

**Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

**Remand Imprisonment Act**

*(768/2005; amendments up to 223/2022 included)*

## **PART I**

### **GENERAL PROVISIONS**

#### **Chapter 1**

##### **General principles for the enforcement of remand imprisonment**

#### **Section 1**

##### **Scope of application**

This Act applies to the enforcement of remand imprisonment.

The provisions of chapter 2, section 1, subsection 2 and section 3, subsection 4; chapter 4, section 1, subsection 3; chapter 8, sections 6, 7a and 7b; and chapter 9, sections 4, 10 and 14 of this Act apply to a remand prisoner who is simultaneously serving a sentence of imprisonment or a conversion sentence for unpaid fines. The provisions of chapter 4 of the Coercive Measures Act (806/2011) on the restriction of communications and chapter 2c, section 5 of the Criminal Code (39/1889) on determining the time for conditional release also apply to such a prisoner. In other respects, the provisions of the Imprisonment Act (767/2005) concerning a prisoner apply to a remand prisoner referred to in this subsection. (394/2015)

This Act also applies to the treatment of persons who have been deprived of their liberty under some other act and are kept in prison, unless otherwise provided elsewhere by law.

Separate provisions are issued on the enforcement of remand imprisonment in police custody facilities. Provisions on the enforcement of remand imprisonment while a remand prisoner is undergoing a mental examination are also laid down in the Mental Health Act (1116/1990).

In addition to this Act, provisions on the foundations of good administration to be observed in the treatment of remand prisoners and on the procedure to be applied in administrative matters are laid down in the Administrative Procedure Act (434/2003). (1303/2021)

## **Section 2**

### **Termination of remand imprisonment**

A person remanded for an offence is a remand prisoner until the day on which the judgment of a district court becomes final or on which the judgment of a court of appeal is issued or pronounced and the prison has notified the remand prisoner of this.

A remand prisoner may, however, consent to the enforcement and abide by the judgment in compliance with the provisions concerning a sentenced person who is on remand laid down in chapter 2, section 2 of the Imprisonment Act.

If the court decides to release a remand prisoner, he or she is entitled to receive reimbursement for travel costs to his or her home or place of residence located within the territory of Finland from state funds. With the consent of the remand prisoner, he or she may be transported to the prison to collect his or her property located there. (394/2015)

## **Section 3**

### **Purpose of remand imprisonment**

The purpose of remand imprisonment is to secure a criminal investigation, court proceedings and enforcement of a sentence and to prevent the remanded person from continuing criminal activities.

## **Section 4**

### **Requirements set for the enforcement of remand imprisonment**

Pursuant to the provisions of this Act, the rights of a remand prisoner must not be restricted more than what is necessary to secure the purpose and security of remand imprisonment and to maintain prison order.

## **Section 5**

### **Treatment of remand prisoners**

Remand prisoners shall be treated with justice and respect for their human dignity.

Remand prisoners must not be discriminated against, without an acceptable reason, on the basis of their gender, age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation, or other personal characteristics. (1303/2021)

When enforcing remand imprisonment of juveniles who have committed their offence when under 21 years of age, special attention shall be paid to the needs arising from the age and stage of development of the prisoner.

## **Section 6 (1303/2021)**

*Section 6 was repealed by Act 1303/2021.*

## **Section 7 (223/2022)**

### **Matters to be decided by the Director of the Core Operations Department of the Prison and Probation Service**

Notwithstanding the provisions of this Act, the Director of the Core Operations Department of the Prison and Probation Service may, in an individual case, decide a matter falling under the power of decision of a public official of the Prison and Probation Service that concerns the placement, transfer and prison leave of a remand prisoner, if there is reason to suspect that the prisoner participates in the activities of an organised criminal group, will continue criminal activities during imprisonment or endanger prison safety and security, or if this is justified in order to protect the safety of the prisoner.

## **Section 8 (394/2015)**

### **Reference provision**

Separate provisions are issued on the processing of personal data related to the enforcement of sentences.

## **PART II**

### **COMMENCEMENT OF REMAND IMPRISONMENT**

#### **Chapter 2**

##### **Arrival at prison**

#### **Section 1**

##### **Placement of remand prisoners**

A person remanded due to an offence shall, without delay, be taken to a prison functioning as a remand prison closest to the court considering the charges or, for special reasons, to another prison functioning as a remand prison.

