



# **Probation in Europe**

## **Finland**

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## **Table of contents**

1. Introduction	4
2. Historical Development of the Probation System	5
3. Legislative Basis of the Probation System	9
4. The Organization of Probation Services	19
5. Different Stages of the Criminal Justice Process	23
6. Probation Methodology	36
7. Finances, Accounting, Registration Systems and Evaluation Procedures	39
8. Societal Support and Clients' Views	41
9. Probation Clients Rights	44
10. Developments to be expected	45
11. Important Publications	46
12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages	47

## **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 Criminal Sanctions Agency consists of the Central Administration, the Enforcement Unit, the Training Institute for Prison and Probation Services, 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 region has a region centre lead by a region director, a separate assessment centre, and prisons and probation offices, which are subordinate to the region centre. The probation offices are responsible for the implementation of community sanctions. The probation officers draw up assessments, pre-sentence reports, and sentence plans for the following community sanctions:

- juvenile punishment (15-17 years old)
- supervision of young offenders sentenced to conditional imprisonment (15-20 years old)
- supervision of adults sentenced to conditional imprisonment (over 21 years old)
- community service
- monitoring sentence.

### **1.2. Probation activities in nutshell**

Probation activities consist mainly of the implementation of community sanctions. Community sanctions include: 1) supervision of young offenders sentenced to conditional imprisonment, 2) juvenile punishment, 3) supervision of adults sentenced to conditional imprisonment, 4) community service, 5) monitoring sentence, 6) supervision of conditionally released prisoners, and 7) supervision of combination sentence.

In last ten years, the daily number of the clients serving community sanctions decreased to an average of about 3 000. In 2019, the average daily number of probation clients was 3 037. (Financial accounts and annual report of the Criminal Sanctions Agency 2019). The average daily number of probation clients increased by about 15 per cent in the early 2000s and peaked at 4 800 in 2007 (Statistics of the Criminal Sanctions Agency 2012).

The age distribution varies from teenagers to mature seniors. In 2019, the median age of probation clients was 30 and the average age was 33. The youngest probation client was 15 years old and the oldest 84 years old. (Cross-sectional statistics of the Criminal Sanctions Agency on 1 May 2019)

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 approaches of What Works, Desistance, and Good Lives Model as well as new types of supervision methods, which require more skills and abilities from the probation officers.

Supervision meetings have been developed so that they are more structured by using the Jersey Supervision Interview Checklist developed by Peter Raynor et al (2009). The focus is still on individual interactive work with clients. However, online treatment programmes have been introduced in probation work. In addition, a mobile application, which will be used in probation work as a tool for the communication between probation officers and clients and for independent activities by clients, is being under development. The supervision of offenders sentenced for sexual offences, serious violent offences, or homicide has increased the need to pay more attention to safety and risk factors in probation work and improve related professional competence.

The duties of the probation services include more development work and case management, such as informing, guiding and counselling the probation clients. In nutshell, the present-day probation can be defined as a complicated mix of activities that include both formal and informal components and aim to help the probation clients to comply with the terms and conditions of their sentence and, thus, help them desist from crime and, at the same, increase the safety of society.

## **2. Historical development of the Probation System**

### **2.1 History from the origins to 2008**

In Finland, the roots of the probation services lie 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. At the beginning, the Prison Association focused exclusively on helping missionary work in the prisons and especially on improving the poor prison conditions.<sup>1</sup>

Besides the work carried out in the prisons, the Prison 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 until the enactment of the Criminal Code of Finland in 1889. The emphasis of the work changed to supporting released prisoners, who were assisted in finding work, dwelling, and livelihood. According to the rules of the Prison Association, 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 Prison 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

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<sup>1</sup> Huhtala 1984, 2-3

were no subsidies from society. The funding of the Prison Association was composed of membership fees and donations made by the church and private persons.<sup>2</sup>

The Criminal Code of Finland, which entered into force in 1889, had a great impact on the tasks of the Prison Association as it introduced conditional release to Finland. However, the Criminal Code did not include provisions on the supervision of conditionally released prisoners nor did the Prison Association have such professional organisation that would have been able to carry out supervision at that point. Thus, despite the enactment of the Criminal Code of Finland, the main task of the Prison Association was still the organisation of aftercare for released prisoners.<sup>3</sup>

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 however not include provisions on developing a supervision system even though it had been discussed in the preparation phase.<sup>4</sup> From the perspective of the statutory supervision of conditionally released prisoners, the 1940s were considered a more significant decade as the Young Offenders Act (262/1940) entered into force in 1940. Along with the new Act, the Prison Association was reorganised and more emphasis was put on the work with young offenders, whereas the aftercare of released prisoners received significantly less attention in the 1940s and 1950s.<sup>5</sup>

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 the youth probation used in the United States and England. The Young Offenders Act issued in 1940 made it possible to impose supervision as an ancillary sanction 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 carried out supervision in two different manners: the supervision of conditionally released prisoners was support work with tight control and the supervision of young offenders sentenced to conditional imprisonment emphasised supportive work.<sup>6</sup> The Young Offenders Act has later been criticised for not providing enough means to intervene in the criminal behaviour of young offenders. A 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.<sup>7</sup>

In 1949, the Prison Association was assigned a new task to maintain work camps that were intended to employ those conditionally released prisoners, who were otherwise unable to make an honest living.<sup>8</sup> The work camps were officially included in the penal system as release units and they were even used as a condition of conditional release.<sup>9</sup> The idea was to help the situation of those conditionally released prisoners, who may have had

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<sup>2</sup> Huhtala 1984, 11 - 17.

<sup>3</sup> Ibid, 19.

<sup>4</sup> Ibid, 72.

<sup>5</sup> Ibid, 70.

<sup>6</sup> Ibid, 73.

<sup>7</sup> Marttunen & Takala 2002, 8-10.

<sup>8</sup> Ruotsalainen 2006, 17.

<sup>9</sup> Karjalainen 1989, 9.

difficulties during their conditional release due to lack of work or accommodation. The aim of the work camps was to show that the conditional released prisoners could succeed and, at the same time, to create a financial basis for their life in freedom.<sup>10</sup>

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 Prison Association was also examined critically. Public debate resulted in an improved financial situation and a rapid organisational development. In 1966, the name of the Prison Association was changed to Registered Association of Probation.<sup>11</sup>

The reforms launched in the 1960s were continued in the 1970s. The administrative framework and the orientation of the work with clients changed. A semi-official Probation Association was established in 1975. The activities of the Probation Association were regulated by the 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 then on, the emphasis was directed at the supervision of conditionally released prisoners and 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 Probation Association as well as other public sector services were also prioritised.<sup>12</sup>

The 1980s saw the beginning of reforms that formed a basis for more thorough changes in probation work later in the 1990s and 2000s. The Social Welfare Act (710/1982) entered into force in 1982 and specified that municipalities were responsible for supportive housing services 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 no longer corresponded to the development needs of the probation services. The main focus was on 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 Criminal Code of Finland, which was started in the 1980s.

Community service was introduced in the Finnish legal system through the Act on the Experiment of Community Service (1105/1990), which entered into force on 14 December 1990. The Act included an experimental period of three years (from 1 January 1991 to 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 (1055/1996), which entered into force on 12 December 1996, established community service as a sanction permanently.<sup>13</sup>

The positive experiences of community service 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 the

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<sup>10</sup> Huhtala 1984, 76.

<sup>11</sup> Ibid, 84 – 85.

<sup>12</sup> Ibid, 106.

<sup>13</sup> Joutsen et al. 2001.

Experiment of Juvenile Punishment (1058/1996) entered into force 1997 and was applied in seven district courts. The experiment lasted eight years after which the Juvenile Punishment Act entered into force on 21 December 2004 (1196/2004) and juvenile punishment was extended to the whole country.<sup>14</sup>

After the expansion of community sanctions, the status of the Probation Association as an enforcement authority needed to be redefined. The revised Constitution of Finland provided that all activities involving the use of force and coercive measures should be in the hands of government officials. Since community sanctions clearly contained these elements, the Probation Association was abolished in connection with a larger organisation reform in 2001.<sup>15</sup> As the implementation of community sanctions was now specified as the duty of the state, the Probation Service was established under a new administrative board, the Criminal Sanctions Agency, which operated under the direction of the Ministry of Justice and included also the Prison Service. The Probation Service, which comprised regional units and was headed by Chief Director, was 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 of the overall effort 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. An electronically monitored early release practice (probationary liberty under supervision) was introduced in connection with the reform of the legislation on imprisonment in 2006. At the same time, the legislation on the supervision of conditionally released prisoners and the legislation on community service were also reformed. The supervision was changed to more demanding and systematic, which makes it possible to include measures that enhance the conditionally released prisoners' capacity for social functioning. In community service, the possibilities of the clients to participate in substance abuse treatment were improved.

## **2.2 Recent history from 2008 to 2019**

Since 2008, probation work has been under a constant change. The wide-ranging reforms were directed at both the organisational structures and the enforcement processes and practices. The reforms were justified by emphasising different aspects of credibility, effectiveness and rehabilitation.

The organisational structures were reformed by merging the enforcement of prison sentences and community sanctions under one authority, the Criminal Sanctions Agency, in 2010 when the Act on the Criminal Sanctions Agency entered into force. Besides the uniformity and better targeting of penal and rehabilitative activities, the organisational reform was justified by productivity and effectiveness. Joint administration would eliminate overlapping in administrative and managerial duties and free resources for

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<sup>14</sup> Marttunen - Takala 2002.

<sup>15</sup> Mohell - Pajuoja, 2006.

interactive work with prisoners and probation clients, which aims at promoting desistance from crime (Government proposal 92/2009, 15).

After the merger, the organisation has been developed both at central and regional level in order to create a better basis for the harmonisation of the enforcement processes and practices in prison sentences and community sanctions.

At the same time, the scope of community sanctions has been expanded and diversified by legislative reforms. A new electronically monitored sanction called monitoring sentence was introduced in 2011. The Act and Decree on the Enforcement of Community Sanctions entered into force in 2015 and replaced all separate acts and decrees on each community sanction.

Provisions on a combination sentence meant for dangerous offenders entered into force in 2018. Two alternatives to remand imprisonment, i.e. an intensified travel ban and a house arrest, were taken into use at the beginning of 2019. Provisions that entered into force at the beginning of 2020 enabled a more effective use of the system of sanctions ancillary to conditional imprisonment. According to the provisions, adults, who have committed an offence when over 21 years of age, can also be imposed supervision as an ancillary sanction to conditional imprisonment. In addition, the maximum number of hours of community service that can be imposed as an ancillary sanction to conditional imprisonment was increased.

### **3. Legislative Basis of the Probation System**

#### **Relevant Probation Rules**

The objective of community sanctions is to support sentenced persons during the enforcement of a sentence by promoting their social coping and improving their ability to live without crime. (Act on the Enforcement of Community Sanctions 400/2015, section 2).

