement of the whole term regardless of the sentence form, e.g. in cases where imprisonment and community sanction are enforced at the same time.

The legislation surrounding community sanctions is also being developed. A working group appointed by the Ministry of Justice proposes in its report Total reform of the legislation on community sanctions the following legislative reforms:

- Enactment of a single act on community sanctions that brings together the current separate acts regulating community sanctions
- Unification of the assessment and statement procedures during the pre-sentence and enforcement stage
- Intensively supervised community service for young adults aged 18 to 21 years
- Possibility to order conditionally released prisoners, whose remaining sentence is less than one year, to discretionary parole supervision
- Possibility to order community service as a conversion sentence for an unpaid fine instead of imprisonment.

It is difficult to point out the countries, which at present function as models for the Finnish probation service. The expansion of the international interaction has increased the amount of penal transfers from various countries. However, some general trends can be distinguished. The influence of the Scandinavian legislation has traditionally been significant in Finland. Even today, the Scandinavian influence can be found in many reforms concerning the probation. For example, the Norwegian and Danish re-entry and treatment guarantee solutions have influenced the ongoing reform of the community sanctions legislation. The introduction of electronic monitoring is another example of penal transfer. Especially Sweden has been a model country in this respect. The Swedish way of using electronic monitoring as a precondition for early release and conditional prison sentence has been adopted more or less as such in Finland. Besides legislation, also various cognitive behavioural and
motivational rehabilitation interventions are good examples of Scandinavian penal transfers. Since the 1990s, more and more influence has also been received from other European countries and especially from the Anglo-American legal culture. For example, the Finnish community service is based on a sanction type developed in the Anglo-American legal culture.

10.2 Implementation of EU Framework Decision 947
In Finland, the Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions came into force on 5 December 2011 by the act on the national enforcement of the regulations within the scope of legislation of the Framework Decision on probation measures and alternative sanctions in the European Union and the application of the Framework Decision (1170/2011). According to the act, the competent authority to forward a probation decision to another Member State and to decide on the enforcement of a judgement and probation decision forwarded to Finland is the Criminal Sanctions Agency. As yet, there have not been any cases of supervision being forwarded from Finland to another Member State or vice versa in accordance with the Framework Decision.

11. Important Publications


Finland:

The book is an extensive general presentation of the penal sanction system. It covers the different types of punishment and other sanctions for offences as well as the imposition and enforcement of sanctions.

The book is an up-to-date and structured presentation of the central issues of the imposition and enforcement of sentences. In the imposition of sentences, the focus is on the grounds of measurement and the selection of the type in the light of the latest legal praxis.
The article describes the change of the criminal policy since 1970s.

The book is comprised of articles, which shed light on the current questions of the Finnish criminal sanctions work in relation to the international development.

### 12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages

**Ministry of Justice**
Visiting address: Eteläesplanadi 10, Helsinki
Postal address: PO BOX 25, FI-00023
Government
Tel. 00358 2951 6001
Fax 00358 9 1606 7730
Official email: oikeusministerio@om.fi
[www.om.fi](http://www.om.fi)

**Ministry of Justice, Department of Criminal Policy**
Visiting address: Mannerheimintie 4, Helsinki
Postal address: PO Box 25, FI-00023
Government
Tel. 00358 29 51 6001
Fax 00358 9 1606 77 30
Official email: kpo.om@om.fi
[www.om.fi](http://www.om.fi)

**Criminal Sanctions Agency**
Visiting and postal address:
Lintulahdenkuja 4
FI-00 530 Helsinki
Tel. 00358 29 56 88500
Fax 00358 29 56 65440
Official email: kirjaamo.rise@om.fi
[www.rikosseuraamus.fi](http://www.rikosseuraamus.fi)

**The Training Institute for Prison and Probation Services (RSKK)**
Visiting address: Vernissakatu 2 A, Vantaa
Postal address: PO Box 41, FI-01 301
Vantaa
Tel. 00358 29 56 65 000
Fax 00358 29 56 65 020
Official email: rskk@om.fi
[www.rskk.fi](http://www.rskk.fi)