Remand prisoners must not be placed in open prisons.

The court deciding on the remand may, upon proposal of the prosecutor or a public official with the power of arrest referred to in chapter 2, section 9 of the Coercive Measures Act, decide that a remand prisoner is placed in a custody facility for remand prisoners maintained by the police, if this is necessary in order to keep the remand prisoner separate, for safety reasons, or to investigate the offence. A remand prisoner must not, in any case, be kept in a police custody facility for more than seven days, unless there are very serious reasons for this that relate to the safety of the remand prisoner or the criminal investigation of the offence, or that arise from a risk referred to in chapter 2, section 5, subsection 1, paragraph 2b of the Coercive Measures Act and require that the person be kept separate. (103/2018)

If a remand prisoner is placed in a custody facility maintained by the police, the placement and the grounds for it shall be considered by a court, together with the remand matter, in a new remand hearing referred to in chapter 3, section 15 of the Coercive Measures Act. The remand prisoner may also refer the question of his or her placement in the police custody facility to court for reconsideration separately. The public official with the power of arrest or the prosecutor shall refer the matter to court for consideration, if the remand prisoner is to be kept in the custody facility for more than seven days. The procedure laid down in chapter 3, section 15, subsections 1, 3 and 4 of the Coercive Measures Act shall be complied with when a remand prisoner separately refers the matter to court for reconsideration and when the prosecutor or the public official with the power of

arrest refers the matter to court for consideration in cases where the remand prisoner is to be kept in the custody facility for more than seven days. (103/2018)

## **Section 2 (15/2016)**

### **Admission to prison**

The admission of a remand prisoner to prison is based on a remand warrant issued by a court. Where necessary, provisions on the court's obligation to give notice of a remand warrant by entering information on it in the decision notification system of the national information system of the judicial administration or by submitting the information to the Legal Register Centre to be forwarded to the Prison and Probation Service may be issued by decree of the Ministry of Justice.

The court shall notify the Prison and Probation Service of a request made by an injured party, referred to in chapter 4, section 19 of the Criminal Investigation Act (805/2011), by entering information about the request in the decision notification system of the national information system of the judicial administration or by submitting the information to the Legal Register Centre to be forwarded to the Prison and Probation Service.

The provisions laid down in and under the Act on the National Information System of the Judicial Administration (372/2010) apply to the procedure for making an entry and submitting the information referred to in subsections 1 and 2.

A remand prisoner shall be given an opportunity to inform his or her close relative or other close person of his or her admission to prison.

Information on the admission of a remand prisoner to prison shall be entered in the prison and probation register referred to in the Act on the Processing of Personal Data at the Prison and Probation Service (1301/2021). (1303/2021)

*The Act on the National Information System of the Judicial Administration (372/2010) was repealed by the Act on the National Data Repository of the Judicial Administration (955/2020).*

### **Section 3**

#### **Information about provisions and prison conditions**

When a remand prisoner arrives at prison, he or she shall, without delay, be informed about the prison conditions and the rights and obligations of remand prisoners. The information shall be available in the most commonly used languages in accordance with the needs of the remand prisoners in the prison.

A foreign remand prisoner shall be informed of his or her possibilities to contact the diplomatic mission of his or her home country in accordance with chapter 9, section 12. A foreign remand prisoner shall be provided with interpretation services, where possible. A prisoner using sign language or requiring interpretation services due to a disability shall be provided with the necessary interpretation and translation services. (1071/2015)

A collection of the acts, decrees and other statutes concerning remand prisoners shall be kept available to the remand prisoners. A list indicating the authorities supervising the prison and the activities of its staff and the bodies supervising the implementation of human rights with which remand prisoners have the right to lodge an appeal or file a complaint under international treaties shall also be kept available to the remand prisoners. (291/2021)

Remand prisoners have the right to have a written notice of their rights, issued under chapter 4, section 17 of the Criminal Investigation Act (805/2011), in their possession during the entire time they are being deprived of their liberty. (820/2014)

Remand prisoners under 18 years of age shall be provided with the information referred to in subsection 1 in writing in their own language, if this language is Finnish or Swedish, and in other cases in a language that they understand. Provisions on the use of the Sámi language are laid down in the Sámi Language Act (1086/2003).