The Act on the Enforcement of Community Sanctions (400/2015, sections 37, 43, 60, 64, and 71) lays down specific provisions that community service imposed on both adults and those, who have committed an offence when under 21 years of age, supervision of conditionally released prisoners, supervision of young offenders sentenced to conditional imprisonment, and juvenile punishment should contain support, guidance, and supervision so that the sentenced persons can detach themselves from crime and reintegrate into society. Depending on the sanction, the intensity of supervision and other measures promoting a life without crime varies. (Rule 1)

Provisions on the organisation and duties and responsibilities of the Criminal Sanctions Agency, which is responsible for the enforcement of community sanctions, are laid down in the Act (953/2009) and Decree (1793/2015) on the Criminal Sanctions Agency. (Rule 8)

A probation officer of the Criminal Sanctions Agency is responsible for the enforcement of an individual community sanction. In order to promote the appropriate enforcement of community sanctions and to assist the probation officers, private persons, who consent to the task and have suitable training and work experience in the criminal sanctions field, social work, health care, or pedagogy, may be appointed as assistant supervisors. Other

suitable persons may also be assigned as assistant supervisors if it is necessary in order to arrange the supervision. (Act on the Enforcement of Community Sanctions 400/2015, 7 §) (Rule 34)

Victims of offences against life, health, liberty, or peace or sexual offences have, if they so wish, the right to be informed if a prisoner or remand prisoner is released from prison and, under certain conditions, also if the prisoner is absent from prison for some other reason (Victims' Rights Directive 2012/29/EU). The injured party or some other person may be notified of a prisoner's release and absence from prison if, on the basis of the behaviour of the prisoner or the threats made by him or her, there are reasonable grounds to suspect that the prisoner will commit an offence directed at the life, health or liberty of the person or a person close to the person. A notification may also be given to a person with regard to whom a restraining order has been imposed on the prisoner under the Act on Restraining Orders (898/1998) or with regard to whom a protective measure has been entered into the police data system under section 4 of the Act on the Application of the Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (227/2015) (Imprisonment Act 767/2005). The Criminal Sanctions Agency guides the victims of crime to the necessary support measures if they need them. (Rule 95)

The Criminal Sanctions Agency is involved in restorative justice processes to some extent together with the police, prosecutors, and NGOs. For example, restorative justice methods can be used in the processing of the effects of serious offences and young offenders can be referred to mediation. Mediation falls under the responsibility of the regional mediation offices, which are financed by the government. (Rule 97)

Pursuant to section 12 of the Act on the Enforcement of Community Sanctions (400/2015), the Criminal Sanctions Agency must review the suspected offenders' living conditions and need for support measures together with the social welfare and health care authorities where necessary. The enforcement of community sanctions must be coordinated with the support measures that help the sentenced persons to manage their life and serve their sentence. The Act on the Processing of Personal Data by the Criminal Sanctions Agency (1069/2015) enables an extensive exchange of information between different authorities when investigating the possibility of sentencing to community sanctions and enforcing them. (Rule 98)

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

### **3.1 Legislative Basis**

Provisions on the imposition of community sanctions are laid down in the Criminal Code of Finland (39/1889). Provisions on the enforcement of community sanctions are laid down in the Act and Government Decree on the Enforcement of Community Sanctions (400/2015 and 551/2015) and in the Act on Probationary Liberty under Supervision (629/2013).

Pursuant to chapter 6, section 11 of the Criminal Code of Finland (39/1889) and section 37 of Act on the Enforcement of Community Sanctions (400/2015), community service can be imposed instead of unconditional imprisonment of at most eight months. Community

service consists of at least 14 and at most 240 hours of regular, unpaid work carried out under supervision. A maximum of 30 hours of a community service sentence may be served by participating in activities arranged or approved by the Criminal Sanctions Agency or in outpatient treatment organised by public or private social welfare or health care services. The purpose of the activities or treatment referred to above is to reduce the sentenced persons' risk of recidivism or substance abuse problems and improve their ability to complete the community service sentence. However, the share of work has to be at least half of the imposed sentence. (400/2015, section 37)

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 order also include the offenders' consent to it and their assumed ability to complete the community service. The preconditions of completing community service are assessed in a separate pre-sentence report prepared by the probation officers in the regional probation offices.

A juvenile punishment is a special sanction imposed for an offence committed before the age of 18 years if (1) a fine is, with consideration to the seriousness of the offence, the guilt of the offender manifested in the offence and the criminal history of the offender, an insufficient punishment and there are no weighty reasons requiring the imposing of an unconditional sentence of imprisonment, and (2) conditional imprisonment with supervision is not deemed sufficient in order to promote the social adaptation of the offender and the prevention of new offences. A juvenile punishment may be imposed on the prerequisites provided in subsection 1 also if only some of the offences considered by the court at the same time have been committed under the age of 18 years. The following provisions on the length and contents of a juvenile punishment are laid down in section 64 of the Act on the Enforcement of Community Sanctions (400/2015).

A juvenile punishment can last 4-12 months and it includes supervision, activities and programmes, which are specifically targeted at young persons to improve their social functioning capacity, and support and guidance provided in connection with them. In addition, a juvenile punishment can include an orientation under supervision to employment and work unless it is considered clearly unnecessary or particularly difficult to organise.

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 young offenders and improve their social abilities. Juvenile punishment always requires the preparation of a pre-sentence report as provided in the Act on Investigating the Circumstances of Suspected Young Offenders (633/2010, sections 5 and 6).

The preparation process begins when the prosecutor asks the Criminal Sanctions Agency to draw up a pre-sentence report concerning juvenile punishment. The Criminal Sanctions Agency prepares the report requested by the prosecutor in cooperation with the social welfare authorities. The report is made based on information about the young person's living conditions, in particular substance abuse, substance rehabilitation, mental health and the use of mental health services, and the need for various services and support measures.

Provisions on the supervision of young offenders sentenced to conditional imprisonment are laid down in section 60 of the Act on the Enforcement of Community Sanctions (400/2015). A person who have committed an offence when under 21 years of age can be subjected to supervision for 15 months in order to reinforce conditional imprisonment, where this is to be deemed justified in view of their social adaptation and the prevention of further offences. The need for supervision is assessed based on the pre-sentence reports prepared by probation officers in a regional probation office. The criteria for ordering to supervision are nearly identical to the preconditions of sentencing to juvenile punishment.

Persons who have committed an offence when under 21 years of age may be subjected to supervision for 15 months in order to reinforce conditional imprisonment, if this is to be deemed justified in view of the promotion of their social adaptation or the prevention of further offences.

Both a fine and supervision referred to in subsections 2 or 3 may be imposed as sanctions ancillary to conditional imprisonment at the same time.

As of the beginning of 2020, adult offenders, who have reached the age of 21 years, may be subjected to supervision for 15 months in order to reinforce conditional imprisonment as a result of the amendment to the provisions on sanctions ancillary to conditional imprisonment (272/2019), if:

- 1) this is necessary to prevent new offences, taking into account the offenders' previous offences, their personal circumstances, and the factors leading to the offence; or
- 2) conditional imprisonment is deemed insufficient punishment for the offence and the sentence of conditional imprisonment is at least eight months long.

The same amendment (272/2019) increased the maximum amount of community service imposed as an ancillary to a sentence of conditional imprisonment of eight months or longer to 120 hours while the minimum period remained 14 hours.

Both a fine and supervision referred to in subsections 2 and 3 may be imposed as sanctions ancillary to conditional imprisonment at the same time.

The separate provisions on fines and community service also apply to them when they are used as ancillary sanctions. However, ancillary community service may be commuted into imprisonment for at least four and at most 120 days. Provisions on the content and enforcement of the supervision referred to in subsections 2 and 3 are laid down in the Act on the Enforcement of Community Sanctions (400/2015).

The Act on Probationary Liberty under Supervision (629/2013) lays down provisions on the placement of prisoners, who serve a fixed-term prison sentence, in probationary liberty under supervision. For the promotion of prisoners' social adjustment, they can be placed in probationary liberty under supervision outside the prison for at most six months before their conditional release.

Pursuant to section 70 of the Act on the Enforcement of Community Sanctions (400/2015), a conditionally released prisoner is placed under supervision for a probationary period if:

- 1) the probationary period is longer than 12 months;
- 2) the offence was committed before the age of 21 years;
- 3) the prisoner so requests; or
- 4) the prisoner undertakes to comply with the conditions set for pharmacotherapy referred to in section 4 of the Act on Probationary Liberty Under Supervision (629/2013) and any other related treatment and support.

In addition, pursuant to the amendment (188/2019) to section 70 of the Act on the Enforcement of Community Sanctions (400/2015), a conditionally released prisoner is placed under supervision for a probationary period if:

- 5) the risk of a prisoner sentenced for murder, manslaughter, or attempted murder committing a new violent offence is assessed to be high; or
- 6) the risk of a prisoner, who is serving a prison sentence for a violent or sexual offence and has a prior sentence for a similar offence, committing a new violent or sexual offence is assessed to be high.

A combination sentence, which is meant for dangerous offenders, consists of unconditional imprisonment and a one-year supervision term that follows the prison term. The combination sentence replaces the sentence served in full in prison, which is meant for recidivists who have committed serious offences. Due to the supervision term included in the combination sentence, the person serving the sentence is not entitled to conditional release and probationary liberty under supervision. A combination sentence may be sentenced for an offence that has been committed after the legislation on combination sentence entered into force, i.e., after 1 January 2018.

The supervision term begins immediately after the term of the sentence served in prison. The content of the supervision term is determined based on, among other things, an individual risk assessment of each prisoner. The main obligations of the supervised persons include remaining at their place of residence at the set times, being sober at events related to the supervision term, participating in rehabilitation or other activities, and submitting to electronic monitoring by wearing, for instance, an ankle tag.

The purpose of the supervision is to reduce the risk of committing new serious offences. Gradual release and included support help the sentenced persons to reintegrate into society after the sentence is served. If the obligations are seriously breached, the remainder of the supervision term may be converted into unconditional imprisonment.

House arrest was introduced as an alternative to remand imprisonment on 1 January 2019 as the amendment (101/2018) to the Coercive Measures Act (806/2011) entered into force. Pursuant to chapter 2, section 12a of that Act, instead of remanding or continuing the remand, sentenced persons may be ordered to house arrest if a travel ban is an inadequate coercive measure. Persons ordered to house arrest are obliged to remain at their place of residence or other place suitable for living for at least 12 hours and at most 22 hours a day. The obligation must generally be scheduled for the period between 9 p.m. and 6 a.m. In addition, persons ordered to house arrest are obliged to submit to technical supervision, which is carried out by the Criminal Sanctions Agency (Coercive Measures Act 806/2011, chapter 2, sections 12b and 12d). Compliance with the obligations imposed on a person ordered to house arrest is supervised with technical devices given to their possession or attached to their wrist, ankle or waist, or with a combination of such devices.

The Act on the Criminal Sanctions Agency (953/2009) lays down general provisions on the duties and goals, the area of operation, and the organisation of the Criminal Sanctions

Agency. Furthermore, it includes provisions on the authority and duties 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 probation offices) as well as on the authority and decision-making power between the different levels, for instance, in regard to the establishment and abolishment 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 duties of the management at central, regional, and unit level as well as on the duties of the officials of different levels.

## **General remarks about the implementation of Probation Rules**

The Council of Europe Probation Rules and European Rules on Community Sanctions and Measures have been used as guidelines for the development of legislation and the implementation of community sanctions. The legislation and the practices have been developed in a manner that they correspond to the principles of the Probation Rules and European Rules on Community Sanctions and Measures.

In community sanctions, the supervision, pre-sentence report, and assessment procedures have been reformed so that their control and rehabilitation practices would better correspond to the goal to reduce recidivism and enhance the safety of society. The pre-sentence report and assessment procedures have been unified.

