

RESEARCH INSTITUTE
OF LEGAL POLICY

26

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PAPERS ON CRIME CONTROL
1977-1978

HELSINKI 1978

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PAPER PRESENTED at the Conference
on the Relationship between Research
and Criminal Justice Policy, Home
Office, London, June, 1978

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THE RELATIONSHIP BETWEEN RESEARCH AND CRIMINAL JUSTICE POLICY

A Report from Finland

Organisation

In Finland, criminological research takes place mostly outside the universities, in the Research Institute of Legal Policy (its predecessor, from 1963 to 1974, was called the Institute of Criminology). In the state budget it is subordinated to the Ministry of Justice. At the present the focus of the Research Institute remains on criminology - five of eight research officers on the staff belong to the criminological unit.

According to the present policy of the Research Institute, it intends to function midway between research carried out in universities and research carried out by administrative agencies. Thus, for example, the Institute would rather not undertake follow-up studies of legislative reforms unless such a study can be seen to have theoretical or other general interest: such studies can be carried out just as well by researchers in the different ministries. However, attempts are made to relate all research activities in one way or another with decision-making. As the Institute is "semi-independent", in other words it has its own Board to take care of appointments and also to establish the research program, the Institute is in a position to critically evaluate the policy of the Ministry of Justice and other authorities.

Criminological research in each country has certain special characteristics of its own which can be explained in part by its historical origins and in part by the influence of scholars with varying educational backgrounds. In Finland, criminological research has always had close connections with the research being carried out in the other Scandinavian countries. As is

the case with the other Scandinavian countries, Finland is oriented towards a sociological conception of criminology. But unlike research performed in the other Scandinavian countries, Finnish criminological research has purposely proceeded further on the course of applied research.

Ideology

The ideology of most Finnish criminologists reflects the view that the ultimate aim of crime policy is to keep the societal costs related to crime on a tolerable level. But equal importance is placed on another aim, the aim of bringing about a just distribution of the costs of and suffering caused by criminality. This goal can be achieved through changes in the criminal sanction system. The quality and the quantity of criminality in a society depends above all on its social structure (e.g. how many opportunities there are for committing certain offences). On the other hand, penal legislation is the most effective tool in attempting to influence the allocation of the costs and suffering among different groups: the victim, the offender, and the rest of the society. For example if we want to reduce the number of car thefts, we may 1) increase the penalties so that the increased "costs", at least in a limited sense, are concentrated on the offenders; 2) intensify the control so that the increased costs of policing are carried by society; or 3) demand that the potential victim equip his vehicle with a steering lock and insure it, so that the increased costs are paid by the car owners.

The Finnish criminologists do not believe in the so-called treatment ideology, according to which certain personal characteristics of offenders cause criminality, and on the basis of which such persons are subjected to treatment to be "cured of criminality". Instead, criminality is seen as a societal phenomenon.

In practice, Finnish criminological research aims at making general surveys of the present system, revealing its weaknesses and suggesting new solutions. Alternatives to proposed changes are often included in the work, and the pros and cons of each alternative are analysed. This is done by applying the cost-benefit approach in the wide sense of the term.

As an example, I would mention the recent amendment of the legislation on drunken driving. At the time the amendment was being planned, the Research Institute examined how the legislation then in force managed to fulfil its intended functions. The analysis then proceeded to finding out how various alternatives (for example, defining in the legislation the allowable amount of blood alcohol, or decreasing the penalty for drunken driving) could be expected to influence criminality. One surprising conclusion that emerged was that reducing the penalties for drunken driving would reveal an unknown number of cases that at the time never came to court. The reason for this was that the punishment was considered far too heavy, and the police did not "have the heart" to institute legal proceedings in connection with very slight cases. If the level of punishment were to be reduced, this would change the police practice so that even the slighter cases would come to court, as the punishment on the whole would not be considered too unfair. The information obtained through research could then be used to prevent in advance the incorrect interpretation that the reduction of the average level of punishment lessens punishment, and the general deterrent effect of punishment, and leads to an increase in the actual number of cases of drunken driving.

In the following, I shall list some further examples of research projects through which Finnish criminologists have influenced or tried to influence decision-making.

The study concerning drunkenness fines may be presented as one example. The project was connected with the public discussion during the 1960's on the appropriateness of the practice

of punishing public drunkenness with fines. The discussion arose because of concern over the high annual number of drunkenness fines, and because of the fact that it was rather common that the fined person was later imprisoned because of unpaid fines (the so-called conversion sentence). In the two-part survey, the general preventive and the individual preventive effects of the drunkenness fine system were first examined. It was shown that fines had no positive influence on the future behavior of the punished person; on the contrary, those who had been fined were arrested again just as soon as were those drunken persons who were only arrested and locked up over night but not fined. Then, in a field experiment performed in cooperation with local police forces, the actual effects of the abolition of the drunkenness penalties were studied. In three towns chosen as experiment localities, a new practice was adopted for one year, during which very few persons were fined for public drunkenness. No difference in the drunkenness figures could be found when the results were compared to figures from a number of similar localities chosen for control purposes. At this piece of research had an important role in the reform work which resulted in the decriminalization of public drunkenness, which reduced the annual number of fines by 70 000, and nearly emptied the prisons of people serving conversion sentences for this reason.

One of the studies carried out by the former Institute of Criminology changed the system concerning the use of the crime register. It was shown that the crime register, actually kept for the benefit of the prosecuting authorities and the courts, had started to provide information on job applicants not only to state authorities, but sometimes even to private companies. This practice was stopped.