### **Section 4 (1303/2021)**

#### **Arrival check**

A remand prisoner arriving at prison shall be checked in the presence of a witness (*arrival check*). In the arrival check, the remand prisoner's identity is verified and registered, his or her personal identifying characteristics are recorded, the property brought by the remand prisoner is inventoried

and inspected and, where necessary, the remand prisoner's clothes are changed. Provisions on drawing up an inventory of property are laid down in chapter 5, section 2. Provisions on conducting a security check are laid down in chapter 11, section 3 and provisions on conducting a non-intimate body search are laid down in section 4.

The Prison and Probation Service is allowed to record the remand prisoner's personal identifying characteristics referred to in the Coercive Measures Act.

### **Section 5 (90/2010)**

#### **Placement of a remand prisoner's child in prison**

Provisions on the placement of a remand prisoner's child in prison and the arrangements concerning the child's care are laid down in the Child Welfare Act (417/2007).

### **Section 5a (291/2021)**

#### **Warrant of apprehension**

The Prison and Probation Service may issue a warrant of apprehension on a remand prisoner for the purpose of continuing the enforcement of remand imprisonment, if the remand prisoner:

- 1) escapes or without authorisation leaves the prison or a treatment facility referred to in chapter 6, section 2 or 3;
- 2) has been outside the prison on leave granted under chapter 9, section 14 and does not return to the prison at the time determined in the leave conditions or otherwise violates the leave conditions.

### **Section 5b (223/2022)**

#### **Power of decision**

A public official in charge of enforcement or another public official of the Enforcement Unit specified in the rules of procedure of the Prison and Probation Service decides on the issue of a warrant of apprehension on a remand prisoner and its revocation.

## **Section 6**

### **Further provisions and regulations (223/2022)**

Further provisions on the registration of an arrival check are issued by government decree. Further provisions on the prisons functioning as remand prisons are issued by decree of the Ministry of Justice.

Further regulations on the arrival check are issued by the Prison and Probation Service. (223/2022)

## **Chapter 3**

### **Placement in prison, basic care and transfer**

#### **Section 1**

##### **Placement in prison**

Remand prisoners shall be placed in a different prison or in a different ward than prisoners serving a sentence. This requirement may, however, be derogated from if a remand prisoner so requests for the purpose of participating in activities, or if this is necessary to avert a threat to the safety of prisoners, remand prisoners or prison staff, or if this is otherwise temporarily necessary to maintain prison order in an exceptional situation. A remand prisoner may also be placed in a contract ward referred to in section 2a, if he or she so requests. A remand prisoner waiting for the judgment of a court of appeal may, with the consent of the remand prisoner in question, be placed in the same ward as prisoners serving a sentence, if this does not endanger the purpose of remand imprisonment. (394/2015)

A remand prisoner under 18 years of age shall be kept separate from adult remand prisoners unless it is in his or her best interests to act otherwise.

A remand prisoner who attains the age of 18 years while on remand may still be kept separate from other adult remand prisoners, if this is justified considering his or her personal circumstances. A remand prisoner who has attained the age of 18 may be kept in the same premises with a remand prisoner under 18 years of age only if this is not against the best interests of the remand prisoner under 18 years of age. (326/2019)

Men and women shall be housed in separate accommodation wards.

## **Section 2 (394/2015)**

### **Placement in accommodation**

A remand prisoner shall, where possible, be placed in a single room. A remand prisoner must not be placed in the same room with another remand prisoner, if this endangers the purpose of remand imprisonment or prison order.

A remand prisoner shall be given an opportunity to be accommodated separate from other remand prisoners, in full or in part, if he or she has reasonable grounds to believe that his or her personal safety is at risk.

The rights of a person placed in separate accommodation at his or her own request must not be restricted more than what is necessary due to the separate accommodation. The grounds for the separate accommodation shall be taken up for reconsideration at least every four months.

## **Section 2a (394/2015)**

### **Contract ward**

A remand prisoner may be given an opportunity to be accommodated in a ward where the prisoners are committed to the activities arranged for the prisoners placed in the ward and to the substance control as provided in chapter 11, section 7, unless the remand prisoner's communications have been restricted under chapter 4 of the Coercive Measures Act.

## **Section 3 (1303/2021)**

### **Clothing**

Remand prisoners are allowed to wear their own clothes.