The number of supervision meetings is in proportion to the risk level of the clients and the content of the meetings is planned based on the needs of the clients. The obligatory nature of the meetings has been intensified by tightening the punitive measures.

The effectiveness of community sanctions has also been improved by introducing electronic monitoring and by enabling a more systematic and comprehensive use of the rehabilitative and therapeutic interventions as well as the risk and needs assessments in connection with different sanctions. The staff is trained to use evidence-based methods according to the principle of continuity and effectiveness.

The conditions of supervision and the assessment practices have been tightened and made more effective especially in the case of those sentenced for sexual and violent offences. In addition, the supervision practices used with adults are being developed so that they could have a more effective and diverse impact on the underlying causes of offending. More emphasis is put on the transition from imprisonment to conditional release so that the programmes and various support measures specifically aimed at violent and sexual offenders could be targeted better. The development of the probation practices used with young offenders is continued in order to better respond to their specific problems and needs.

The recommendations to support the reintegration into society, to prevent recidivism, and to increase the effectiveness and safety of the supervision and assessment processes are taken into account in the development of the enforcement of community sanctions.

In 2015, all separate acts of different community sanctions were collected together under one act, the Act on the Enforcement of Community Sanctions (400/2015). The Act includes a general part with provisions concerning all community sanctions and a second part with separate provisions on each community sanction and their specific contents.

The new provisions on supervision imposed as a sanction ancillary to conditional imprisonment, which entered into force in 2020, enable the courts to impose supervision also on adult offenders. Before that, it was possible to impose supervision in addition to conditional imprisonment only on young offenders, who had committed an offence when under 21 years of age. This has been considered a problem from the perspective of the credibility of community sanctions (*Väkiparta & Marttunen 2009*).

### **3.2 Mission and Mission statement**

The mission and objectives of the probation services are derived from the general strategic objectives of the Criminal Sanctions Agency and the underlying values as well as the duties determined in the acts and decrees. The statutory and strategic duty of the Criminal Sanctions Agency is to ensure the safety of society by maintaining a legal and safe sentence enforcement system and by promoting the reduction of recidivism and the elimination of social exclusion that sustains crime.

Pursuant to section 2 of the Act on the Enforcement of Community Sanctions (400/2015), a specific objective of community sanctions is to support the sentenced persons in order to promote their social coping and improve their ability to adopt a life without crime. The enforcement of prison sentences and community sanctions is based on the values considered important in Finnish society, i.e., the respect for human dignity and justice. In the enforcement of sentences, the guiding principle is the belief in an individual's potential to change and grow. Commitment to these values means that the fundamental and human rights of those sentenced to imprisonment and community sanctions must be ensured in all activities included in the enforcement of sentences. Sentenced persons must also be treated equally and with justice. All activities must be based on legality and justice and the sentenced persons may not be put in an unequal position when implementing the practical measure.

The underlying policy is that imprisonment should be used as the last resort. Community sanctions should be a combination of a reasonable supervision and measures supporting the social coping of the sentenced persons. Another key principle is that the sentenced persons are trusted to cope with the obligations related to the community sanctions. In addition, community sanctions are typically served in the sentenced persons' own community and they should be planned and implemented in co-operation with the sentenced persons and their support network in their living environment. Rehabilitation and the measures aimed to reduce reoffending play an important role in the sentencing and enforcement system and are also beneficial from the perspective of safety. The more the enforcement system can reduce recidivism, the more effectively it can increase the safety of society.

At present, the main working methods used in the probation services are the evidence-based practices, such as the one-to-one method and the cognitive-behavioural and motivational programmes. In addition, cooperation with other service providers and authorities is a key part of the practices of the probation services. The target group of the

probation services consists of all over 15-year-old offenders prosecuted for an offence. The profile of the probation clients is very heterogeneous so there are no special target groups among them. According to the law, the probation officers are mainly responsible for the performance of probation work. Both quantitative and qualitative criteria are used to assess and measure the effectiveness and quality of probation work.

The Department for Criminal Policy and Criminal Law of the Ministry of Justice and the Criminal Sanctions Agency prepare together the performance agreement, the performance targets, and the strategy, and the strategy map, which guide the focusing of the activities. The Government Programme directs the activities of the Ministry of Justice and has an influence on the direction of the criminal policies. The legal basis for probation work is strong. The Ministry of Justice can initiate separately funded projects that aim to achieve the objectives of the criminal policies set in the Government Programme. The Criminal Sanctions Agency is usually involved in the planning and implementation of these projects.

Here are some examples of the projects concerning probation work that have been proposed based on the Government Programme 2019-2023:

1. Programme to combat violence against women (working group OMO 14:00/2020 appointed by the Ministry of Justice).
2. Project to prevent crime and reduce recidivism in 2020-2022 (working group OMO 37:00/2019 appointed by the Ministry of Justice). The project aims to develop nationwide working methods of preventing crime and, in particular, promoting the rehabilitation of violent and sexual offenders and supporting young persons who commit offences. In addition, the project promotes the coordination of client plans between the different regions of Finland and the Criminal Sanctions Agency, introduces a supported release model realised in cooperation by different authorities, and increases the possibilities of sentenced persons to participate in activities that support a life without crime during and after the sentence term.
3. Mediation and promotion of alternative methods of resolving conflicts. The project focuses on online mediation services and tests the possibility of legal aid offices to provide mediation services in addition to their legal aid assignments.
4. Project to examine the prerequisites for the release of the most dangerous violent offenders in 2019 –2023 (working group OMO 40:00/2019 appointed by the Ministry of Justice). The project examines how the assessments of the dangerousness of offenders can be used in the consideration of release and develops guidance into mental health services and the arrangement of other support services during the release phase.
5. Comprehensive review of the penal system. The aim is to review and reform the legislation on the penal system as a whole in order to make it clearer.

The mission and objectives of the probation work are derived from the general strategic objectives of the Criminal Sanctions Agency and the underlying values, the objectives determined in the acts and decrees, and the principles generally approved in the criminal policy. Based on all that, the duty of the Criminal Sanctions Agency is to ensure the safety of society by maintaining a legal and safe penal system and by promoting the reduction of recidivism and the elimination of social exclusion that sustains crime. Pursuant to section 2 of the Act on the Enforcement of Community Sanctions (400/2015), a specific objective

of probation work is to support the sentenced persons in order to promote their social coping, improve their ability to adopt a life without crime, and enhance their social functioning capacity.

The enforcement of community sanctions is based on the values considered important in Finnish society, i.e., the respect for human dignity and justice. In the enforcement of sentences, the guiding principle is the belief in an individual's potential to change and grow. Commitment to these values means that the fundamental and human rights of those sentenced to community sanctions must be ensured in all activities included in the enforcement of sentences. Sentenced persons must also be treated equally and with justice. All activities must be based on legality and justice and the sentenced persons may not be put in an unequal position when implementing the practical measure. At the same time, measures must be taken to ensure that the individual needs of the sentenced persons are met and the risk factors linked to criminal behaviour are influenced. The sentenced persons need various rehabilitative and supportive activities and services in order to be able to reintegrate into society and desist from crime.

In the Finnish penal system, young offenders (aged 15–20) have traditionally had a special status. In recent decades, the probation system has been developed so that there are more forms of enforcement meant especially for young offenders. The contents of probation work have been developed to meet the special needs of young offenders. The needs of young offenders have also been taken into account in the increased cooperation with different authorities and third sector service providers. The individual work with young offenders has been developed by, among other things, including interaction and activities suitable for working with young offenders and using close contact as the basis of the work. Additionally, more attention is paid to the needs of women and ethnic groups in probation work. It is important that, regardless of the clients' background, everyone is treated equally and their individual needs are taken into account.

Since the organisational reform of the Criminal Sanctions Agency, it has been more challenging to preserve the distinctive feature of probation work, i.e., promoting change based on the framework of social work, which combines the clients' social support and assistance with supervision and control.

At the same time, the service network of society has been under financial pressure, which has made it difficult to secure services that meet the needs of probation clients. The reduction of services linked to substance abuse problems, education and housing affects in particular those clients who need the services the most. The number of clients with multiple problems has increased, which has also increased the complexity of client work and the need for cooperation networks. As a result, the work with authorities and cooperation partners has been developed and enhanced recently. The aim of the introduction of legislative reforms and other measures is to respond to the changed and diverse needs of the clients. The clients' access to services has been improved by introducing digital tools and rehabilitative services.

In community sanctions, the secondary crime prevention is the priority; they are used as widely as possible without interfering much with the primary crime prevention. This is also reflected on the enforcement. Community sanctions are not converted into imprisonment unless the sentenced offenders have grossly breached the conditions of a community sanction or have been found guilty of another serious offence. In addition, the enforcement of community sanction is cheaper than the enforcement of imprisonment.

Community sanctions are also safe sanctions. The possible risks linked to for example community service are prevented with the help of the suitability assessments and the selection of the service place. For example, offenders sentenced for narcotics offences are not placed to work in hospitals nor are sexual offenders placed in day nurseries.

### **3.3 Crime Prevention**

The general principles of crime prevention are based on the National Crime Prevention Programme for 2016–2020 of the National Council for Crime Prevention, which operates under the Ministry of Justice (Reports and guidelines 55/2016 by the Ministry of Justice). The objectives of crime prevention include, among others, improving crime prevention cooperation between different authorities and increasing crime prevention expertise at local and national level. Another objective is to increase the cooperation between the Criminal Sanctions Agency and citizens in civil society and at local level.

With reference to the above, the main principles of probation work are well-timed measures, early intervention, and support. The importance of these principles is emphasised in the practical probation work and especially with young offenders (working group proposal 2019). In addition, the reduction of the adverse effects of drugs and alcohol is an important part of the work with young offenders. Breaking the cycle of crime of both young and adult offenders with the help of scientifically proven practices has an increasingly significant role in probation work. They can be used to assess, prevent, and break the cycle of crime and, at the same time, combat the risk of recidivism and plunging into a cycle crime. This emphasises the importance of the familiarity with the mechanisms linked to the development and reinforcement of criminal behaviour.

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.

Sanctions enforced in freedom, i.e. conditional imprisonment, supervision of young offenders sentenced to conditional imprisonment, 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 sentenced offenders positive communal contacts and, hence, enable them to get a new job or keep their workplace. The Criminal Sanctions Agency co-operates closely with the police, the social services, the health care services and the educational institutions. (Rule 98)

### **3.4 Victim assistance**

The tasks of the Criminal Sanctions Agency do not include crime victim assistance. In Finland, the victim assistance is provided by the Victim Support Finland, which operates mainly based on voluntary work. In addition, the police arrange 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 domestic violence or a serious sexual or violent offence (Criminal Procedure Act 689/1997, chapter 2, section 3). The victim has the right to use a counsel and, on certain conditions, 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 informing victims on the grounds of imposing community sanctions would be relevant. (Rule 95)

### **3.5 Volunteers' involvement**

The volunteers' role in providing support for clients of the probation services is increasing. According to the law, the Criminal Sanctions Agency can appoint an assistant supervisor if it is necessary and the client consents to it. In addition, the Criminal Sanctions Agency works together with many different voluntary organisations, such as the Finnish Red Cross, KRIS (Criminals' Return into Society), and VAO (association for the prisoners' relatives).

