

# Young People's Guide to Finnish Law



## **CRIME AND ITS EFFECTS**

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It is important for everyone to be aware of one's responsibilities and the duties emanating from them and thus to consider in advance the effects and indemnities caused by one's acts, which may even follow one through one's life.

At the various stages in the consideration of a criminal case, it is established whether someone has committed a crime. The criminal procedure includes a preliminary investigation, consideration of charges, a trial, and the enforcement of the punishment.

A crime is an act or neglect that is punishable by law. The prerequisites of punishability are that the offender committed the crime either intentionally or through negligence and was in a state of responsibility at the time of committing the crime, and that there was no legal justification (self-defence or emergency) at hand.

The *intentionality* of the crime means that the person broke the law knowingly and understood the consequences of his or her act. *Negligence* means that the person committed the crime unintentionally, through carelessness. The offender is *responsible* if he or she is able to understand the significance and the consequences of the act.

If the crime is a complainant offence, the police will investigate it only if the victim, that is the complainant, demands punishment to the offender. Complainant offences include petty theft and also petty assault if it is directed at an adult but not if it is a case of domestic violence.





Most crimes are offences subject to public prosecution. Those are crimes that are always investigated by the police, even if the victim did not want the offender punished. For example, aggravated theft, assault, and sexual offences are offences subject to public prosecution. The police will also investigate those offences when the offender is a member of the family.

The offender can be punished only if he or she had turned 15 years old at the time of committing the crime. An underage offender is liable to indemnify the damage he or she has caused. At

adult age, one may have to pay damages for a crime committed as a young person. The liability to indemnify does not depend on whether or not the offender has been sentenced to punishment.

The preliminary investigation of a crime is usually carried out by the police. The crime is entered into the data system of police affairs for a fixed period of time. An underage person who is suspected of a crime in the preliminary investigation is reported to the social welfare authorities, to the Criminal Sanctions Agency, and to the prosecutor. The prosecutor carries out a consideration of charges, and the court imposes a punishment for the act. During the criminal procedure, the Criminal Sanctions Agency is responsible for assessing the sanction and enforcing the sentence.

A criminal case can also be mediated. Mediation is impartial, confidential, voluntary, and free of charge.

#### **THE PROGRESSION AND ENFORCEMENT OF INVESTIGATING A CRIMINAL CASE:**

1. The victim of a crime or another person reports the crime to the police.
2. The police investigate the crime.
3. A crime or dispute can be mediated at the Mediation Office if both parties consent. The act must have been confessed.
4. The criminal case goes from the police to the prosecutor. The prosecutor takes it to court or decides not to press charges. If the prosecutor does not press charges, the victim of the crime can do so him/herself.
5. On request from the prosecutor, the Criminal Sanctions Agency (Assessment Centre/Community Sanctions Office) investigates the matter and provides the court with a report on the preconditions of sentencing the suspect.



6. The court deals with the criminal case in a court session and hands down a judgment on the case.
7. Both the victim and the accused can appeal the judgment if they are not satisfied with it.
8. If the judgment is appealed, the proceedings continue at a higher court. The court decides whether to accept the appeals or not.
9. Prison sentences and community sanctions are enforced by the Criminal Sanctions Agency. The enforcement of fines is taken care of by the Legal Register Centre and the execution authority.
10. The Legal Register Centre is in charge of the criminal records and the judgment record.

### ***REPORT OF AN OFFENCE, ALSO KNOWN AS REQUEST TO INVESTIGATE***

If you have fallen victim to a crime, report it to the police. The report can also be made by another person (e.g., guardian, trustee, or lawyer) on your behalf if you are unable to make it yourself. The report needs to be made as soon as possible, so that the police have a better chance of solving the crime. The report can be made to the police patrol arriving at the scene, by going to the police station, or by phone or e-mail. The request to investigate is entered into the data system of police affairs. A telephone call to the emergency number is not a report of a crime.

If you have been injured in the crime, it is best to see a doctor. A medical certificate will be needed during the criminal process.



When the police are working to solve the crime, they will ask the victim, that is the complainant, whether he or she demands punishment to the offender. In addition, the complainant's potential claims for compensation are also inquired. If the victim says at this stage that he or she demands no punishment or at a later stage withdraws an earlier claim for punishment, he or she loses the right to press charges later on.

## **PRELIMINARY INVESTIGATION**

The police will carry out a preliminary investigation when they have reason to suspect, on account of a reported crime or for other reasons, that a crime has been committed. The police will summon the victim of the crime, when necessary, for interrogation as a complainant and find out whether he or she has any claims concerning the matter. In the interrogation, and in the legal proceedings later on, the complainant is under obligation to tell everything pertinent to the case and to be absolutely truthful.