A prerequisite for giving own clothes into the possession of a remand prisoner is that the clothes are in good condition and they can be reliably inspected without damaging the clothes. The possession of own clothes may be denied, if the clothes could compromise prison order or prison safety and security or if the use of the clothes would make it difficult to identify the prisoner. The number of clothes given into the possession of a remand prisoner may be restricted for reasons related to the possibilities to inspect the accommodation premises, fire safety and limited capacity of storage facilities.

A remand prisoner's use of own clothes may also be restricted if this is necessary for a reason related to occupational safety. A remand prisoner who is not allowed to wear his or her own clothes at work or who needs protective clothing due to the nature of the work shall be supplied with suitable clothing.

Remand prisoners who do not have appropriate own clothing shall be supplied with suitable clothing to be worn in prison and when appearing in court and leaving prison for some other reason.

### **Section 3a (1303/2021)**

#### **Maintenance of clothes**

Remand prisoners are responsible for maintaining their own clothes. Remand prisoners shall keep the clothes provided by the prison in appropriate condition.

The prison shall provide remand prisoners with a possibility to launder their own clothes, to have them laundered in the prison or, at the expense of the prisoner, to have them sent by the prison to be laundered outside the prison.

### **Section 3b (1303/2021)**

#### **Cleaning**

In their free time, remand prisoners shall clean their rooms and the common living areas and participate in other household chores.

### **Section 4**

#### **Catering**

Catering shall be arranged for remand prisoners so that they receive healthy, diverse and adequate nutrition.

Exceptions to the basic diet can be made, if this is justified due to the health of a remand prisoner or a religious or other well-founded conviction of a remand prisoner.

## **Section 5**

### **Outdoor exercise**

Remand prisoners shall be given an opportunity to exercise outdoors for at least one hour a day unless the health of a remand prisoner or a very serious reason relating to prison order or prison safety and security prevents this.

## **Section 5a (394/2015)**

### **Prohibition of smoking**

Smoking may be prohibited in the accommodation premises of remand prisoners. If smoking is prohibited in the accommodation premises of remand prisoners, an opportunity for smoking in a specific smoking room or elsewhere shall be provided.

## **Section 6**

### **Transfer of a remand prisoner**

A remand prisoner may be transferred to another prison if there is a justified reason for this and if it can be assumed that the remand prisoner will adapt to the conditions of the other prison.

A remand prisoner shall be transferred to another prison if so required by the purpose of remand imprisonment, the safety of the remand prisoner or some other person, the occupancy rate of the prison, or another corresponding reason. A remand prisoner may only be transferred for the purpose of balancing out the occupancy rates of prisons if there are serious reasons for this.

*Subsection 3 was repealed by Act 223/2022.*

## **Section 6a (394/2015)**

### **Temporary transfer of a remand prisoner to another prison**

A remand prisoner may be transferred temporarily to another prison, if this is justified in order to arrange a visit or prison leave referred to in chapter 9, section 14 or for another corresponding reason.

## **Section 7**

### **Notification of transfer**

Upon arrival at another prison, a remand prisoner shall, without delay, be given an opportunity to inform his or her close relative or other close person of the transfer.

## **Section 8**

### **Presence in court and before other authorities**

When summoned, a remand prisoner shall be brought before a court as separately provided.

If a remand prisoner placed in a prison is summoned to be heard personally before an authority other than a court, the remand prisoner may, for this reason, be released outside the prison for the time required by the hearing. This period must not exceed seven days, travel time included, unless there are very serious reasons for this arising from the grounds for hearing or other corresponding grounds. A remand prisoner may be transferred to a custody facility maintained by the police in order to be heard in a criminal investigation concerning the offence or offences for which he or she has been remanded. A remand prisoner must not, however, be kept in the police facility for more than 12 hours, unless the court considering the charges orders otherwise.

(103/2018)

Sufficient supervision shall be arranged for a remand prisoner spending time outside prison for a reason referred to in this section.

## **Section 9 (223/2022)**

### **Power of decision**

A decision to deny outdoor exercise from a remand prisoner is made by the head of prison or a public official in charge of security specified in the rules of procedure of the prison and probation centre. A decision to deny possession of own clothes from a remand prisoner under section 3, subsection 2 is made by a public official in charge of security or a public official in a senior guidance or supervisory position specified in the rules of procedure of the prison and probation centre. A decision to restrict the use of own clothes under section 3, subsection 3 is made by the head of prison. A public official performing guidance or supervisory tasks may give such own clothes into the possession of a prisoner whose possession is permissible in the prison. A public

official in charge of activities or security specified in the rules of procedure of the prison and probation centre decides on exceptions to be made to the basic diet.

