

## World Factbook of Criminal Justice Systems

Finland

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Control

This country report is one of many prepared for the World Factbook of Criminal Justice Systems under grant No. 90-BJ-CX-0002 to the State University of New York at Albany. The project director was Graeme R. Newman, but the responsibility for the accuracy of the information contained in each report is that of the individual authors. The contents of these reports do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice.

### GENERAL OVERVIEW

#### 1. Political system.

Finland is a republic with a strongly centralized government. The country is divided into twelve provinces, which in turn are divided into 248 police districts, each generally comprising one or two municipalities.

#### 2. Legal system.

The Criminal Law is elaborated in the Criminal Code (1889) and separate statutes such as the Young Offenders Act (1939), the Narcotics Act (1972), the Traffic Act (1981) and the Conditional Sentences Act (1918). The Criminal Code is divided into a "general part" with provisions on jurisdiction, age of criminal responsibility, justification and excuse, sentencing and forfeiture, and a "special part" with provisions defining the different offenses and establishing the levels of punishment.

The law on criminal procedure is contained in the Code of Judicial Procedure (1734). Since its initial adoption, the Code of Judicial Procedure has been amended several times, with extensive reforms most recently in 1991. In the administration of justice, the country is divided into six appellate districts and 95 judicial districts.

#### 3. History of criminal justice system.

The Finnish legal system developed during the seven centuries (ca. 1150-1809) when Finland was part of the Swedish kingdom. For this reason, the legal system shares many characteristics with the other Scandinavian legal systems. Strict legalism (an emphasis on the rule of law) and a developed set of democratic controls on the exercise of discretion are the two premier features of Finnish law. The approach to the investigation of offenses can be termed inquisitorial, with increasingly strong adversarial elements.

The Criminal Code has been amended extensively since its original adoption in 1889. It is currently undergoing a total reform. One third of its provisions were amended by an Act of Parliament in 1990, and a third by an Act of Parliament in 1995. The purpose of the reform is to ensure that the Criminal Code defines and deals with all crimes consistently, while taking into account the fundamental changes in society that have occurred over the past several decades.

## CRIME

### 1. Classification of crimes.

\* Legal classification. In Finland, there are no general distinctions or categories of crime. Rather, offense distinctions are based on the expected punishment for the offense, or the "penal latitude" defined by law. For example, a person may be held in pre-trial custody if the maximum punishment for the offense is imprisonment for over 1 year.

\* Age of criminal responsibility. The age of criminal responsibility is 15 years. Children who commit offenses below this age are not brought before a court. These cases are dealt with by municipal social welfare boards. Youths between the ages of 15 and 18 benefit from a reduction of the sentencing scale.

\* Drug offenses. Finland has an extremely restrictive approach to drugs. With the obvious exception of controlled medical drugs, the preparation, transport, possession, use, import, export and sale of any drugs defined by the international convention to which Finland has acceded, is illegal.

### 2. Crime statistics

\* Murder. Each year, some 30 murders and 100 incidents of manslaughter are reported to the police. These figures do not include attempts. In 1990, 23 murders and 122 incidents of manslaughter

were reported to the police. Homicides are divided into murder and manslaughter. Murder is defined as the killing of a person with deliberate intent, for gain, with particular cruelty or brutality, in a manner that causes general danger, or the killing of a civil servant.

\* Rape. In 1990, 381 rapes or attempted rapes were reported to the police. Rape is defined as "using violence or the threat of violence to force a woman into sexual intercourse against her will". Marital rape is not covered by the definition.

\* Theft. In 1990, 125,909 thefts and 4,800 aggravated thefts were reported to the police. The figures include attempts. Theft is defined as the "unauthorized taking of chattels from the possession of another person." If the property in question is of "special value, or the theft resulted in a relatively serious loss to the victim taking into consideration the circumstances of the victim, or the offender took advantage of the helpless condition of the victim, or the offender was armed with a gun, explosives, or other similar dangerous implements, or the offense involved breaking into a residence and the offense as a whole is deemed aggravated," the offense may be classified as aggravated theft. Theft of motor vehicles is criminalized separately.