In the preliminary investigation, the person is interrogated as a suspect when there is reason to suspect that he or she has committed the act, in other words when some fact speaking of his or her guilt is known. Before the interrogation, the police are obliged to tell the suspect what act he or she is suspected of.

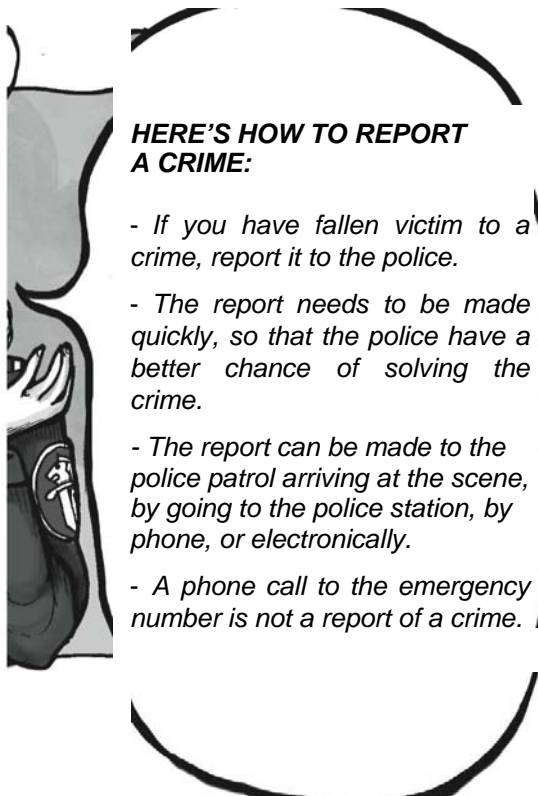
If a person under 18 years of age is suspected of a crime, the police will inform the young person's guardians and the social authorities about it.

When an underage child is questioned, his or her guardians have the right to be present. When questioning a person under 18 years of age, the police must provide an opportunity for a social welfare authority to be represented unless that is clearly unnecessary. The interrogating police officer or the social worker who is present at the preliminary investigation will give further information about the continuation of the criminal process.

When the preliminary investigation has been completed, the police will send the preliminary investigation record to the prosecutor. The police may send the case to mediation if the parties heard in the interrogations have expressed their willingness to enter mediation.

The victim and the suspect have the right to get a free copy of the preliminary investigation record. If the victim does not want the suspect to receive his or her contact information, he or she can prohibit its inclusion in the record. For petty offences and with the consent of the complainant, the police may order the suspect to pay a fine, which the prosecutor confirms.

The coercive measures that the police are allowed to use are prescribed in the Coercive Measures Act. According to the Preliminary Investigation Act, the police may use coercive measures limiting a person's freedom. These measures include capture, arrest, travel ban, and imprisonment.



## CONSIDERATION OF CHARGES

In the consideration of charges, the prosecutor decides whether charges are to be brought. Bringing charges means that the criminal case is taken to court, usually to a district court. Before deciding, the prosecutor may also direct the case to mediation.

If the crime is petty or there is no evidence of it, the prosecutor may decide not to bring charges. Also, if the offender and the victim have been reconciled, the prosecutor may decide not to bring charges. The waiving of charges does not release the suspect from liability for damages. If the victim has stated at the preliminary investigation that he or she demands punishment, he or she may bring charges her/himself even if the prosecutor has decided not to do so.

## ASSESSMENT OF THE SANCTION

The police are obliged to report a crime committed by a young person between ages 15 and 20 to the prosecutor and the Criminal Sanctions Agency and, if the offender is 15-17 years old, to the social welfare authorities. The prosecutor asks the Criminal Sanctions Agency to draw up a sanction report concerning the offender, an enforcement plan for a juvenile punishment, and/or a suitability report for a community service sanction.

In its report, the Criminal Sanctions Agency considers how the choice and the enforcement of the sanction can promote the social coping of the young suspect and prevent him or her from committing crimes.

In the sanction report, the young person's situation in life is clarified and a point of view is expressed about the supervision to be possibly combined with a conditional sentence. The effects of different choices of sanction on the young person's situation are assessed. In connection with clarifying the young suspect's situation, his or her social situation and the causes affecting the commission of the crime are charted, and an assessment is made of the risk of committing a crime and the preconditions for helping the young person to live a life without crime.