## **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 statutory eligibility requirements regarding education and suitability. In addition, candidates must have good cooperation and interaction skills and be able to work together with networks and carry out reformatory work with demanding client groups. The candidates can also be required to have special skills depending on the job requirements. (Rule 22)

After being nominated, all employees must attend a four-day initial training course. In addition, employees must take structured further training modules covering different themes, such as formal enforcement, management, different evidence-based techniques and methods, cognitive-behavioural programmes, security and safety, health care, and social work. All employees receive an individual in-service training plan covering their whole career and it is updated regularly based on the changes in their duties. The employees can take part in various in-service training and complete higher education degrees. (Rules 23, 24, and 25)

The employees are also offered training on working with specific types of offenders, such as sexual offenders, serious violent crime offenders, minors, female offenders, organised crime gang members, different ethnical groups and representatives for extremist and radicalised offenders. (Rule 27)

The probation staff have mostly standard caseloads that comply with the national caseload criteria defined by the Central Administration of the Criminal Sanctions Agency. The average daily number of clients each probation officer has is approximately 30. However, the average daily number of clients per probation officer varies between different regions. If the demand is excessive, the management is responsible for seeking solutions and instructing the staff about which tasks are prioritised. (Rule 29)

As regards the co-operation with the judicial authorities, the probation services have a long-established relationship with the courts and prosecutors' offices and other relevant partners in the criminal justice system as well as with the relevant civil society

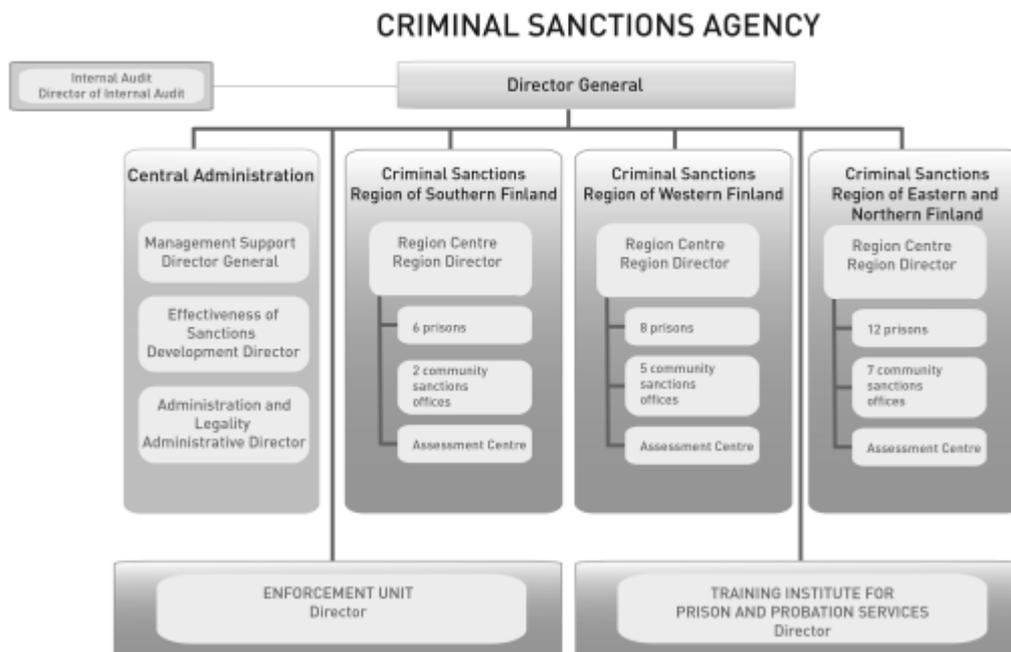
organisations and agencies. National quality and process standards and recommendations concerning cooperation and networking were drawn up in 2014. (Rule 37)

The preparation of pre-sentence reports and the communication with the courts and the prosecutors' offices are statutory duties of the probation services and an essential part of probation work. (Rule 42)

The obligation to provide services for sentenced offenders of foreign nationality on an equal basis is a statutory responsibility of the probation services. Finland has signed a European agreement on the transfer of offenders of foreign nationality sentenced to community sanctions, which the probation services follow. (Rules 63, 64, and 65)

#### 4.1 Main characteristics

The probation services are part of the Criminal Sanctions Agency, which operates under the Department for Criminal Policy and Criminal Law of the Ministry of Justice. The Ministry of Justice draws general strategic guidelines for the penal policy in the whole country and determines the performance targets of the Criminal Sanctions Agency.



#### 4.2 Internal organization

The Criminal Sanctions Agency is headed by the director general, who is responsible for the comprehensive management-of the whole organisation. Each Criminal Sanctions Region consists of a region centre lead by the region director, an assessment centre, prisons, and probation offices. The region centres direct, develop and guide the operation of the region and are responsible for the realisation of the goals of the units of the region.

The assessment centres are responsible for the placement of the prisoners in the prisons of the region and for the planning of the prisoners' sentence term. The probation offices are responsible for the preparation of the pre-sentence reports and the sentence plans concerning the probation clients and the implementation of community sanctions as well as for the planning of prisoners' sentence term for those who have a prison sentence of two years or less. In addition, the probation offices provide rehabilitation, support the clients' reintegration, and apply effective interventions in order to reduce reoffending and substance abuse and promote resocialisation.

The nationwide Enforcement Unit of the Criminal Sanctions Agency is responsible for the formal enforcement of prison sentences, monitoring sentences, and fine-conversion sentences as well as the administrative implementation of remand imprisonment together with the contact officers handling enforcement in the prisons.

The Enforcement Unit receives the judgements from the decision and judgement notification system, which is part of the national data system of the judicial administration, checks the enforceability of the judgements, and forwards them for enforcement.

The Training Institute for Prison and Probation Services provides basic training and education for prison staff and further training for prison and probation staff.

#### **4.2.1 Probation workers**

In the probation offices, the staff responsible for the enforcement of community sanctions are divided according to the hierarchical structure as follows:

1) director, 2) assistant director, 3) senior probation officer, 4) probation officer

The director leads and develops the operation of the probation office in accordance with the performance targets set by the Criminal Sanctions Region. The director is responsible for the allocation of the tasks among the staff. The assistant directors are generally responsible for the guidance and development of the work with clients and with cooperation partners. The senior probation officers are the immediate superiors of the probation officers and team leaders, who answer for the guidance and planning of the work with clients in their area of responsibility. The probation officers are responsible for the work with clients connected with the enforcement of community sanctions. The work with clients is based on the principle of case management, i.e., the probation officers are responsible for the whole client process beginning from the pre-sentence reports to the completion of the community sanction. All officers are expected to be able and competent to carry out all the tasks included in probation work (write reports, make risk and needs assessments, draw up sentence plans, do individual work with clients, carry out programmes, co-work with other authorities and agencies and manage the administrative and judicial procedures).

As shown in Table 1, in 2019, the total number of the staff responsible for the enforcement of community sanctions was 213 and it consisted of managerial (n=49), executive (n=161), and support staff (n=3) (Statistics on human resources of the Criminal Sanctions Agency in 2019). In addition, private persons can be employed as assistant supervisors who work with clients especially in sparsely populated regions. Assistant supervisors be responsible for the supervision of conditionally released prisoners and the supervision of young offenders sentenced to conditional imprisonment under the guidance of the local

probation office. The number of assistant supervisors has decreased drastically during the last five years.

*Table 1. The staff structure*

Number of staff (in total)	213
Management staff	49
Executive staff	161
Support staff (e.g. secretaries, bookkeeping staff, IT staff etc.)	3

At the moment, the staff members who work with clients 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, 25 in the supervision of young offenders sentenced to conditional imprisonment, eight in juvenile punishment, and eight in monitoring sentence.

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

The qualification requirements for the posts in the probation services are defined in the Government Decree on the Criminal Sanctions Agency (1739/2015) as follows:

- director of probation office, Master's degree and experience in managerial duties
- assistant director of probation office, Bachelor's degree
- senior probation officer, Bachelor's degree
- probation officers, Bachelors' degree

A suitable bachelor's degree in social services is the most common qualification among the assistant directors, senior probation officers, and probation officers. A Master's degree in social sciences, social work, or social services is the most common educational background among the directors of the probation offices.

The staff is provided both an initial training course and in-service training based on an individual development plan. The plan is updated constantly and training is provided according to the duties of the employees. In-service training is always arranged when new laws are enacted. The employees have a possibility to participate in training arranged by the Criminal Sanctions Agency as well as in training arranged by other parties. The training can be linked to specific activities, such as programmes, or it can aim at a degree in higher education.

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

The starting point is that probation work lies in the hands of the probation officers, who are responsible for the legality of their actions. However, the nature of probation work also requires the involvement of NGOs.

The Criminal Sanctions Agency has a long history of co-operation with Krits (Finnish Foundation for Supporting Ex-offenders) and KRIS (Criminals' Return into Society). Both NGOs aim to improve the deprived status of released prisoners and probation clients as well as their families by offering housing services, drug and alcohol addiction counselling and rehabilitation, peer support and other types of supporting activities. Local NGOs can also be involved in probation work depending on the needs and issues faced by the local offices.

#### **4.3 Probation and offenders abroad**

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 a community 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 can be carried out 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. Transfers of the enforcement of community sanctions between the Nordic countries are based on a valid agreement, which enables a flexible and quick transfer procedure. (Act on the Cooperation between Finland and Other Nordic Countries in the Enforcement of Sentences in Criminal Matters (326/1963).

### **5. Different Stages of the Criminal Justice Process**

All measures, which the Criminal Sanctions Agency imposes before a trial, are based on the offender's consent (Government Decree on the Enforcement of Community Sanctions 551/2015) and the rule according to which a suspect must be treated innocent during the pre-trial investigation and the trial (Act on Pre-Trial Investigation, 805/2011)

The Criminal Sanctions Agency acquires necessary information on the social situation of the suspects and offenders from other authorities and private communities and persons for the pre-sentence report (Act on the Enforcement of Community Sanctions 400/2015, sections 10-14; Government Decree on the Enforcement of Community Sanctions 551/2015, sections 3-7; Act on Investigating the Circumstances of Suspected Young Offenders 633/2010, sections 5, 9). (Rule 12)

Alleged offenders are given an opportunity to be involved in the preparation of the report, and their opinion, where available, is reflected in the report, and its content is communicated to them or their legal representative. (Act on the Enforcement of Community Sanctions 400/2015, sections 10-14; Government Decree on the Enforcement of Community Sanctions 551/2015, 3-7; Act on Investigating the Circumstances of Suspected Young Offenders 633/2010, sections 5-8) (Rule 44)

Prison officers prepare the release plan (Imprisonment Act, 767/2005, chapter 4, sections 6-7). Probation officers are involved in the preparation of the release plan if the prisoners will be released conditionally and placed under supervision. The release plan is part of the sentence plan, which is drawn up, to the extent necessary and with the consent of the prisoners, in co-operation with the authorities of their municipality of residence or of the municipality where they are staying, other authorities, and private organisations and persons. (Rule 45)

Sentenced offenders are heard before the confirmation of the sentence plan. The sentence plan is prepared together with the offender and it can be altered for a valid reason. The sentence plan is signed by the sentenced offender. (Act on the Enforcement of Community Sanctions 400/2015, sections 10-14; Government Decree on the Enforcement of Community Sanctions 551/2015, sections 3-7) (Rule 46)

Persons sentenced to community sanctions must be treated with justice and respect for their human dignity. The enforcement of community sanctions must not place any other restrictions on the rights or circumstances of the sentenced person than those provided by law or those necessary due to the enforcement of the sanction itself.