\* Serious drug offense. In 1990, the police recorded a total of 2536 drug offenses, of which 267 were classified as "serious drug offenses." The figures include attempts. A drug offense is defined as serious if: "1) the offense involves a particularly dangerous drug or a large amount of drugs, 2) considerable financial gain is sought, 3) the offender acted as part of a group especially organized for the large-scale commission of such an offense, 4) the offense seriously endangers the life or health of several people, or 5) drugs are given to minors or are otherwise distributed in an unscrupulous manner, and the offense as a whole is deemed aggravated."

\* Crime regions. Among the Scandinavian countries, Finland has a reputation for having a greater violent crime problem. However, a recent victimization study showed that Finland was in the middle range among Western European countries in respect to violent offenses (van Dijk, Killias and Mayhew, pp. 35-38).

VICTIMS

1. Groups most victimized by crime.

Victimization surveys indicate that the typical victim of a violent offense is a young, urban male. For property offenses, the victimization surveys indicate that the growth in the number of these offenses is being borne by businesses. The risk of an individual being the victim of a property offense has remained stable for the past decade.

2. Victims' assistance agencies.

National victim hot lines were established in Finland in 1994. Both volunteer groups and municipalities operate shelters for victims of domestic violence. In addition, the health care and social security systems aid victims of crime.

3. Role of victim in prosecution and sentencing.

The victim of a crime plays an important role in Finnish law. The victim has the right to prosecute an offense, independent of the decision of the public prosecutor. The victim can take part in all stages of the prosecution. For example, the victim may submit evidence, suggest questions and comment on the evidence. The victim may request compensation in connection with the criminal proceedings. Compensation may also be claimed from the state for an injury or injury-related loss arising from any offense. In this regard, the Finnish scheme is among the most generous in the world.

4. Victims' rights legislation.

No separate victims' rights legislation exists in Finland. Several provisions in the Code of Judicial Procedure and the Criminal Code ensure the right of the victim to access to justice, to redress and to be heard. In theory, victims have extremely broad rights and possibilities of being involved in the resolution of the case. In practice, as is the case in all other countries, the rights may remain unused due, for example, to lack of awareness of the rights or to practical problems.

POLICE

1. Administration.

The Finnish police are organized on an hierarchical national basis under the authority of the Ministry of the Interior and subject to the Police Act. The chain of command is totally independent of the military structure.

2. Resources.

\* Expenditures. During the 1990 calendar year,

the budget of the national police force was 2,053,564,000 Finnmarks.

\* Number of Police. Finland has a total of 11,942 police personnel, of whom some 20% are women (1990 data).

### 3. Technology.

\* Availability of police automobiles. Police are well-equipped with a variety of motor vehicles both for patrolling and for special purposes. Currently, the most common patrol car being acquired is the Ford Mondeo.

\* Electronic equipment. The police have at their disposal modern computer and telecommunications equipment.

\* Weapons. Police patrol officers are armed with a .38 caliber pistol or revolver. A special unit based in Helsinki, known colloquially as the "Beagle Boys" is trained in a variety of weapons and special tactics. For example, this unit might be used for the arrest of an offender who is suspected of being armed and dangerous. The Beagle Boys are also trained in anti-terrorist tactics. As of this writing, Finland has not had the need to use the unit for this purpose.

### 4. Training of police.

Training on the entry level is provided in the Police Institute. The basic course is divided into two modules of 11 and 6 months, with a one-year period of on-the-job training between the two. Further training is provided in the Police Academy, where intermediate courses last 6 months, and advanced courses last 12 months.

### 5. Discretion.

\* Use of force. The statutory basis for the rights and responsibilities of the police is provided by the Police Act, the Pre-Trial Investigation Act and the Coercive Means of Investigation Act. In brief, these statutes state that the use of force by police should be in proportion to the seriousness of the suspected offense in question, and force should be used only if less intrusive means would be inappropriate. For example deadly force can only be used in self-defense or in defense of another person against whom an immediate and potentially fatal assault is occurring or is about to occur.