The Criminal Sanctions Agency draws up a sanction report (for a 15-20-year-old) and/or an enforcement plan for a juvenile punishment (for a 15-17-

### **CLARIFYING THE SITUATION OF A YOUNG SUSPECT:**

- *The police report the crime committed by a young person aged 15 to 20 to the prosecutor and the Criminal Sanctions Agency and one committed by a young person aged 15 to 17 to the social welfare authorities.*
- *The prosecutor asks the Criminal Sanctions Agency to draw up a sanction report concerning the offender (for a 15-20-year-old), an enforcement plan for a juvenile punishment (for a 15-17-year-old), or a suitability report for a community service sanction.*
- *The Criminal Sanctions Agency draws up its report for the court within 30 days. The purpose of clarifying the young suspect's situation is to chart his or her social situation and the causes affecting the commission of the crime and to assess the risk of committing a crime and the possibilities of lending support to the young person.*
- *In the report it is considered how the choice and the enforcement of the sanction can promote the social coping of the young suspect and prevent him or her from committing new crimes.*

year-old) for the court through networking. The work takes place mainly in cooperation with the young person, his or her guardian, and a social welfare authority. The assessment of the sanction is based on the information obtained from a joint meeting, from interviewing the young person, from hearing the guardian, and from different authorities.

The Criminal Sanctions Agency provides the court with a report on the qualifications of the accused to serve a community service sentence.

If the court deems the accused unqualified for community service, it will not order community service.

In the suitability report, the chances of the accused to serve a community service sentence are assessed. The

Criminal Sanctions Agency assesses the person's suitability for community service before the judgment is handed down. Previous community service sentences or unconditional prison sentences may lead to community service not being ordered.

For the purposes of the suitability report, the suspect is summoned to an interview. In addition, information relevant for the report is obtained from different authorities. The report charts the accused person's situation in life and his or her motivation to do community service. If necessary, support services can be planned to ensure successful community service.

For a supervised conditional sentence, the Criminal Sanctions Agency provides the court with a report and an execution plan.

## ***MEDIATION – WWW.SOVITTELU.FI***

The purpose of mediation is to offer an opportunity for the parties of a crime or dispute to encounter each other and to compensate for the physical, mental and material damages caused by the crime or dispute. Mediation is impartial, confidential, voluntary, and free of charge.

### ***WHAT CRIMES CAN BE MEDIATED?***

The crimes that can be dealt with in mediation include assault, malicious damage, and property offences. Cases are directed to mediation most often directly from the police or the prosecutor, but the parties themselves can also take the initiative for mediation by contacting the mediation office. In cases of domestic violence, the initiative for mediation can be taken by the prosecutor or the police only.

There is a Mediation Initiative Form to be found on the web pages [www.sovittelu.fi](http://www.sovittelu.fi). In their interrogations, the police will ask the parties about their willingness to enter mediation. The initiative for mediation can also be taken by the guardian of an underage person.

### ***PARTICIPATION IN MEDIATION IS VOLUNTARY***

Participation in mediation is voluntary, and the consent to participate can be withdrawn at any stage of the process. Mediation requires the consent of all parties. For an underage party, the consent of the guardian is required. There is no compulsion to arrive at a settlement in the mediation negotiations. If no settlement is reached, the criminal case reverts to the judicial authorities to be heard in court.

***WHAT GOOD IS MEDIATION?***

In mediation the parties can encounter each other in a safe environment and personally affect the outcome of their case. The goal is to reach a mutually satisfactory agreement on compensation for damages and/or other matters to be settled. The reconciliation that is reached may affect the hearing of the case in court.

***THE COURSE OF MEDIATION***

Mediation is guided by trained volunteer mediators, who call the mediation meeting. The guardians are also summoned. If the parties come to an understanding, a written agreement is drawn up between them. The mediators help them to write the agreement. Agreements arising from mediation generally follow established legal practice and judicial principles of fairness in regard to compensating for damages. The police or the prosecutor are informed of the agreement.

Agreements arising from mediation are valid under contract law and can be confirmed, upon request, by a district court, after which they become distrainable.

***MEDIATION OF A COMPLAINANT OFFENCE***

In complainant offences, an agreement reached through mediation terminates the judicial proceedings if the complainant drops his or her summary penal order. Charges are brought only if significant public interest so demands.

***MEDIATION OF AN OFFENCE SUBJECT TO PUBLIC PROSECUTION***

In offences subject to public prosecution it is always the prosecutor who makes the decision about bringing charges. A settlement reached in mediation may be taken into account in the consideration of charges or the imposition of punishment.