Community sanctions must be enforced in such a way that it does not cause any greater detriment to the sentenced persons or their close relatives than what is necessary in order to enforce the sanction. When enforcing community sanctions imposed on young offenders, who have committed their offences when under 21 years of age, special attention must be paid to the needs arising from the age and the stage of psychological and cognitive development of the sentenced person.

Sentenced persons may not be discriminated against, without an acceptable reason, on the basis of their sex, age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family status, state of health, disability, sexual orientation, or other reason that concerns their person. (Act on the Enforcement of Community Sanctions 400/2015, section 4) (Rule 47)

In community service, the service places may be organised by public bodies, associations governed by public law, or other non-profit organisations or associations. The service places may also be organised by organisations or associations that provide services for a public body under public control even if they seek profit. Moreover, social enterprises referred to in the Act on Social Enterprises (1351/2003) can also be accepted as service places. In the Criminal Sanctions Agency, the local probation offices approve the organisers of the service places. (Government Decree on the Enforcement of Community Sanctions 551/2015, section 26) (Rule 48)

The content of community service is planned together with each client based on their risks and needs. The sentence plan is an agreement between the client and the probation officer. A separate agreement is made between the client, probation officer, and the contact person at the workplace where community service is carried out. Community service work is usually assistant work and varies according to the branch of the service place. Most common tasks are real estate maintenance or kitchen work in municipal institutions, such as support or nursing homes, hospitals, and health care centres. Municipal recreational and sports facilities also often function as service places. In parishes, the service tasks are often connected with the maintenance of graveyards. (Act on the Enforcement of

Community Sanctions 400/2015, sections 10–14; Government Decree on the Enforcement of Community Sanctions 551/2015, sections 25–26 (Rules 51 and 52)

Measures, interventions, programmes, and other activities supporting desistance are included in the supervision according to the clients' individual needs and risks. The supervision of the clients includes both control and supportive elements. (Act on the Enforcement of Community Sanctions 400/2015, section 14; Government Decree on the Enforcement of Community Sanctions 551/2015, section 6–7)

All community sanctions may include activities arranged or approved by the Criminal Sanctions Agency or outpatient treatment organised by public or private social welfare or health care services. For example, a maximum of 30 hours of a community service sentence may be served by participating in substance abuse treatment or other activities that reduce the risk of recidivism.

A community service sentenced for an offence committed under the age of 21 years can also include activities and programmes that are specifically targeted at young persons, aim to enhance their social functioning, and provide them with support and guidance. (Act on the Enforcement of Community Sanctions 400/2015, section 37) (Rule 55)

Where appropriate and in accordance with national law, probation offices also offer support, advice and information to the clients' families directly or through cooperation partners. In Finland, this is organised by local social work authorities and third sector organisations and not by the probation offices. (Rule 56)

The work with children and families is an essential part of probation work. The guidelines for child and family work in prisons and probation offices include the main principles and methods used in family work. (Guidelines for Working with Children and Families 2019) (Rule 56)

In probation work, electronic monitoring is used as in monitoring sentences, probationary liberty under supervision and the supervision of combination sentences. Different types of measures and activities that reduce the risk of reoffending and support rehabilitation and social integration are always combined with electronic monitoring. (Act on the Enforcement of Community Sanctions 400/2015) (Rule 57).

Sentence plans for the supervision of conditional release are drawn up together with prisoners before their release from prison. When necessary and with the consent of the prisoners, the sentence plans can be prepared in cooperation with the social, health, housing, and employment authorities. (Act on the Enforcement of Community Sanctions 400/2015, sections 14 and 71) (Rules 59 and 61)

The social welfare and health care authorities are responsible for the social welfare and health care services after the sentence term, which includes the supervision period, is completed. In addition, voluntary organisations offer their services for released prisoners. (Rule 62)

Provisions regarding the handling of violations of obligations are laid down in the relevant legislation. In addition, there are national recommendations on how to handle the violations of obligations together with clients. The aim is to motivate the clients to continue to serve the community sanction and to help them find the right means and

resources to comply with the obligations. (National Guidelines for Probation Work 2016) (Rule 85)

The procedures and consequences of violating the obligations of the community sanctions are prescribed in detail in the Act on the Enforcement of the Community Sanctions (400/2015, sections 25–26 and 29).

In all phases of the process, accused or sentenced offenders have to be explained their rights and obligations as well as the consequences of violating the obligations. (Act on the Enforcement of the Community Sanctions (400/2015, section 8) (Rule 86)

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*

Sanctions/Measures/Penalties/Conditions attached to a conditional decision or sentence	Provision in legislation?	Probation service involvement?	Main characteristics of the probation activity
Unconditional waiver by the public prosecutor	x	x	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 or, in some cases, at the age of over 20 years. Based on the pre-sentence report, the prosecutor can decide not to prosecute.
Conditional waiver by the public prosecutor	-	-	
Conditional suspension of the pre-trial/remand detention	-	-	Intensified travel ban is monitored electronically and used during a pre-trial investigation and trial.
Pre-trial/remand detention	x	-	-
Police custody	-	-	-
Bail	-	-	-
Caution	-	-	-
Surety	x	-	-

House arrest	x	x	House arrest, which includes electronic monitoring
Electronic monitoring	x	x	Assessment of the risks, needs, and preconditions linked to imposing a monitoring sentence.
Community service	x	x	Assessment of the risks, needs, and preconditions linked to imposing community service
Treatment order	-	-	-
Training/learning order	-	-	-
Drug/alcohol treatment program	-	-	-
Compensation to the victim	x	-	-
Mediation	x	-	In some cases, suspected offenders are referred to mediation arranged by municipalities or third sector mediation offices.
Semi-detention	-	-	-
Attending a day centre	-	-	-
Liberty under judicial control	-	-	-
Interdiction to leave the country	x	x	Probation services are involved if electronic monitoring is imposed by court
Interdiction to enter different cities/places	x	x	Probation services are involved if electronic monitoring is imposed by court
Interdiction to carry out different activities	-	-	-
Interdiction to contact certain persons	x	x	Probation services are involved if electronic monitoring is imposed by court
Psychiatric treatment	x	-	-
Deferment of sentence	-	-	-
Fine	x	-	-
Other financial sanctions	x	-	-

During the pre-trial stage, the probation officers draw up pre-sentence reports at the request of prosecutors or judges (Act on the Enforcement of Community Sanctions 400/2015; Act on Investigating the Circumstances of Suspected Young Offenders (633/2010)). If house arrest is imposed, the probation services are responsible for the electronic monitoring and the supervision included in the house arrest. The Criminal

Sanction Agency is responsible for the electronic monitoring included in the intensified travel ban. (Act on Amending the Coercive Measures Act 101/2018)

When young offenders are imposed supervision as an ancillary sanction to conditional imprisonment, it is always preceded by an investigation of their circumstances as provided in the Act on Investigating the Circumstances of Suspected Young Offenders (633/2010). Pursuant to section 1 of the Act, the Act is applied when the investigation of the circumstances of a young person, who are 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 investigation is to examine the suspected young offenders' social circumstances and the reasons for committing an offence as well as to assess the risk of reoffending and the required measures to support the young offenders to live without crime.

Provisions on the procedure regarding young persons (15–20) suspected of an offence are laid down in sections 3–8 of the Act on Investigating the Circumstances of Suspected Young Offenders (633/2010). The authorities handling the pre-trial investigation must notify the prosecutor and the social welfare authorities of suspected young offenders within 14 days of the moment when they are registered as suspects in the data system of the pre-trial authorities. However, the notification is not required if 1) the pre-trial investigation is concluded without a consideration of charges, or 2) the offence was committed when the suspect was at the age 18-20 years and the matter is handled in summary penal proceedings or as petty fines. The prosecutor must request the Criminal Sanctions Agency to draw up a pre-sentence report within 14 days of receiving the notification of suspected young offenders if the presumed sentence for the offence is more severe than a fine.

### **5.1.1 Pre-trial/pre-sentence report**

The prosecutor or the judge must 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 sanction (Act on the Enforcement of Community Sanctions 400/2015, section 10). The pre-sentence reports prepared by the probation officers do not legally bind the court but, in practice, they are normally used as a basis for the decision (see Supreme Court Decision 1996:9). The pre-sentence reports include the suspects' consent to community sanction. The aim of the pre-sentence reports is to give the judge and the prosecutor information on the suspects' risk of reoffending and need for rehabilitation that promotes desistance. The pre-sentence reports provide a general view on the suspects' circumstances and include the suspects' wishes and expectations concerning the judgement and the type of the sanction. (Act on the Enforcement of Community Sanctions 400/2015, Government Decree on the Enforcement of Community Sanctions 551/2015)

The investigation of the circumstances of suspected young offenders means that the probation officers assess based on the available information and within 30 days of the request of the prosecutor how the selection and enforcement of a sanction could promote the social coping of the suspected young offenders and prevent them from reoffending. For the assessment, the probation officers acquire and compile information with the help of the social welfare authorities about the suspected young offenders' living conditions, such as substance use and possible rehabilitation, mental health and used mental health services, need for other services and support measures, and other factors linked to their

social circumstances. The probation officers can also obtain necessary information on the suspects' social situation from other authorities as well as private communities and persons. (Act on Investigating the Circumstances of Suspected Young Offenders 633/2010, sections 10–12)

Based on the assessment, the probation officers draw up the pre-sentence reports, which contain relevant information on the social circumstances of the young person suspected of an offence. The pre-sentence reports may include an opinion on the need for sentencing the young person to supervision as an ancillary sanction to conditional imprisonment. The reports may also include other accounts or statements the prosecutor has requested for the purpose of sentencing to a community sanction. (Act on Investigating the Circumstances of Suspected Young Offenders (633/2010, sections 10–12)

Pre-sentence reports concerning adult suspects are drawn up in the similar manner as the pre-sentence reports concerning young suspects (Act on the Enforcement of Community Sanctions 400/2015, section 10).