\* Stop/apprehend suspect: The police may stop and question anyone if it is regarded as necessary for

their work. A person may be apprehended if a standing arrest or remand warrant has been issued, or if the conditions for an arrest are present and the matter will not tolerate a delay. Any person has the right to apprehend an offender caught in the act or escaping from the scene of a crime if the offense may be punishable by imprisonment or if the offense is petty assault, petty theft, petty embezzlement, petty unauthorized use, petty vandalism, or petty fraud.

\* Decision to arrest. A person may be arrested and held in pre-trial custody if the person is suspected of having committed an offense for which the maximum sentence is imprisonment for over one year, or if it is probable that he or she will attempt to evade or obstruct justice, or continue his or her criminal activity.

The police are granted the discretion to caution the offender if the offense is minor and would not have led to a punishment more severe than a fine.

\* Search and seizure. Chapters 4 and 5 of the Coercive Means of Investigation Act contain detailed provisions on search and seizure. The main rule regarding search is that it may be carried out if the suspected offense is punishable by at least 6 months imprisonment and the search is necessary for the investigation of the offense. The decision is usually made by a senior police officer; however, if the matter brooks no delay, the search may be carried out by a policeman. The rule regarding seizure is that an object may be seized if there is cause to assume that it may be used as evidence in a criminal case, if it has been criminally obtained, or if the court will order it confiscated.

\* Confessions. There is no specific provision on the weight of a confession as evidence. Finnish courts apply the rule of "free assessment of evidence;" with the exception of statements obtained through the use of torture, no evidence is ipso facto inadmissible. In practice, courts seek collaborative evidence to confirm a confession.

#### 6. Accountability.

Complaints against the police may be dealt with internally, by the superiors of the police officer in question, or externally, by the Parliamentary Ombudsman. The Ombudsman is empowered to obtain any information necessary in his investigations. He also has the power to issue cautions and reprimands, and suggest that disciplinary action be undertaken.

## PROSECUTORIAL AND JUDICIAL PROCESS

### 1. Rights of the accused.

\* Rights of the accused. A person who is suspected of an offense has the standard rights, including the right to counsel, the right to be informed of the charges and the right to a speedy trial.

\* Assistance to the accused. If he or she cannot afford counsel, assistance can be provided by the municipal legal aide office. Persons held in custody have the right to representation by a member of the Bar Association at state expense.

### 2. Procedures.

\* Preparatory procedures for bringing a suspect to trial. It is the responsibility of the police to investigate offenses. The customs and taxation authorities maintain investigative powers in their field. The results of the investigation are turned over to the public prosecutor, who decides whether the facts are sufficient to warrant prosecution.

Simplified procedures are used in the case of petty crime. Minor traffic offenses are dealt with by a "petty fine" imposed by the police according to a tariff. Petty fines cannot be converted into imprisonment. "Summary penal orders" can be used for all offenses subject to a maximum punishment of, at most, 6 months of imprisonment, provided that the prosecutor calls for the imposition of a fine. The penal order is issued by the police under the supervision of the prosecutor, and it is approved by the court. Most offenders pay the fine, but the offender has the right to challenge the penal order in court. Defaulters may be sentenced to prison.

\* Official who conducts prosecution. The public prosecutor or the victim conducts the prosecution. In urban areas, the public prosecutor holds a full-time position. In rural areas, the public prosecutor is usually the district police chief or the assistant police chief. Public prosecutors are under the supervision of the Chancellor of Justice.

\* Alternatives to trial. The Finnish system does not use plea bargaining, nor does it recognize medical or other treatment as an alternative to the criminal justice process except in the case of manifest insanity. However, those defendants who are found guilty but who are not sentenced on the

grounds that they have been found criminally irresponsible are turned over to the National Board of Medicine. The Board considers the need for involuntary commitment in a mental hospital.

There are two alternatives to court proceedings. The first is the transfer to the municipal social welfare board. This option, though not often used, is limited to cases that involve offenders between the ages of 15 and 20. The second option is mediation, the use of which has gradually increased in Finland since the mid-1980s. The number of cases disposed of in mediation number approximately 5,000 per year. Mediation is primarily, but not solely, used in the case of juvenile offenders.