***COMPENSATIONS FOR DAMAGES DEALT WITH IN MEDIATION***

In mediation, a settlement can be made concerning compensation for damages caused in a criminal case, such as pain and suffering, medical expenses, torn clothes, or loss of earnings. The most common form of compensation is a payment in money. It is also possible to agree on compensation by work if the damage inflicted can be repaired or the party who has suffered the damage has some other work to offer instead of receiving compensation in money. Other forms of restitution, such as an apology, returning missing possessions, or a promise to behave, can also be written into the agreement between the two parties.

Agreeing on compensation for damages falls within the scope of the general freedom of contract, but the compensation agreed on must be reasonable for both parties. If both parties consent, the compensation can be paid in several instalments. In agreeing on compensations for damages, it is always worth remembering that neither party is permitted to gain economic benefit from crime.



If there are several begetters of the damage, they are all jointly and severally liable for compensation, which means that the injured party can demand the whole amount of compensation from any one of those concerned.

### **AMOUNT OF COMPENSATION**

The compensation to be paid for pain and suffering and other temporary hindrance is determined on the basis of such factors as the quality of the injury, its degree of severity, the sort of treatment it requires, and the duration of the period of convalescence.

The amounts of compensation for damages vary. The compensations for pain and suffering and other temporary hindrance are discretionary and case-specific. More precise information on compensations for damages pertaining to bodily injury can be found (in Finnish) on the web pages of the Ministry of Justice: [www.om.fi](http://www.om.fi) (These are recommendations of the Advisory Board for Matters of Bodily Injury).





### ***INSURANCE COMPANIES' RIGHT TO CLAIM FOR RECOVERY***

If the crime has fallen on insured belongings, such as a car, the insurance company has a legal right to recover the compensation they have paid to the injured party from the begetter of the damage. In that case, the begetter of the damage shall pay the injured party for the deductible and the insurance company for the damages proper. The mediation office can help with the mediation of the compensation with the insurance company.

The Social Insurance Institution of Finland ("Kela") has a similar right to claim for recovery in cases such as an assault after which the victim has been paid a daily sickness allowance.

### ***LEGAL AID***

Legal aid means that to take care of a judicial matter, a person can be granted legal counsel whose fee is paid, entirely or partly, from state funds. Legal aid covers all judicial matters. An adviser trained in law is often needed in a court trial and even in the preliminary investigation of a crime, and also in negotiations for a settlement and in drawing up different documents. It is useful to talk every individual case through with the adviser beforehand, so that all relevant factors are taken into account.

In certain situations, the defendant in a criminal trial is secured a defence attorney whose fee is paid from state funds regardless of the defendant's financial status. The victim of a serious violent or sexual crime can be granted legal counsel whose fee is paid from state funds regardless of the victim's income.

In judicial matters, legal aid is offered by public legal advisers, attorneys, and other lawyers, and in other matters, by public legal advisers. Public legal advisers work at state legal-aid offices.

## *LEGAL PROCEDURE IN CRIMINAL CASES*

In the court session the court determines whether the accused is guilty of a crime or not. The starting point is that a person is innocent until he or she has been found guilty at a court of law. If he or she is found guilty at a district court, he or she is sentenced to a sanction. District court sentences can be appealed to higher courts.

The summons to court is the basis on which the accused can prepare his or her defence. The suspect is served the application for a summons by a process server.

The defendant can be summoned to the court session either personally or at the threat of a decision in his or her absence. The case can be considered and decided regardless of the defendant's absence. If the defendant is summoned to appear at the court session personally at the threat of a fine, he or she must appear at the session to avoid the fine.

Criminal cases are usually tried orally. Written proceedings are an alternative to an oral main hearing. In written proceedings, no main hearing is held if the accused has confessed the act. When the accused consents to written proceedings, he or she relinquishes his or her right to be heard in an oral main hearing. The police will ask the suspect about this matter, and written proceedings are made use of only if he or she consents. In written proceedings, the court decision is given at the office of the district court on the basis of written material.

The oral main hearing consists of preliminary proceedings, presentation of evidence, and final statements. In the preliminary proceedings, the charge plus any associated claims and the grounds for them are presented. Respectively, the accused or his or her counsel give their response and the grounds for it. Next, all relevant evidence is presented. In a criminal case, the burden of proof, or

### **IN THE APPLICATION FOR A SUMMONS, THE FOLLOWING MATTERS ARE PRESENTED:**

- a summary penal order,
- eventual claims arising from a complainant offence,
- description of the act for which punishment is demanded,
- the prosecutor must also declare the appropriate designations for the crime and the points of law that he or she wants to refer to,
- and
- the evidence that the prosecutor intends to refer to.

responsibility for presenting evidence that is sufficient for conviction, falls on the prosecutor.