**Criminological Library**
Visiting address: Vernissakatu 2 A, Vantaa
Postal address: PO Box 41, FI-01 301
Vantaa
Tel. 00358 29 56 65 05 4
Fax 00358 29 56 65 02 0
Official email: rskk@om.fi
[www.rskk.fi/kirjasto](http://www.rskk.fi/kirjasto)

**Kriminaalihuollon tukisäätiö (KRITS)** (after care foundation for sentenced offenders)
Visiting and postal address:
Kinaporinkatu 2 E 39
FI-00500 Helsinki
Tel. 00358 9 774 36 10
Fax 00358 9 774 36 12 0
Official email: toimisto@krits.fi
[www.krits.fi](http://www.krits.fi)
ANNEX 1

SUMMARY INFORMATION ON PROBATION IN FINLAND

General Information
- Number of inhabitants: 5.4 million in June 2012
- Prison population rate per 100,000 inhabitants: 67
- Link to Probation Service: www.rikosseuraamus.fi
- Links to websites: www.om.fi
- Member of the CEP in: 2001

Characteristics of the Probation Service
- In 2010, the Probation Service as a separate organisation was abolished. The probation and prison services were merged into one authority called the Criminal Sanctions Agency.
- The Criminal Sanctions Agency is directed by the Ministry of Justice. It is responsible for the management and development of probation nationwide.
- The Criminal Sanctions Agency consists of three criminal sanctions regions, the Central Administration, the Health Care Unit, and the Training Institute for Prison and Probation Services.
- The basic probation units are the regional community sanction offices. There are in total 16 community sanctions offices and 11 other local units dispersed in the three criminal sanctions regions.

Tasks
- The probation tasks consist mainly of the enforcement of community sanctions (community service, supervision of conditionally sentenced young offenders, supervision of conditionally released offenders, juvenile punishment and monitoring sentence) and duties related to it. The enforcement of community sanctions means mainly client work in form of supervision and writing of reports and assessments connected to it. The duties also include control tasks, such as intervention in breaches during the enforcement, and interactive work, which aim to influence recidivism together with the client. Additionally, the client is assisted in getting the services he or she needs from society, e.g. substance rehabilitation. The amount of these kinds of case management tasks is increasing in the probation service.
- To an increasing extent, the tasks also consist of evidence-based interventions and case management.

Number of staff (average numbers in 2011)
- Probation Officers: 268
- Probation Managers, all grades: 28
- Administrative support staff, all grades: 16
- Community Service Supervisors: x

Total: 312
Daily average number of offenders dealt with: 4500

**New developments**

- Unified framework and methods for substance abuse work
- Reform of client assessment and management system
- Enactment of a single community sanctions act that brings together the current separate acts regulating community sanctions

**Probation during the different stages of the criminal procedure**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Pre-Trial Phase</th>
<th>Trial and Enforcement Phase</th>
<th>Post Release Phase</th>
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<tbody>
<tr>
<td>Preparing pre-sanction report</td>
<td>x</td>
<td>x</td>
<td></td>
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<tr>
<td>Supervising etc. sanction of probation</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Supervising etc. suspended sentence</td>
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<td>Supervising etc. special measures drug addicts</td>
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<td>Supervising etc. community service</td>
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<td>Supervising training or learning projects</td>
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<td>Interventions with young offenders</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Supervising etc. suspended sentence</td>
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<tr>
<td>Assistance/support of offenders in prison/detention</td>
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<td>x</td>
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<tr>
<td>Preparing pre-release reports, prisoners</td>
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<td>x</td>
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<tr>
<td>Supervising conditional release/parole</td>
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<td>Supervising post custody, sex offenders</td>
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<td>Preparing victim impact reports</td>
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</tbody>
</table>

In this table, the tick refers to that phase of the criminal procedure when the measure is carried out as well as to those phases where the influence of the measure extends.
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