The Finnish prosecutorial system has traditionally been very legalistic, with tight restraints on the use of discretion. These restraints were eased in 1990, when the public prosecutor was given the right to waive charges in three cases: (a) when the offense was petty and the expected punishment would be at most a fine or, in the case of offenders below the age of 18, six months' imprisonment, as long as the offense was not deemed to have been due to a blatant disregard of the law; (b) the suspect was already to be charged with other, similar offenses, and the combined punishment would not be essentially affected by the new charges in question; and (c) the waiving of charges is merited on other grounds of equity.

\* Proportion of prosecuted cases going to trial. Most cases are dealt with through summary penal fines. Of the 393,586 persons convicted during 1990, only 81,697 (21%) went to full trial.

\* Pre-trial incarceration conditions. Although no statistics are available on the proportion of persons held in pre-trial custody who are later sentenced to imprisonment, this proportion is undoubtedly quite high, and probably in excess of 80%.

\* Bail procedure. Bail is not available in Finland. However, it should be noted that the Coercive Means of Investigation Act places tight restrictions on the use and length of custody.

\* Proportion of pre-trial offenders incarcerated. At the end of 1991, 264 prisoners were awaiting trial. This low figure does not include person in police custody; estimates are unavailable. In general, only persons charged with serious offences are placed in pretrial custody; most suspects are released on their own recognizance, or are not even arrested.



## JUDICIAL SYSTEM

1. Administration. The general court system has three tiers: the Supreme Court, six Courts of Appeal, and 95 lower courts. Lower court cases can be appealed in part or in full by the prosecutor, the defendant or the victim in the Court of Appeal. Cases dealt with by the Court of Appeal can be brought to the Supreme Court only if the Supreme Court grants leave of appeal.

Until the end of 1993, the lower courts were divided into city courts and rural courts. At the end of 1993, the lower courts were unified, with, in most cases, one professional judge and three lay judges participating in the consideration of each case. When required by the complexity of the case or other factors, the composition of the court can be augmented by an additional professional judge. Cases involving defendants charged with offenses punishable by at most eighteen months imprisonment can be decided by a single judge.

### 2. Special courts.

\* Military courts. The only special criminal court existing in the Finnish system is the military court. Certain lower courts are designated as potential military courts. When deciding a case involving a military offense, the composition of the court will be augmented by one professional judge trained in military criminal law. The charges are brought by a military prosecutor. In all other respects, the procedure followed is the same as in the general courts.

### 3. Judges.

\* Number of judges. At the end of 1990, Finland had 661 professional judges.

\* Appointment, training, and qualifications. Lower court judges are appointed by the Supreme Court. Court of Appeal and Supreme Court judges are appointed by the President of the Republic. The basic qualifications are a legal education followed by a minimum of one years' practice as a court clerk and some practice as an apprentice judge.

## PENALTIES AND SENTENCING

1. Sentencing process. The sentence is imposed by the court at the end of the trial. No separate sentencing hearings are held. If the defendant is a juvenile and the threatened punishment is

imprisonment, a social history report is prepared by the local social welfare board or the Probation and Parole Association.

## 2. Types of penalties

\* Range of penalties. The sanctions that can be imposed by the court include day-fines, community service, suspended imprisonment, and imprisonment. Day-fines are imposed in between 1 and 120 units, at roughly one-third the gross daily income of the offender. Sentences of imprisonment for up to two years can be suspended; this suspension rarely involves supervision. The general minimum sentence of imprisonment is 14 days, and the general maximum is 12 years. Murder is punishable by life imprisonment.

Of the some 400,000 persons brought to court each year, over 310,000 are sentenced to a fine through summary proceedings, and over 50,000 are sentenced to a fine following full criminal proceedings. Some 17,000 are sentenced to suspended imprisonment, and some 12,000 are sentenced to imprisonment.