In their final statements the parties present their opinions on the matter at hand on the basis of the trial materials. After the final statements, the presiding judge asks the parties to leave the courtroom to wait in the waiting room. When the members of the court are considering their judgment, no people who are not part of the composition of the court are allowed to remain in the courtroom.

The court forms its judgment in confidential consultation. A criminal case can be tried in the one-judge composition, the lay member composition, or the three-judge composition.

Upon completion of the consideration, the parties to the case are called back in, and the presiding judge reads the judgment. The district court can deliver judgment

immediately after the court session or announce the date when the judgment is to be given. After the decision has been made, it is proclaimed orally or, in more extensive cases, announced as a so-called in-chambers judgment within two weeks from the main hearing. The judgment makes it clear what facts and circumstances and what judicial reasoning the decision is based on and what stand the court has taken towards the evidence presented.

If you are dissatisfied with the decision of the district court, you can appeal it to a court of appeals. After the judgment has been announced, you have a week's time to declare that you are dissatisfied with it and 30 days' time to draw up a letter of complaint for the district court. In petty crime cases, appealing requires permission for continued consideration granted by the court of appeals.

## ***PUNISHMENTS AND THEIR ENFORCEMENT***

The forms of punishment, in an order of severity, are a petty fine, a day-fine, juvenile punishment, conditional imprisonment, and unconditional imprisonment. In addition to a punishment, the court may order the convicted person to compensate for damages, and after some types of crime, a driving ban may be ordered as a supplementary sanction.

The starting point for the enforcement of the sanction is a valid judgment from the district court that has not been appealed or a judgment given by a court of appeals. An appeal to the supreme court has no effect on the initiation of the enforcement.

The enforcement of punishments and pretrial detentions is the task of the Criminal Sanctions Agency. The goal in the enforcement of sanctions is to advance

the readiness of the convicted persons to live a life without crime.

The enforcement of a prison sentence takes place in a closed or open prison. Community sanctions are enforced in the convicted person's normal environment. There, his or her freedom is limited by the conditions and restrictions placed on the sanction. The enforcement of community sanctions and the assessment tasks associated with them are the responsibility of the Assessment Offices and Community Sanctions Offices of the Criminal Sanctions Agency.

The most common community sanction is community service. Others, intended for young people under 21 years of age, include the juvenile punishment and the supervision of young people convicted to

**THESE ARE THE FORMS OF PUNISHMENT:**

- petty fine (not convertible into a prison sentence),
- fine (day-fine or conditional fine that is convertible into a prison sentence but not if it is imposed by the police),
- juvenile punishment,
- conditional imprisonment (which may be enforced as an unconditional prison sentence if another crime is committed during the probationary period or may have supplementary sanctions annexed to it; for young people, this would mean supervision, community service, and a fine),
- community service (in lieu of imprisonment for under 8 months that is convertible into unconditional imprisonment),
- supervision punishment is a form of punishment in which the offender does not go to prison but has his or her movements monitored by means of electronic monitoring or in other ways, and
- unconditional imprisonment (fixed-period or life).

a conditional punishment or released from prison on parole. The person serving the sanction is under obligation to stay clear of intoxicants,

which can be verified, whenever needed, by means of breathalyser tests, urine and saliva tests, and blood tests.

**THE FINE**

The petty fine is a property punishment that in terms of euros and cents is more lenient than a fixed fine. The petty fine may be imposed as a sanction for crimes subject to public prosecution for which the most severe punishment imposed is a fine or a maximum of six months in prison. A petty fine can be imposed by a police officer, a gamekeeper, a border guard, or a customs officer. Most commonly, a petty fine is imposed for a traffic violation, slight speeding, or violating the law of public order.

The court may impose a fine as a sanction supplementary to conditional imprisonment, so that the convicted person has to pay the fine in addition to serving the conditional prison sentence. A fine is imposed when a conditional sentence is regarded as too lenient a punishment for the crime.

The fine is a property punishment for a crime. It is imposed in terms of day-fines. The more reproachable the act, the greater the number of day-fines imposed. The monetary amount of one day-fine is affected by the income and wealth of the convicted person. The lowest day-fine is 6 euro. The amount of one day-fine is calculated from the net income of the offender (that is, salary minus income tax).

The fine imposed is enforced by the Legal Register Centre. The person sentenced to a fine can pay it with the bank transfer form supplied by the police. Another way of paying without further sanctions is to use the request for payment sent by the Legal Register Centre. If the payment has not been received within 30 days from the request for payment, an application for an execution procedure will be drawn up.