A decision on the placement of a remand prisoner in a contract ward and in separate accommodation at the prisoner's own request is made by a public official in charge of activities or security or a public official in a senior guidance or supervisory position specified in the rules of procedure of the prison and probation centre. A decision on the transfer of a remand prisoner is made by the Head of the Client Assessment Unit or another public official of the Client Assessment Unit specified in the rules of procedure of the Prison and Probation Service. A decision on a temporary transfer of a remand prisoner to another prison, referred to in section 6a, is made by the head of the receiving prison or a public official in charge of security specified in the rules of procedure of the prison and probation centre after consulting the head of the placement prison.

The head of prison or a public official in charge of security or activities specified in the rules of procedure of the prison and probation centre decides on the release of a remand prisoner outside prison referred to in section 8. If the period to be spent outside prison lasts longer than seven days, the Head of the Client Assessment Unit decides on the matter.

## **Section 10 (394/2015)**

### **Further provisions and regulations**

Further provisions on the procedure for the transfer of remand prisoners are issued by government decree.

Further regulations on the transfer of remand prisoners, catering arrangements, basic care, accommodation, smoking arrangements, and possession of lighting devices are issued by the Prison and Probation Service. (223/2022)

## **PART III**

### **CONTENTS OF THE ENFORCEMENT OF REMAND IMPRISONMENT**

#### **Chapter 4**

##### **Activities**

###### **Section 1**

###### **Participation in activities**

Remand prisoners are not obliged to participate in activities organised or approved by the prison. If a remand prisoner wishes to participate in the activities, an opportunity for this shall, where possible, be given.

If a remand prisoner participates in the activities, the grounds for an activity allowance shall be agreed upon prior to the commencement of the activity. A separate decision is made on the participation in the activity.

A remand prisoner must not be given permission to carry out civilian work referred to in chapter 8, section 6 of the Imprisonment Act or study permission or permission for supervised activities outside prison referred to in section 9 of the same chapter. A remand prisoner must not be placed in an outside institution referred to in the last mentioned section.

###### **Section 2**

###### **Own work**

A remand prisoner may be given permission in prison to carry out, on his or her own account, such acceptable work that is suitable to be carried out in prison (*own work*).

The prisoner may be allowed to use tools of the prison for his or her own work free of charge, provided that this does not disturb prison order, prison safety and security or the arrangement of activities, or endanger the purpose of remand imprisonment.

Permission for own work may be revoked if the prerequisites referred to in subsection 1 are no longer met or if the performance of own work endangers prison order or prison safety and security.

### **Section 3**

#### **Preparation for the term of sentence**

With the consent of a remand prisoner, the preparation of a sentence plan referred to in chapter 4, section 6 of the Imprisonment Act, concerning the term of sentence and conditional release, may be initiated already during the remand imprisonment.

### **Section 4 (223/2022)**

#### **Power of decision**

The head of prison or a public official in charge of activities or a public official in a senior guidance or supervisory position specified in the rules of procedure of the prison and probation centre decides on the participation of a remand prisoner in activities and own work referred to in section 2.

## **Chapter 5**

### **Property and income of remand prisoners**

#### **Section 1**

##### **Possession of property**

Remand prisoners are allowed to have a reasonable amount of private property in their possession when in prison. The possession of an object or substance may be denied, if:

- 1) the object or substance poses a threat to the safety of a person;
- 2) the object or substance is particularly suited for damaging property;
- 3) the possession of the object or substance is, when taking into consideration the conditions and level of supervision in the prison or a prison ward, detrimental to general prison order;
- 4) the object or substance cannot be inspected without unreasonable difficulty or without damaging it;
- 5) the object or substance is used as a means of commission of an offence or there are reasonable grounds to suspect that it will be used as such;
- 6) the prison has acquired a corresponding object for remand prisoners' use.

(394/2015)

Remand prisoners are not allowed to have alcohol, other intoxicating substances, doping substances referred to in chapter 44, section 16 of the Criminal Code, or objects intended for narcotics use in their possession. Remand prisoners are not allowed to have any property that they have received from another remand prisoner in their possession without permission of the Prison and Probation Service. (223/2022)

Any other property that a remand prisoner has with him or her upon entering prison or that he or she receives during remand imprisonment may be placed in storage in the prison until the release of the prisoner, if this is possible in view of the storage facilities of the prison.