In 1991, the median sentence of imprisonment was 3.6 months. Those leaving prison have served a median term of 5.5 months; The discrepancy is due to the additive policy used to sentence recidivists. The sentences of imprisonment are typically imposed for aggravated drunken driving (over 40% of all sentences of imprisonment imposed during a year) and for aggravated theft, theft, and motor vehicle theft (some 30%). In 1990, only 356 persons were sentenced to imprisonment for 2 years or more; the offenses in question were typically homicide, attempted homicide, aggravated assault, robbery and aggravated theft.

The sentence is affected not only by the definition of the offense but also by any aggravating and mitigating factors noted in the general part of the Criminal Code. Among the aggravating factors are the commission of the crime as a member of an organized group, commission of several separate offenses, and a criminal record if it can be shown that the record demonstrates blatant disregard for the law. Among the mitigating factors are sudden pressures on the offender to commit the offense, the youth of the offender, and the attempt of the offender to assist in clearing the offense or limiting the harm caused by the offense.

\* Death penalty. Finland has totally abolished the use of capital punishment which was last used in peace time in 1826.

## PRISON

## 1. Description.

\* Number of prisons and type. Finland has a network of 15 closed prisons, 21 open prisons or sections of prisons, a juvenile prison, a prison mental hospital, a prison hospital and two social rehabilitation institutes. All prisons are administered by the National Prison Administration, which is subordinate to the Ministry of Justice.

\* Number of prison beds. The prisons contain a total of 4,210 beds.

\* Number of annual admissions. During 1991, a total of 8,874 persons entered prison.

\* Average daily population/Number of prisoners. The daily average population in prison in Finland has been decreasing since the late 1950s. At the end of 1991, the prisons held 3,067 male prisoners and 108 female prisoners over the age of 20. The also held 21 persons who were 20 years of age or younger.

\* Actual or estimated proportions of inmates incarcerated for:

Proportion of inmates incarcerated for:

Drug offenses	3%
Violent offenses	24%
Property offenses	36%
Drunken driving	18%
Oother offenses	19%
Total	100%

## 2. Administration.

\* Number of prison guards. The total prison staff is 2,608 persons (1990 data), of whom 308 are classified as managerial, 1,624 as custodial, 257 as treatment and 419 as "other".

\* Training and qualifications. The training is provided by the Prison Training Service. The basic course lasts 13 months, and includes three months of on-the-job training.

\* Expenditure on prison system. During the 1990 calendar year, the budget of the prison administration department was 533 million Finnmarks.

## 3. Prison conditions.

\* Remissions. Prisoners who have served a sentence of at least one month are normally granted automatic parole after having served two-thirds of their sentence. First-time prisoners are released on parole after having served one-half of their sentence. Persons on parole are subject to supervision.

\* Work/education. Prisoners are required to work, although they may be allowed to study instead.

\* Amenities/privileges. By law, the essence of imprisonment is solely the deprivation of liberty. In all other respects, life in prison should be arranged in such a way that it resembles life in free society as much as possible. Prison furloughs (leave) are granted relatively liberally.

#### EXTRADITION AND TREATIES

\* Extradition. Finland has entered into a number of bilateral and multilateral agreements on extradition and other mutual assistance. The oldest agreements are among the Nordic countries; for example, the 1960 Nordic Agreement on the extradition of offenders and the 1963 Nordic Agreement on the enforcement of sentences were adopted through the enactment of parallel legislation in all the Nordic countries. Finland has also had agreements on legal assistance with the former USSR (1978), Poland (1980) and Hungary (1981) as well as a separate agreement on "skyjacking" with the former USSR (1975). In 1990, Finland became a member of the Council of Europe, and has signed, among others, the European Convention for the Protection of Human Rights and Fundamental Freedoms (1990), the European Convention on Extradition (1971) and the European Convention on Mutual Assistance in Criminal Matters (1981).

Finland refuses to extradite a Finnish national or a person suspected of a military or a political offense, unless such an offense involves homicide or attempted homicide with intent. Finnish law will not allow extradition if there is the danger that the accused will be persecuted on the basis of racial, national, religious, or political grounds, or of allegiance, or political circumstance.



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