If a fine is not paid by the due date, recovery procedures are started. If the convicted person is found in the procedures to be without means or the recovery attempt comes to nought for other reasons, the fine is converted into a prison sentence. The length of the prison sentence is one day for each three unpaid day-fines.

Petty fines and fines imposed by a police authority are not converted any longer. Default fines and other fines imposed by courts of law can be converted into prison sentences.

Fines are not entered into the criminal records. Instead, they are entered into the register of fines and the data system of police affairs, where the entries are accessible for the next five years. Traffic violation fines are also entered into the driving licence register.

**THE JUVENILE PUNISHMENT**

A juvenile punishment may be imposed on a young offender of 15-17 years of age if a fine is regarded as insufficient and unconditional imprisonment as too severe a punishment. The juvenile punishment can be used to help the young person to cope socially and to keep him or her from committing new crimes. The juvenile punishment is enforced by the Criminal Sanctions Agency.

The decision to order a juvenile punishment is made by a court of law. Instead of a juvenile punishment, the court may also order another punishment. The juvenile punishment may be ordered for a duration of four months to one year.

The enforcement of a juvenile punishment includes meetings that the convicted person is obliged to attend. Such meetings are not allowed to take more than 8 hours a week.



The juvenile punishment consists of supervision, tasks and programmes that promote the convicted person's social capacity, and familiarization with working life and work. In connection with the juvenile punishment, various themes are dealt with according to plan by means of discussions, assignments, and exercises. The work lends the supervisee support in his or her efforts to change. The punishment may include cooperation with both the supervisee's close ones and various authorities.

## IMPRISONMENT

### PRETRIAL DETENTION

Pretrial detention is not a punishment but a coercive measure enforced during the preliminary investigation and the trial. When a person is suspected of a serious crime and the police want to keep the suspect in custody for more than four days, the suspect must be detained under a court order. This is done to safeguard the police investigation or to prevent the suspect from breaking loose. Pretrial detention is enforced by the Criminal Sanctions Agency and the police.

### PRISON SENTENCE

The prison sentence is a deprivation of liberty imposed on a person convicted of a crime. It is ordered as either conditional or unconditional imprisonment. It is only in the case of unconditional imprisonment that the offender goes to prison. The prison sentence is either fixed-term or life. The fixed-term sentence can be 14 days at the minimum and 12 years at the maximum. For a combined punishment, the maximum time is 15 years. In the enforcement of aggregated punishments, the aggregated time must not exceed 20 years.

The supervised parole on which the convict is released at the final stage of his or her prison sentence is similar to a community sanction, for it is enforced out of prison. The parole is supervised by the Criminal Sanctions Agency.



During the supervised parole, the convict has an opportunity to practise living without crime and intoxicants out of prison but under the prison's supervision. The parole can be withdrawn if the person violates its terms.

### *CONDITIONAL IMPRISONMENT*

A prison sentence that is for two years at the most can be imposed as a conditional one. For a supplementary sanction, a fine or, if the conditional imprisonment is longer than one year, 20-90 hours of community service may be ordered. An offender who was under 21 years old at the time of the crime can be sentenced to supervision as a booster to conditional imprisonment. The supervision is arranged by the Criminal Sanctions Agency.

The enforcement of a conditional prison sentence is suspended for a probationary period, which is one year at the least and three years at the most. If the convicted person during the probationary period commits a new crime for which he or she would have to be sentenced to unconditional imprisonment, the law court may order the conditional sentence to be enforced.

### *SUPERVISION OF A YOUNG PERSON SENTENCED TO CONDITIONAL IMPRISONMENT*

The term 'young offender' refers to a person who was 15-20 years old when committing the punishable act. For an offender in this age range, a sanction report is drawn up for the court unless the sanction for the crime is clearly going to be a fine. A person under 18 years of age is sentenced to unconditional imprisonment for weighty reasons only.

An offender who was under 21 years old at the time of the crime can be sentenced to supervision as a booster to conditional imprisonment. Supervision is ordered if it is deemed to help the young person to cope socially and to keep him or her from committing new crimes.

At the beginning of the period of supervision, an assessment is made of the risks, needs, and resources that the supervisee has in his or her current situation in life. On the basis of the assessment, a supervision plan is drawn up, defining the goals and means of the period of supervision.

The supervision period for young people sentenced to conditional imprisonment is one year and three months (15 months). For a reasonable

cause, the supervisor can propose discontinuation of the supervision even earlier. The required supervision meetings and pertinent tasks and programmes are allowed to occupy no more than 12 hours or, for a particular reason, 24 hours a month.