The statements and reports prepared by the probation officers 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*

Sanctions/Measures/Penalties/Conditions attached to a conditional sentence	Provision in legislation?	Service involvement?	Main characteristics of the probation activity
Imprisonment	-	-	-
Suspended sentence	-	-	
Conditional sentence	x	x	The supervision of young offenders sentenced to conditional imprisonment and the supervision of adults sentenced to conditional imprisonment (1 January 2020) require coordination, case management, reporting, risk and needs assessment, rehabilitation, and activities and support measures promoting desistance.
Affidimento in prova	-	-	-
House arrest	-	-	Technically monitored arrest instead of remand imprisonment
Electronic monitoring 1)	x	x	Offenders serving monitoring sentence, probationary liberty under supervision and

			combination sentence require coordination, case management, reporting, risk and needs assessment, rehabilitation, and activities and support measures promoting desistance. House arrests are also electronically monitored.
Community service as sanction	x	x	Besides the arrangement of unpaid work, community service requires coordination, case management, reporting, risk and needs assessment, rehabilitation, and activities and support measures promoting desistance.
Semi-liberty	-	-	Supervision of the probationary liberty under supervision
Semi-detention	-	-	-
Treatment order	-	-	-
Training/learning order	-	-	-
Drug/alcohol treatment program	x	x	Measures supporting a life without crime and participation in support and substance abuse treatment programmes can be included in community service, juvenile punishment, the supervision of young offenders sentenced to conditional imprisonment, the supervision of conditionally released prisoners, the supervision period of the combination sentence, and the monitoring sentence.
Educational measures	x	x	Measures supporting a life without crime and participation in different types of education and educational programmes can be included in community service, juvenile punishment, the supervision of young offenders sentenced to conditional imprisonment, the supervision of conditionally released prisoners and the monitoring sentence.
Compensation to the victim	x	-	-
Mediation	x	-	Referral to municipal and third sector mediation offices

Attending a day centre	-	-	-
Interdiction to leave the country	x	x	Supervision and monitoring of offenders sentenced to monitoring sentence, monitoring of the supervision period of the combination sentence.
Interdiction to enter different cities/places	x	x	Supervision and monitoring of offenders sentenced to monitoring sentence, probationary liberty under supervision and supervision period of the combination sentence.
Interdiction to carry out different activities	-	-	-
Interdiction to contact certain persons	x	x	Supervision and monitoring of offenders sentenced to monitoring sentence, probationary liberty under supervision and supervision period of the combination sentence.
Fine	x	-	-
Day fine	x	-	-
Other financial penalties	x	-	-
In/out patient order (psychiatric treatment)	x	-	-
Security measures	x	-	-
Combined order	x	x	Enforcement of community service imposed in addition to conditional imprisonment requires supervision, coordination, case management, reporting, risk and need assessment, rehabilitation, and activities and support measures promoting desistance.
Community punishment	-	-	-
Conditional release / Parole	x	x	Supervision of conditionally released prisoners (fixed-term or life sentence of imprisonment) and probationary liberty under supervision (six months before the mandatory conditional release) require coordination, case management, reporting, risk and needs assessment, rehabilitation,

			and activities and support measures promoting desistance.
Mandatory release	x	x	See above
Open prison	x	x	Probation officers may take part or be in charge of arranging programmes and activities promoting desistance for prisoners.
Penitentiary program outside the prison	-	-	-
Other sanctions/ measures etc.	x	-	Driving ban, prohibition to pursue business, ban on animal keeping.

A person who has committed an offence under the age of 21 years can be subjected to supervision in order to reinforce conditional imprisonment. When the supervision begins, the offenders' current risks, needs, and resources are assessed. Based on the assessment, individual sentence plans determining the goals and means of the supervision period are drawn up together with the supervised offenders. The sentence plans can include different themes, which will be addressed in the meetings with the offenders by means of, for instance, discussions and exercises. Various co-operation projects, groups, and courses are also possible during the supervision period. The supervision supports the offenders' own efforts to change. The supervision can include co-operation both with persons close to the offenders and with other authorities. Prior to the sentencing, the prosecutor is obliged to request the Criminal Sanction Agency to draw up a pre-sentence report. (Government Proposal HE 120 /2018 vp)

The juvenile punishment process begins when the prosecutor asks the Criminal Sanctions Agency to draw up a pre-sentence report concerning a juvenile. In the pre-sentence reports, the probation officers describe the juveniles' circumstances and assess their risk of reoffending and suitability for juvenile punishment.

A prerequisite for the enforcement of juvenile punishment is the close co-operation between different stakeholders representing the criminal justice system, the social welfare system, and other relevant parties. The probation officers draw up the pre-sentence reports together with the young offenders, their guardians, and the social welfare authorities. The reports are based on the information received from the joint meetings, the young offenders' interviews, the guardians' hearings, and different authorities. The decision on sentencing to juvenile punishment is made by the court. The court can also impose some other sanction instead of juvenile punishment.

Offenders sentenced to juvenile punishment are under supervision for the duration of the sentence. Juvenile punishment consists of meetings with the offenders, supervised activities and programmes that promote their capacity for social functioning, and guidance and support provided in connection with them. In addition, juvenile punishment includes supervised orientation to employment and working unless it is considered clearly unnecessary or it is particularly difficult to arrange.

Offenders serving a monitoring sentence are obliged to follow the daily schedule approved in the sentence plan. The daily schedule consists of work, education, rehabilitation, activity

programmes, or other activities promoting a life without crime. The offenders are supervised with the help of technical equipment attached to their wrist or ankle. A detailed sentence plan, a weekly schedule based on an individual risk and needs assessment, and an assessment of the family situation and living conditions are made before the enforcement of the sentence.

The enforcement of community service begins when the probation officers prepare, at the request of the prosecutor, a pre-sentence report, which is an assessment of the accused person's potential to complete community service, the person's risks of reoffending and needs to be able to live a life without crimes. The probation officers draw up together with the offenders an individual sentence plan for community service. The plan includes information on the assigned work, the end date of the service, and the conditions concerning the service duties and the service place. In addition, the sentence plan includes rehabilitation, treatment, and other activities supporting desistance based on the risk and needs assessment of the offenders. The probation officers draw up a separate schedule for the community service. (Rules 46 and 47)

Various motivating and cognitive-behavioural programmes have been in use in probation services since the end of the 1990s. The programmes are based on the knowledge that the factors that have an effect on reoffending can be divided into static factors, such as age and gender, which cannot be influenced, and dynamic factors, which can be influenced at least to some extent. The dynamic factors include education, 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 the United Kingdom. Thus, the enforcement is to a large extent something else than just supervision.

Substance abuse counselling, treatment, and rehabilitation have always been essential parts of probation work. Treatment and rehabilitation are mainly arranged by social and health service providers in cooperation with the probation officers.

Prisoners can be placed in open prisons based on certain conditions (Imprisonment Act 767/2005, chapter 4, section 9). The open prisons are maintained by the Criminal Sanctions Agency, which is responsible for their operation.

Provisions on conditional release are laid down in the Criminal Code of Finland (39/1889, chapter 2c, sections 5–7). Prisoners serving a fixed-term prison sentence must be conditionally released after having served a specific share of the sentence. The specific share can be one-third, one-half, or two-thirds depending on the age of the offender at the time when the offence was committed and the time between the previous prison sentence and the new offence. The decisions on conditional release are made by the prison director.

Life sentence prisoners can be conditionally released by the decision of the Helsinki Court of Appeal at the earliest when at least 12 years of the prison sentence has been served. Offenders sentenced to life imprisonment for an offence committed before the age of 21 years can be conditionally released under supervision by the decision of the Helsinki Court of Appeal at the earliest when 10 years of the sentence has been served in prison. Before being conditionally released from life imprisonment, prisoners can be placed in probationary liberty under supervision with electronic monitoring. Life sentence prisoners can also be released by the pardon of the President of the Republic.

Before the supervision of conditionally released prisoners starts, the probation officers meet the offenders in prison in order to inform them about the content and conditions of the supervision period. The probation officers prepare together with the offenders an individual plan for the supervision period. After the plan is drawn up, the offenders' written consent is required. The plan is co-ordinated with the sentence plan prepared in prison and other plans prepared elsewhere, for instance, in social services. The supervision period lasts 15 months. Based on justified reasons, the probation officers can propose an earlier termination of the supervision.

The supervision always includes discussions about criminality and their purpose is to help the offenders to understand their behaviour. The aim is to help the offenders to change their pro-criminal attitude and lifestyle in order to promote the desistance process. The supervision consists of individual meetings, tasks, and programmes. The amount of these can be at most 12 hours per month but in case of offenders, who need intensive support, the amount can be increased to 30 hours per month.

On certain conditions, prisoners can be placed outside the prison in electronically monitored probationary liberty under supervision a maximum of six months before the actual conditional release. The prisoners must comply with the obligations and orders defined in the sentence plan and in the weekly schedule. The schedule contains daily activities the offenders are obliged to participate in. The offenders must stay at home between 21.00 and 6.00 o'clock unless otherwise agreed due to, for instance, regular work. Officials of the Criminal Sanctions Agency meet and supervise the prisoners placed in probationary liberty regularly.

The offenders are presumed to comply with abstinence from substances and other conditions of probationary liberty. Probationary liberty under supervision requires a sentence plan, which includes information on, e.g., the sentenced person's housing and livelihood, obligation to participate in activities, daily schedule, and supervision during probationary liberty. Prisons are responsible for the supervision of probationary liberty.

Probationary liberty under supervision can be combined with obligatory pharmacological treatment for sexual offenders. The purpose of the supervision is to increase public safety by supporting the supervised persons, promoting their social coping, and preventing them committing new offences.

A combination sentence can be imposed on a person, who has committed serious offences and are deemed to be especially dangerous. An electronically monitored supervision period begins immediately after the prison term. The content of the supervision period is based on the prisoners' individual risk assessment. The supervised offenders are obligated to remain at their place of residence at the specified times, abstain from using intoxicating substances during scheduled meetings and activities, and participate in rehabilitation or other activities promoting a life without crime.

The Imprisonment Act (767/2005, chapter 8, section 9) enables a placement in an outside institution during the sentence. Prisoners who are deemed reliable and have a substance abuse problem or are assessed to have particular problems with coping in freedom can, for a fixed period of time, be placed in an outside institution or a corresponding unit, where they participate in substance rehabilitation or other goal-oriented activities improving

their functioning abilities. The goals, the time and duration, the content of the activities, and the conditions binding the parties are agreed in a placement agreement.

Pardons are decided by the President of the Republic based on the statement of the Supreme Court. The Criminal Sanctions Agency is not involved in the hearing of matters related to pardons. Finland does not have provisions on a general amnesty. It would require an act enacted by the Parliament of Finland.

*Table 4. Other probation activities in the enforcement stage*

Providing support to the families of the offenders/detainees	Work with children and families is a part of probation work.
Coordinating volunteer prison visitors	-
Preparing offenders for (conditional) release	Sentence plans are drawn up for prisoners and for those placed under supervision after conditional release.
Preparing prisoners for home leave and/or providing support during home leave	-
Providing support to persons that have been pardoned or amnestied	-
Providing advisory report with respect to amnesty or pardon	In some cases, social and advisory reports concerning offenders are provided.
Other tasks that are not included here.	Individual work with offenders placed in probationary liberty under supervision.

### **5.3 Care and after-care outside the criminal justice system**

The care and aftercare are not the responsibility of the probation services in Finland. The social welfare and health care authorities are responsible for the social and health care services also during the execution of community sanctions. In addition, voluntary organisations offer their services for released prisoners.

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 by providing peer support service and possibilities to participate in different resettlement activities.

The foundation provides judicial assistance, guidance, and support for offenders and their families and other close persons. They often need assistance and guidance in, for instance, the arrangement of debts, debt recovery procedures, or social and health care services.

The foundation carries out projects, which aim to promote the arrangement of appropriate services for persons with criminal background and their families and maintains an internet portal together with other involved organisations. In addition, the activities of the foundation include child and family work and support for learning abilities.

A private, non-profit organisation called Guarantee Foundation assists released prisoners and other sentenced offenders, who have difficulties with, for example, paying the compensation for damages, with the arrangement of debts.

## **6. Probation methodology**

### **Relevant Probation Rules**

When preparing pre-sentence reports, sentence plans, and requesting information from relevant authorities and parties, the informed, the offenders' written consent is required (Rule 6). The suspected persons' current risks, needs, and resources are assessed when the pre-sentence report is drawn up and the enforcement of the community sanction begins. Based on the assessment, an individual plan determining the goals and means of the supervision period is drawn up together with the offenders (Rules 66 and 67).