If the property cannot be stored by the prison, it shall be returned or sent to a place specified by the remand prisoner at his or her expense. Spoiled goods may be destroyed in the presence of a witness. Provisions on the destruction of alcoholic beverages and other alcoholic substances are laid down in section 86 of the Alcohol Act (1102/2017). Provisions on the delivery of drugs for destruction are laid down in section 44 of the Narcotics Act (373/2008). (1109/2017)

The Lost Property Act (778/1988) applies to goods without an owner.

## **Section 2 (394/2015)**

### **Inventory of property**

An inventory shall be drawn up of the property of a remand prisoner admitted to prison. Property of minor value is not entered into the inventory, unless the remand prisoner separately requests it. The remand prisoner shall sign the inventory of property. If the remand prisoner does not sign the inventory, two public officials of the Prison and Probation Service shall attest to the correctness of the inventory.

If property listed in the inventory is given into the possession of a remand prisoner, information about this shall be entered into the inventory. The remand prisoner shall be given a copy of the inventory, if he or she so requests.

Property that a remand prisoner has received without permission of a public official of the Prison and Probation Service and which has been entered into the inventory of another prisoner may be taken away from the remand prisoner.

### **Section 3**

#### **Possession of money and other means of payment**

Remand prisoners do not have the right to have money or other means of payment referred to in chapter 37, section 12 of the Criminal Code in their possession. However, each remand prisoner is issued with a payment card approved by the Prison and Probation Service. Any money and other means of payment in the possession of a remand prisoner are stored by the prison, deposited on the payment card approved by the Prison and Prison and Probation Service or deposited on the remand prisoner's bank account at his or her expense. (291/2021)

Remand prisoners shall be provided with a monthly statement on their monetary assets.

### **Section 3a (291/2021)**

#### **Supervision of the use of a payment card**

The use of a payment card approved by the Prison and Probation Service, issued to a remand prisoner, may be supervised for the purpose of detecting payment transactions that deviate from ordinary payment transactions so that the supervision is solely targeted at the number and value of payment transactions.

If, in the course of supervision referred to in subsection 1, payment transactions deviating from ordinary payment transactions are detected or if this is necessary for a reason discovered in connection with other activities of the Prison and Probation Service or based on information received from another authority, the use of a remand prisoner's payment card may be supervised, pursuant to a case-specific decision, so that supervision is targeted at the account information related to the payment card. A further prerequisite is that this is necessary to prevent an offence, avert a threat to prison order, or to protect the safety of the remand prisoner or some other person. The decision may be made for a maximum period of one month at a time.

### **Section 4**

#### **Use of money and other means of payment**

A prison shall provide remand prisoners with a possibility to procure foodstuffs and other goods suitable for personal use.

Remand prisoners may, at their own expense, procure from outside prison such utility articles and supplies, the possession of which is permissible in the prison under section 1, subsections 1–2.

The right of a remand prisoner to spend money or use other means of payment received from outside prison may be restricted, if this is necessary to secure the purpose of remand imprisonment or prison order or to protect the safety of the prisoner or some other person.

For justifiable reasons, remand prisoners may remit money and other means of payment outside prison or to another prisoner with the assistance of the prison.

## **Section 5**

### **Notification concerning management of property**

If a remand prisoner cannot manage his or her property located elsewhere, the authority referred to in the Guardianship Services Act (442/1999) shall be notified of the matter.

## **Section 6**

### **Return of property**

When a remand prisoner is released from prison, his or her money, other means of payment and property shall be returned to him or her against a signature of the inventory of property. Any monetary assets on the remand prisoner's payment card are deposited on a bank account specified by the prisoner. If depositing the assets on a bank account is not possible, they are given to the remand prisoner in cash or in some other appropriate manner. If the remand prisoner does not sign the inventory of property, two public officials of the Prison and Probation Service shall attest to the correctness of the inventory. (384/2017)

Any property left in prison is sent to the released person at his or her expense. If a released person does not collect his or her property, the property may be destroyed after three months from the date on which the property was returned to prison. If the released person cannot be reached, the property may be destroyed after three months from the release of the remand prisoner.