In the supervision meetings, various themes are dealt with according to plan by means of discussions, assignments, and exercises. The supervision lends the supervisee support in his or her efforts to change. The supervision may include cooperation with both the supervisee's close ones and various authorities.

The young person is under obligation to take part in the activities set forth in the supervision plan. If the convicted person dodges a meeting, the law permits the police to come and fetch him or her. Shirking from his or her responsibilities also leads to sanctions varying from an oral reprimand to an extension of the supervision period.

### *COMMUNITY SERVICE*

Community service can be ordered if the sentence for the crime is an 8-month imprisonment at the most, the accused person consents to community service, and he or she is assumed to manage it. Instead of

a prison sentence, the accused person can be sentenced to community service for a minimum of 20 hours and a maximum of 200 hours. Community service can also be ordered as a supplementary



sanction to a conditional prison sentence that exceeds one year. In that case, its maximum length is 90 hours.

In community service, the convict works for the public good in his or her free time. For the enforcement of a community service punishment, a service plan is drawn up, which is confirmed by the Criminal Sanctions Agency. The site of the service is also determined by the Agency.

Community service consists of unpaid work done under supervision and participation in programmed activities.

### *THE SUPERVISION SENTENCE*

The supervision sentence is a form of punishment in which the offender does not go to prison but his or her movements are monitored by means of electronic localization or in other ways. A supervision sentence can be ordered to replace an unconditional prison sentence of 6 months maximum.

The person sentenced to supervision must adhere to the daily routine and the restrictions of movement imposed on him or her. The punishment may also include work, training, rehabilitation, or capacity-improving activities. The convicted person is under obligation to stay in his or her residence whenever he or she does not have a predetermined cause to leave it. He or she is also required to observe total abstinence from intoxicants, and that is controlled by means of tests.

### *THE PAROLE*

Releasing a person on parole means allowing a prisoner sentenced to unconditional imprisonment to serve the remainder of his or her sentence in freedom. A specified share of the sentence is served in prison and the

The work is done according to a schedule in spells of 3-4 hours at a time, usually twice a week. The maximum allotment for support measures is 30 hours.

Community service is carried out in a regular work community appointed for a service site. These include municipalities, foundations, parishes, non-profit associations, and nursing homes.

A violation of the service plan leads to a punishment. A service breach or a new crime can change community service into imprisonment.

A technical monitoring device is fastened on the convicted person, and an officer of the Criminal Sanctions Agency maintains contact with him or her and the site of operation assigned to him or her. In addition, unannounced inspection visits are made to the convict's residence so as to monitor his or her staying in and abstaining from intoxicants.

If the convicted person does not begin to serve his or her supervision sentence, shirks from the responsibilities pertaining to its enforcement, interrupts it, or commits a crime for which the punishment is more severe than a fine, or grossly violates his or her obligations, his or her case is passed on for a court of law to resolve.

rest in freedom, either under supervision or without supervision.

The prisoner released on parole is sentenced to supervision if the remainder of his or her prison sentence is longer than one year,



if the crime was committed at an age younger than twenty years, or if the prisoner him/herself requests it.

The supervision is arranged and carried out by the Criminal Sanctions Agency. The supervisor is an officer of the Criminal Sanctions Agency working at the Community Sanctions Office. To help him or her, an assistant supervisor may be appointed.

The goal of the supervision is to prevent repeated offences by boosting the released person's capabilities of living a life without crime. For this purpose, a personal supervision plan is drawn up collaboratively with him or her, with the aim of helping him or her to cope socially.

The supervision lasts for a probationary period, which is three years at the most. For a reasonable cause, the supervisor can propose an earlier termination of the supervision. The time spent on supervision meetings and associated tasks and programmes must not be more than 12 hours a month.

### ***COMPENSATION FOR DAMAGES***

The court can order the offender to compensate for damages. Compensations are paid mainly for personal injuries, such as costs of medical treatment

and pain and suffering, permanent handicap and mental suffering, and material damage.

Primarily, the convicted person is to agree with the injured party on the paying of the compensations ordered by the court on his or her own initiative. The injured party can entrust the recovery of the compensation to an execution officer. In that case, he or she needs to deliver a copy of the court order, obtainable from the court office free of charge, and a petition for recovery proceedings to the execution office, which can also be consulted for further instructions on petitioning for compensation.