The suspected persons and offenders are normally involved in the planning of what they need to do and they are able to see and comment on the sentence plan (Rule 67). The process and outcomes of the assessment are explained to the suspected persons and offenders (Rule 68). The assessments are reviewed and updated especially during longer sentences or if the obligations are violated (Rule 69). The assessments are usually reviewed if the offenders' circumstances have 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 training on assessments is arranged for all probation officers (Rule 71). The sentence plans are based on mutual negotiations and an agreement between the probation officers and the offenders on the fact that the measures and interventions included in the plan are relevant and appropriate regarding the offenders' circumstances and offending behaviour (Rule 73). The interventions used in probation are a mixture of control and rehabilitation, which together contribute to and facilitate desistance. Their nature and intensity vary in different types of community sanctions (Rule 76). At present, the probation officers are acquainted with motivational interviewing, assessment methods, individual supervision skills, and network methods. The probation officers are also qualified to apply a wide range of evidence-based programmes and methods that promote desistance (Rule 77).

The basic principle is that the probation officers are case managers, who assess, prepare the sentence plans, work with the clients, and coordinate interventions. (Rule 80). There are regular face-to-face meetings where the clients' circumstances and criminality are evaluated and recorded in the client database. The contents and requirements of the supervision are revised based on these evaluations (Rule 81).

Information on the offenders, evaluations, plans, meetings, measures, and procedures is recorded in individual files in the client data system (Rule 88). A system of enforcement judges does not exist in Finland. The probation officers are obliged to inform the courts and prosecutors of severe violations of conditions. The probation officers do not provide regular accounts or reports regarding their work to the court or prosecutor (Rule 91).

The legality of probation work is inspected by the Parliamentary Ombudsman and the Chancellor of Justice. The National Audit Office of Finland monitors the economy and

expediency of the activities of the Criminal Sanctions Agency just as does the Ministry of Justice, which also monitors that the activities comply with the objectives of criminal policy. In addition, probation work is monitored by the specialised staff of the Central Administration of the Criminal Sanctions Agency. (Rule 103)

One requirement of probation work is that it should be credible from the perspective of the penal system. That requires a good insight into the judicial regulations and the administrative procedures concerning probation work. 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, society, and the public service system and a capacity to work towards a systematic change together with the clients. In other words, 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 probation work.
- 2) Social and interaction competency: Methods typical of social work and pro-social modelling are used in 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 probation work.

The probation officers should be familiar with counselling, motivational interviewing and one-to-one working methods consisting of the following components: legitimate use of authority, pro-social modelling, problem solving, cognitive restructuring, and non-verbal and verbal communication. In addition, child and family work methods are used in probation work.

Competence to run group and individual programmes is also necessary. At the moment, the following programmes are used: 1) Steering Wheel Programme and Traffic Safety Programme, which both are aimed at offenders sentenced for drunken driving; 2) Anger Management Programme; 3) Change Talk programme, which is based on a motivating interview; 4) New Direction, which is a programme for sexual offenders; 5) Gambling treatment programme; and 6) Programmes focusing on violent behaviour. All programmes can be used in both individual and group settings except Change Talk which can be used only individually.

An accreditation panel reviews proposed programmes and determines whether 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, public organisations, and NGOs with whom the Criminal Sanctions Agency co-operates. The accreditation panel meets three to four times a year.

The enforcement process begins when the pre-sentence report is being drawn up and continues when the decision on the community sanction has been sent to a local probation office and the client is referred to certain probation officer according to the practices of the office. The basic principle is that the enforcement starts without a delay after the office has received the court 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 probation officers explain the terms, conditions, and contents of the

community sanction in question and start planning the enforcement by filling in the assessment form and specifying the individual sentence plan.

The preparation of the assessments and sentence plans consist of following phases:

1. **Initial assessment:** In this phase, the static and dynamic criminogenic factors affecting 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, and health. The initial assessment generates a profile of each client, which forms the basis for conclusions.
2. **Conclusions:** In this phase, the probation officer evaluates the key risk factors, the needs of the client and strengths, and the interventions (e.g. treatment for substance abuse, anger management, etc.), which should be used.
3. **Planning:** In the planning phase, 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 the theme it concerns (substance abuse, social relations, etc.), the date when it was set, and the date when the realisation of the goal was evaluated. This shows the process nature of supervision work and the development of the motivation to desist.

The aim is that there is only one assessment and sentence plan form for each client regardless of the number of sentences the clients have. The form is updated based on the circumstances during the latest sentence. The form is linked to the actual enforcement file of each client.

The application of evidence-based methods, risk and need management methods, and case management methods have shifted the emphasis of probation work from unspecified casework to more structured and methodical work. Electronically monitored enforcement has brought along a more tightly controlled and scheduled practice, which has also reflected on other sanctions, for instance, in the form of alcohol and drug tests and other control measures with a more punitive character. A new group of professionals, who work in pairs and are called the supervision patrols, have been introduced to the probation practice. The supervision patrols, which work under the direction of local probation offices, monitor and guide clients who are serving a monitoring sentence.

Case management is an essential part of all work with clients because matters concerning education, work, drug and alcohol abuse, accommodation, family relations, livelihood, etc. are constantly addressed in probation work. The homes of clients, who serve a monitoring sentence, are visited regularly at least once a week. When necessary, home visits are also applied to young offenders and offenders released from prison and placed under supervision. Due to legislative reforms, the frequency of meetings has been intensified in all community sanctions. However, depending on the type of the community sanction, the frequency varies to some degree. After having assessed the clients' needs, motivation, suitability, and other criteria, the probation officers decide, which programme the offenders should undertake. The probation officers usually run the programmes themselves or refer the clients to colleagues more familiar with a specific programme.

Wide competence forms a good basis for the work with clients. The goal is that the probation officers 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. Nevertheless, specialising in specific sanction has been necessary in bigger cities where there are more clients. Those offices often have a separate group responsible for the enforcement of community service and a group responsible for the supervision of conditionally released prisoners, the supervision of young offenders sentenced to conditional imprisonment, and the enforcement of 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 an essential part of the supervision process. Its intensity and forms vary depending on the clients' individual needs and circumstances. All clients benefit from assistance given during supervision. Assistance can mean individual discussions about criminality and personal issues or guidance concerning welfare services in accordance with the principles of case management.

In probation work, the main principle is to reach 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 for violating the conditions. Even in those cases, the clients must be heard and allowed to tell their side of the violation. The probation officers have a wide discretionary power when issuing warnings or reporting violations to the court. After hearing the client, the probation officers can take into consideration the severity and type of the violation, past violations, and other matters before making a decision.

The assurance of quality is a continuous process, which is carried out both at the central and local level. At the central level, the Internal Audit monitors that everything is carried out in accordance with the legislation regulating probation work. The monitoring is carried out together with other experts of the Criminal Sanctions Agency. In addition, the experts working in the Central Administration arrange annual training on different topics and address matters related to quality. At the local level, the directors and assistant directors of the probation offices monitor that probation work achieves the qualitative goals set by the Central Administration and in the performance target negotiations.

## **7. Finances, accounting, registration systems and evaluation procedures**

### **Relevant Probation Rules**

The probation services are publicly funded and a statutory part of the criminal justice system (Rule 10). The probation offices have not been subject to inspections conducted by the Parliamentary Ombudsman of Finland in the past few years (Rule 15). The research on probation work has increased as there has been more cooperation with the universities. (Rule 16). Ensuring competence and developing management are the key principles of the strategy of the Criminal Sanctions Agency. The achievement of these goals is continuously monitored in many 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 is slightly

undercompensated (Rule 33). Evidence-based practices have been developed. Attempts have been made to enhance research on these practices (Rule 104). The criminal policy of Finland is expert-oriented, i.e., the reform of the legislation surrounding the probation services and other reforms have mainly been made based on scientific and expert knowledge (Rule 105).

## 7.1 Finances

The probation services are not privately funded, nor can they raise funds themselves. The only financial source is the state budget that covers all the operating expenses. The appropriations for the probation services are annually allocated in the state budget. When preparing the budget proposal, the Ministry of Justice sets the performance targets for the Criminal Sanctions Agency 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 as part of the budget proceedings.

The Parliament of Finland approves the operating expenses of the enforcement of sentences. In 2018, the operating expenses allocated to the probation services were nearly EUR 19 million, which is about 9.4 per cent of the EUR 202 million allocated to the enforcement of sentences in total. The operating expenses of the prison services were nearly EUR 183 million. The annual operating expenses calculated based on each probation client were EUR 6 410 while the corresponding ratio per each prisoner was EUR 62 880. In 2018, the average number of the probation staff calculated based on person-years was 250, whereas the corresponding number of the prison staff was 2 124. The daily average of probation clients was 2 959 and prisoners 2 910.

*Table 5. Operating expenses*

2018	Probation services	Prison services
Total current yearly expenditure (euro)	18 964 000	182 976 000
Average number of employed staff (person-years)	250	2 124
Daily average number of offenders/clients dealt with	2 959	2 910

## 7.2 Accounting

The Criminal Sanctions Agency is audited externally by the National Audit Office of Finland (NAOF) and internally by the Internal Audit of the Criminal Sanctions Agency. The NAOF is an independent and neutral expert body. Its task is to ensure the correctness of the management of central government finances, the reliability of the reported information, and the compliance with the state budget. For this purpose, the NAOF conducts annually financial audits and prepares reports for the Parliament of Finland. The reports are public.

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 NAOF. The NAOF sends the financial audit report to both the Criminal Sanctions Agency and the Ministry of Justice for further action.

The duty of the Internal Audit 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, and to carry out inspections ordered by the Director General.

### **7.3 Registration Systems and Evaluation Procedures**

The Criminal Sanctions Agency has an IT-based community sanction register that includes data on all community sanctions. The register supplies quarterly and monthly summary reports for purposes related to top management, research, and policies. Besides the expert statements and the enforcement documents, the register includes statistics, which are used in the planning and assessment of probation work both at the central and local level. The realisation of the performance targets is also monitored with the help of the registered data.

Every client has an individual file in the register. The file contains information on the clients and a detailed documentation of the supervision processes. The file includes the following items: personal data and living conditions, type of community sanction, formal enforcement, risk and needs assessment, targets defined in the assessment, and the realisation of the targets during the sentence term. The probation officers are responsible for the follow-up of the clients' progress during the sentence term including any areas of concern, such as employment, substance abuse, and offending, by keeping detailed notes of the meetings and other communication, e.g. by telephone or email, and of 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 clients' behaviour and the possibilities of preventing new offences. At the end of the sentence term, the probation officers draw up a final assessment, which contains the clients' comments on the progress of the sentence plan.

The community sanction register is included in the client data system of the Criminal Sanctions Agency as a nationwide personal data register. In Finland, provisions on the processing of personal data are laid down in the EU General Data Protection Regulation (GDPR, EU 2016/679) and the Act on the Processing of Personal Data by the Criminal Sanctions Agency (1069/2015), 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 data subjects' private life and other basic rights, which safeguard their right to privacy, are not restricted without lawful reasons.

## **8. Societal Support and Clients' Views**

### **Relevant Probation Rules**

Every year, the work of the probation services is presented in an annual report and the media is invited to a separate event to hear the latest information concerning the probation services (Rule 17). The Communications Services at the Central Administration of the

Criminal Sanctions Agency informs the media of topical matters concerning the probation services (Rule 106). The Criminal Sanctions Agency has established good exchange and co-operation relationships with universities and scientific research institutions. Research is conducted and published regularly (Rule 107). 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 work (Rule 108).