A few years ago a law was passed in Finland on compensation to victims of crimes. This law was preceded by research on, among other topics, how much damages are caused by crime. In general the Research Institute has of late been very interested in de-

termining the extent and type of crime damage. This information has been used to change the public's conception of the crime situation which is based primarily on data on the number of crimes.

At the beginning of the 1970's Finland's "yellow press" grew rapidly, and strong demands arose for protecting the individual's right to privacy. A study was carried out by the Research Institute on how members of different professions and social classes were "victimized". The preamble to the Government-bill leading to the new law improving the right to privacy referred to this study.

A few years ago the question arose concerning the utility of supervision of prisoners released on parole. A study was carried out, and on the basis of the results, the Committee on Probation and Parole unanimously proposed that the mandatory supervision of paroled prisoners (which in Finland is carried out in part by the police and in part by a special semi-official association) be terminated and that the resources thus saved be transferred to social services, especially in order to find employment and housing for released prisoners. The proposal was not realized as such, but the parole time was considerably shortened, and the system remains a subject of constant public debate.

In 1971 a Working Party of Cabinet Ministers asked for the expert opinion of the Research Institute as to what to do with "the rising tide of violent crime" depicted by mass media. The Research Institute offered a number of concrete suggestions e.g. efforts to provide the public with more balanced information about crime and its background and efforts to improve the quality of crime statistics. These suggestions were, by and large, accepted.

In the course of the last few years, criminologists have also repeatedly stressed the point that if we want to reduce the harmful consequences of criminality it may be much easier to

control the number of opportunities for crime or change the penal legislation rather than to attempt to "cure" or "change" the offenders. Therefore the Research Institute has e.g. published a report on the extent to which firearms and knives are used in assault. The goal was to have legislation passed prohibiting the possession of such weapons in public places without acceptable reasons. Since then, such legislation has been passed on the possession of knives, and a reform of the Firearms Act is being considered.

Many research reports of the Research Institute which deal with problems of a general nature have indirectly rejected simplistic crime explanations ("the punishments are too lenient" by providing alternative interpretations, and thus counteracted proposals aimed at increasing the level of punishment.

Channels of conveying the research results

Besides planning and carrying out research work the criminologists are continuously participating in the actual modernization of legislation, as members of state committees, in working groups of the legislation department of the Ministry of Justice and as experts used by the law committee of the Finnish Parliament. When we are asked about the impact of this or that research report we frequently refer to this type of involvement. The impact of research cannot be evaluated independently of the impact of the researchers - in particular not in a small country such as Finland, where key decisions may be made within a fairly small group of politicians, administrators and scientific experts interacting with each other.

The Institute is also frequently asked to evaluate Committee reports, law proposals etc. and it responds by offering its expert opinion in a written statement. These statements usually contain both general evaluations of the proposal in question and a number of concrete suggestions related to details (e.g. suggestions on how proposed new sections of the

Penal Code should be worded). The concrete suggestions are, of course, frequently rejected when they do not coincide with the evaluation of the administrative body in question. The objective findings of the Research Institute, dealing with e.g. crime trends, have, however, never been placed in doubt by any authority.

Research reports, text-books and articles written by staff members have influenced the change in crime control ideology during this decade. This change involves rejection of the "rehabilitation ideology" and an emphasis put on "humane deterrence", more lenient punishments etc. The ideological change - which because of the concurrent emphasis on problems of justice and guilt has been characterized as a return to a "neo-classical philosophy of punishment" - is manifested in a large number of reforms or reform proposals. One recent reform was the introduction of sentencing rules in the Penal Code. A recent reform proposal is the report of the Penal Law Reform Committee, in which staff members were actively involved.

Lest this presentation sound too self-satisfied, let me state that Finnish criminologists by no means are unanimously satisfied with the place of expert knowledge in the decision making process. Despite all efforts Finland still has one of the highest prison rates of the countries of Western Europe. Furthermore, the researcher/administrator role-blurring among the most policy-oriented criminologists may well have made them too "realistic" in their policy proposals. I am glad that Finland has been spared the hyperbolic and slogan-ridden criminological rhetoric rampant in some countries. Nevertheless, there is also a place in the criminological community for the visionary who asks for "the impossible".

nor should the instances of moderately successful intervention by Finnish criminologists in the field of criminal policy by any means be explained by some unique and outstanding qualities of the research effort. In those cases where the impact has been great, the main explanation relates to the fact that researchers who were strategically placed from the point of view of influencing opinions used this position at the right time.

Some additional comments

Much social research is worthless for the purpose of practical application because the researcher does not distinguish between the type of task calling for exact measurement and the type of task calling for a broad insight into the problem in all its facets.

In a complex society an otherwise competent researcher who happens to be politically naive cannot be expected to realize what type of knowledge will most likely guide the decision-maker (and the critics) towards more rational decision making.

The utilisation problem should be analyzed as a social process rather than in terms of the impact of single studies. In a small country such as Finland large-scale single studies will not usually provide the decision-makers with the data needed. Researchers who through their own research have become familiar with the problem area will frequently assist decision-making most effectively by offering their expert opinion or by participating in the work of planning bodies rather than by responding "give me £ x 000 and I will carry out a research project to answer your questions".

There are many types of research and researchers and many types of administrative and political problems where research can be utilized. To the extent that both parties learn to fit the right type of research to the right type of utilisation problem in a more flexible and sophisticated manner, the limited resources available can be put to a more economical use.

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