The victim is entitled to compensation from state funds for damages caused by a crime. Compensation from the state is granted if the victim has demanded compensation from the offender in court or if the prosecutor has not brought charges after the preliminary investigation. The right to compensation from state funds is secondary. If the crime has not been solved or the offender has not been caught, the state may pay compensation for damages without a court order.

Compensations may be received from the State Treasury, an insurance company, or the Social Insurance Institution ("Kela"). The prospects of getting compensations vary, so that they have to be determined case by case. Applications for compensation from state funds are to be sent to the State Treasury. Enclosed with the application there must be the court decision, the police investigation record or another trustworthy account of the course of events and the magnitude of the damages, and medical reports and receipts.

### ***DEBT RECOVERY PROCEEDINGS***

Recovery proceedings are a way of enforcing of a defaulted obligation. Usually it is a case of recovering a money claim. In a trial, the court ascertains the validity of the creditor's claim and imposes the obligation to pay on the debtor. If the court decision is not obeyed voluntarily, it is carried into effect through recovery proceedings.

Certain receivables, such as taxes and some insurance premiums, can be collected without a court decision. Further, penal money sanctions, such as fines and petty fines, are also collected through recovery proceedings.

The means of collecting used in recovery proceedings include sending a request to pay and foreclosing on wages and property. The intention of execution authorities is that the debtor should pay his or her debt voluntarily after receiving a request to pay. If no payment is received, they resort to means such as a foreclosure of wages or property.

### ***THE CRIMINAL RECORDS***

The criminal records are a register maintained by the Legal Register Centre, which is responsible for enforcing fines and petty fines, collecting compensations and receivables that have been ordered to be paid to the state, and collecting various administrative fees. Its

***AN ENTRY IS MADE INTO THE CRIMINAL RECORDS WHEN A PERSON IS SENTENCED TO –***

- unconditional or conditional imprisonment,
- paying a fine, doing community service, or being placed under supervision as a sanction supplementary to conditional imprisonment
- community service instead of unconditional imprisonment,
- a juvenile punishment or a fine instead of a juvenile punishment,
- removal from office, or
- waiving of sentence on the grounds of criminal unaccountability.

***THE DATA ON A PERSON ARE DELETED FROM THE RECORDS AFTER DIFFERENT TIME PERIODS ACCORDING TO THE SEVERITY OF THE PUNISHMENT AS FOLLOWS:******AFTER 5 YEARS FROM THE DATE A LEGALLY VALID JUDGMENT WAS ISSUED, THE FOLLOWING DATA ARE DELETED:***

- conditional imprisonment,
- a fine, community service, or supervision imposed as sanctions supplementary to conditional imprisonment,
- a juvenile punishment and a fine imposed instead of it,
- removal from office, and
- a fine imposed on a corporation

***AFTER 10 YEARS FROM THE DATE A LEGALLY VALID JUDGMENT WAS ISSUED, THE FOLLOWING DATA ARE DELETED:***

- unconditional imprisonment for not more than two years, and
- community service imposed instead of unconditional imprisonment

***AFTER 20 YEARS FROM THE DATE A LEGALLY VALID JUDGMENT WAS ISSUED, THE FOLLOWING DATA ARE DELETED:***

- imprisonment for over two but not more than five years, and
- waiving of sentence on the grounds of criminal unaccountability

***AFTER THE PERSON HAS DECEASED OR TURNED 90, THE FOLLOWING DATA ARE DELETED:***

- imprisonment for over five years. Then, at the latest, all remaining entries on the person are also deleted.

duties also include collecting receivables for damage caused by crime and the enforcement of the conversion of unpaid fines into imprisonment. The Legal Register Centre maintains registers (such as the criminal records and the register of fines) for judicial administration and is responsible for submitting data contained therein.

In the criminal records, data on those sentenced to imprisonment are entered. Data from the records can also be submitted for the purposes of clarification and assessment of a person's trustworthiness or personal aptitude. An entry in the criminal records or the data system of police affairs may hinder one's admittance to some places of study or work. Notwithstanding confidentiality, everyone is entitled to inspect the personal data on him or her in the criminal records.

**PUHEKUPLAN TEKSTI: WHAT ARE YOUR HOPES FOR THE FUTURE?**



## *VICTIM SUPPORT*

Victim Support Finland is there to help you in problem situations when you or a close one have fallen victim to a crime or an attempt to commit a crime or have become a witness to a crime. Victim Support Finland offers information and advice and an opportunity to speak to a person who understands what it's all about.

If the victim of a crime so desires, he or she can request a person to help and support him or her at the various stages of the court proceedings. Support persons are also obtainable from Victim Support Finland. The support person does not give legal advice but gives crime victims and their close ones mental support.

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