## 8.1 Societal support

Research conducted in the early 21<sup>st</sup> 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<sup>16</sup> on the offenders' need for support mapped out how the reintegration problems of the probation clients were handled in the welfare service system. The used data consisted of questionnaires and interviews targeted at municipal and governmental welfare authorities along with data obtained from the client data system. The outcomes pointed to the conclusion that the basic social and employment services did not provide sufficient support to improve and enhance the probation clients' integration. It was especially clear as regards housing and employment: it seemed that the normal welfare services had abandoned probation clients in a dead space to wait for better times to come or they had even rejected them. It appeared that there was lack of one clear agent to take full responsibility for the social support and case management of the conditionally released prisoners and probation clients.

In his doctoral dissertation on community service as a subject of empirical criminological research, Anssi Keinänen<sup>17</sup> examined statistically 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 was that substance abuse connected to the accumulation of social problems predicts the risk of revocation of community service. The conclusion was 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*, Lasse Rautniemi<sup>18</sup> discussed what impact the civil society involvement had on the legal status of community service. The study was based on theoretical literature and empirical data consisting of theme interviews with community service clients and the contact persons of the community service places. In the conclusions, it was 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.

The research conducted by Jukka Leinonen, Henrik Linderborg, and Janne Vepsäläinen<sup>19</sup> on the utilisation rate of community service and monitoring sentence showed that individual factors and secondary prevention factors are not taken into account in the criminal proceedings as much as they could be when considering the imposition of

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<sup>16</sup> Karjalainen – Viljanen 2009.

<sup>17</sup> Keinänen 2008.

<sup>18</sup> Rautniemi 2011.

<sup>19</sup> Leinonen – Linderborg – Vepsäläinen 2020.

community service or a monitoring sentence. The judges, prosecutors, and probation officers have different views on how the social factors should be taken into account when considering community service or a monitoring sentence. The judges and prosecutors considered the suitability and imposition of community service or a monitoring sentence mainly based on the illegal act and past criminal behaviour, whereas the probation officers also emphasised the social and individual factors in their assessment of the suitability for a monitoring sentence or community service.

## 8.2 Clients' views

A research carried out by Hanna Väkiparta and Matti Marttunen<sup>20</sup> and published by the National Research Institute of Legal Policy reviewed the imposition of supervision on young offenders as a sanction ancillary to conditional imprisonment. The research was based on supervision documents of 160 supervised young offenders aged 15 to 20 years and on interviews with the supervised offenders and their probation officers. The research presented, 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 probation officer is to support and help but, on the other hand, the probation officer 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, besides social problems, some of the young offenders also had 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

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<sup>20</sup> Väkiparta – Marttunen 2009.

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 must be individually planned and realised.

Another research conducted by Leena Mäkipää<sup>21</sup> and published by the National Research Institute of Legal Policy examined the enforcement of probationary liberty under supervision in Finland and the possible needs for elaborating the supervision practices. The research was based on quantitative data consisting of all prisoners, whose probationary liberty ended before December 2008. The quantitative data covered the personal data of the prisoners as well as information on the conditions of their probationary liberty. In addition, focused interviews with various relevant persons were conducted (e.g. prisoners placed in probationary liberty, prison staff, other officials, and representatives of non-governmental organisations).

The prisoners placed in probationary liberty had mostly a positive attitude towards the supervision. According to them, the extent of the supervision was quite appropriate. It did not limit their lives excessively, nor was it too strict. Additionally, the restrictions regarding, for instance, free movement and the use of drugs were mainly accepted by the prisoners as an understandable part of the probationary liberty under supervision. The staff and prisoner interviews also confirmed that probationary liberty differs greatly from the regular release from prison. Firstly, it is often more thoroughly prepared. Accommodation and some crime-free activities are usually organised for the released prisoners, whereas for normal conditional release such basics of life are not necessarily arranged. Secondly, probationary liberty is set apart from regular release by both the supervision and the concrete measures of support often linked to probationary liberty.

## **9. Probation Clients' Rights**

Provisions on the practices and principles of the appeal procedures are laid down in the Act on the Enforcement of Community Sanctions (400/2015) and the Administrative Procedure Act (434/2003) (Rules 14, 100, and 101). Provisions on the data protection concerning clients are laid down in the Act on the Processing of Personal Data by the Criminal Sanctions Agency (1069/2015) and the European General Data Protection Regulation (GDPR) (Rules 41, 89, and 92).

The legal protection of sentenced probation clients has been ensured at four different levels. First of all, the consent of the suspected person is generally a precondition for the sentencing of a community sanction. Secondly, sentenced offenders must be heard when planning the enforcement of the sanction and they must approve the sentence plan by signing it. Thirdly, probation clients serving a sentence must 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. Fourthly, the probation clients have a right to make a complaint against the legality of the decisions or procedures to the Parliamentary Ombudsman or the Chancellor of Justice.

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<sup>21</sup> Mäkipää 2010.

## **10. Developments to be expected**

### **10.1 Developments in the coming years**

The development of the probation practices is based on the strategic goals and values of the Criminal Sanctions Agency. The main values are the respect for human dignity and justice and the belief in the potential for an individual change and growth.

Commitment to these values means in practice that:

- basic rights and liberties as well as human rights are protected
- treatment is humane, appropriate, and equal
- all activities are lawful and comply with justice and fairness
- enforcement is carried out so that it supports the sentenced person's individual growth and development as well as their intention to lead a life without crime.

The goals of the Criminal Sanctions Agency are to contribute to the safety of society by maintaining a lawful and safe sentence enforcement system and reduce recidivism by improving the sentenced person's possibilities and capability to be integrated into society.

The focus in the development work is to improve the probation officers' supervision skills. The goal is that all probation officers have good relational and structural skills of working with clients as described in the manual for the Jersey Supervision Interview Checklist<sup>22</sup>. In addition, it is important to further develop the networking skills of the probation officers and to embed the networking methodology in everyday work with clients as well as to establish systematic and continuous work processes with the substance abuse treatment providers. The methods and programmes to tackle the violent behaviour of offenders are also under development. Additionally, the legislation on community sanctions will be revised to be more comprehensive so that there is a clear distinction between different sanctions concerning the content, target group, and punitiveness.

The development of the Finnish probation services is nowadays based on European and other international cooperation and interchange of information. In addition, the cooperation with the Scandinavian countries has traditionally been important and is still going strong.

### **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 Implementation of the Provisions of a Legislative Nature in the Framework Decision on Probation Measures and Alternative Sanctions within the European Union and on 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. There have not yet been any cases of supervision being forwarded from Finland to another Member State or vice versa pursuant to the Framework Decision.

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<sup>22</sup> Raynor – Vanstone 2013.

## 11. Important Publications

### International

McNeill, Fergus (2018). *Pervasive Punishment: Making Sense of Mass Supervision*. Emerald Publishing Limited.

McNeill, Fergus & Beyens, Kristel (2013). *Offender Supervision in Europe*. Palgrave McMillan

Raynor, Peter & Vanstone, Maurice (2018). *What matters is what you do: The rediscovery of skills in probation practice*. European Journal of Probation 2018 10/3, pages 199–214.

Raynor, Peter & Vanstone, Maurice (2013). *Observing Interview Skills: A Manual for Users of the Jersey Supervision Interview Checklist*. Department of Criminology. Swansea University.

Raynor, Peter & Ugwudike, Pamela & Vanstone, Maurice (2014). *The impact of skills in probation work: A reconviction study*. Criminology & Criminal Justice 2014, 14/2, pages 235–249.

### Finland:

Lavikkala, Raino & Linderborg, Henrik, eds., (2011) *Rikosseuraamustyön kehittämisenkysymyksiä (Questions on the development of prison and probation work)*. Training Institute for Prison and Probation Services, Tampere 2011.

Linderborg, Henrik & Suonio, Mari & Lassila, Tytti (2014). *Sosiaalityö ja sosiaalinen tuki rikosseuraamusalalla (Social work and social support in the prison and probation services)*. Publications of the Criminal Sanctions Agency 1/2014.

Leinonen, Jukka & Linderborg, Henrik & Vepsäläinen, Janne (2020). *Yhdyskuntapalvelun, valvontarangaistuksen ja ehdollisen vankeuden oheisrangaistuksena tuomittavan yhdyskuntapalvelun käyttö seuraamusjärjestelmässä (Use of community service, monitoring sentence, and community service imposed as an ancillary sanction to conditional imprisonment in the penal system)*. Publications of the Criminal Sanctions Agency 1/2020.

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

### Ministry of Justice

Visiting address: Eteläesplanadi 10, Helsinki  
Postal address: PO BOX 25, 00023 Government  
Telephone: +358 2951 6001  
Fax: +358 9 1606 7730  
Email: [oikeusministerio@om.fi](mailto:oikeusministerio@om.fi)  
[www.om.fi](http://www.om.fi)

### Ministry of Justice, Department for Criminal Policy and Criminal Law

Visiting address: Eteläesplanadi 10, Helsinki  
Postal address: PO Box 25, 00023 Government  
Telephone: +358 29 51 6001  
Fax: +358 9 1606 77 30  
Email: [OM\\_KRO@om.fi](mailto:OM_KRO@om.fi)  
[www.om.fi](http://www.om.fi)

### Criminal Sanctions Agency

Address: Lintulahdenkatu 5  
00530 Helsinki  
Telephone: +358 29 56 88500  
Fax: +358 29 56 65440  
Email: [kirjaamo.rise@om.fi](mailto:kirjaamo.rise@om.fi)  
[www.rikosseuraamus.fi](http://www.rikosseuraamus.fi)

### Training Institute for Prison and Probation Services (RSKK)

Visiting address: Vernissakatu 2 A, Vantaa  
Postal address: PO Box 41, 01301 Vantaa  
Telephone: +358 29 56 65 000  
Fax: +358 29 56 65 020  
Email: [rskk@om.fi](mailto:rskk@om.fi)  
[www.rskk.fi](http://www.rskk.fi)

### Criminological Library

Visiting address: Vernissakatu 2 A, Vantaa  
Postal address: PO Box 41, 01301 Vantaa  
Telephone: +358 29 5665054  
Fax: +358 29 566 5020  
Email: [rskk@om.fi](mailto:rskk@om.fi)  
[www.rskk.fi/kirjasto](http://www.rskk.fi/kirjasto)

### Krits – Finnish Foundation for Supporting Ex-offenders

Address: Kinaporinkatu 2 E 39  
00500 Helsinki  
Telephone: +358 9 774 36 10  
Fax: +358 9 774 36 120  
Email: [toimisto@krits.fi](mailto:toimisto@krits.fi)  
[www.krits.fi](http://www.krits.fi)

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Leinonen, Jukka - Linderborg, Henrik - Vepsäläinen, Janne 2020: Yhdyskuntapalvelun, valvontarangaistuksen ja ehdollisen vankeuden oheisrangaistuksena tuomittavan yhdyskuntapalvelun käyttö seuraamusjärjestelmässä (The use of community service, monitoring sentence, and community service imposed as an ancillary sanction to conditional imprisonment in the Finnish penal system). Helsinki: Rikosseuraamuslaitoksen julkaisuja 1/2020.

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