## **Section 7 (384/2017)**

### **Expense allowance and activity allowance**

Remand prisoners are paid an expense allowance for the duration of the enforcement of remand imprisonment. In addition to the expense allowance, remand prisoners who participate in work, studies or some other activity organised or approved by prison are paid an activity allowance. The provisions of chapter 9, sections 6, 8 and 8a of the Imprisonment Act concerning activity allowance also apply to the activity allowance referred to in this Act.

## **Section 8 (1303/2021)**

### **Power of decision**

A public official in a senior guidance or supervisory position makes the decision not to give property into the possession of a remand prisoner. A public official performing guidance or supervisory tasks may give such objects and substances into the possession of a remand prisoner whose possession is permissible in prison.

The head of prison or a public official in charge of security specified in the rules of procedure of the prison and probation centre decides on the restriction of the use of money or other means of payment referred to in section 4, subsection 3 and on the remittance of money or other means of payment outside prison or to another prisoner as referred to in section 4, subsection 4. The head of prison or a public official in charge of activities or a public official in a senior guidance or supervisory position specified in the rules of procedure of the prison and probation centre decides on the payment of expense allowance and activity allowance. (223/2022)

A public official in charge of security or a public official in a senior guidance or supervisory position specified in the rules of procedure of the prison and probation centre decides on the supervision of the use of a payment card approved by the Prison and Probation Service referred to in section 3a, subsection 2. (223/2022)

## **Section 9 (394/2015)**

### **Further provisions and regulations**

Further provisions on the property in the possession of remand prisoners and on the use of money and other means of payment are issued by government decree.

The Prison and Probation Service issues further regulations on:

- 1) the features, issuing, storage and use of the payment card issued to remand prisoners;
- 2) the storage, sending and destruction of property;
- 3) the inventory of property and the property to be entered into the inventory;
- 4) the payment and amount of the commission referred to in chapter 9, section 6 of the Imprisonment Act and on the non-payment of the activity allowance referred to in the said section. (223/2022)

## **Chapter 6**

### **Healthcare and social welfare**

#### **Section 1 (1641/2015)**

##### **Healthcare and medical treatment of remand prisoners**

The Health Care Services for Prisoners referred to in the Act on the Health Care Services for Prisoners (1635/2015) is responsible for providing healthcare services, medical treatment and medical rehabilitation in accordance with the medical needs of remand prisoners. The Prison and Probation Service shall ensure that remand prisoners have access to such treatment and rehabilitation.

With permission of a physician of the Health Care Services for Prisoners, a remand prisoner has the right to receive medication, undergo examinations and make use of other healthcare services in prison at his or her own expense, unless this endangers the purpose of remand imprisonment.

In addition to what is provided in subsection 1, a physician or another healthcare professional shall, upon request, conduct an examination on a remand prisoner under 18 years of age to determine his or her state of health without undue delay, unless this is manifestly unnecessary. (326/2019)

The provisions of the Act on the Status and Rights of Patients (785/1992), the Act on Health Care Professionals (559/1994), the Mental Health Act, the Communicable Diseases Act (1227/2016) and the Occupational Health Care Act (1383/2001) apply to the provision of healthcare services and medical treatment. (1238/2016)

## **Section 2 (1641/2015)**

### **Temporary treatment and examination outside prison**

If an ill or injured remand prisoner cannot be appropriately treated or examined at a unit of the Health Care Services for Prisoners, he or she shall be temporarily transferred outside prison for treatment or examination under necessary supervision.

## **Section 3**

### **Childbirth**

A pregnant remand prisoner shall, under necessary supervision, be transferred to a hospital or another healthcare unit outside prison well in advance of the childbirth.

## **Section 4**

### **Psychological counselling, support and treatment**

Where possible, remand prisoners shall be given an opportunity for counselling, support and treatment given by a psychologist and for other corresponding counselling, support and treatment.

## **Section 5**

### **Social rehabilitation**

Remand prisoners shall be provided with support in social rehabilitation and in maintenance of contacts with their close relatives and other close persons, and with guidance in matters relating to their accommodation, work, subsistence, social benefits and social services.

The provisions of the Act on the Status and Rights of Social Welfare Clients (812/2000) also apply, where appropriate, to the arrangement of social rehabilitation.

## **Section 6 (1641/2015)**

### **Healthcare costs**

Healthcare services, medical treatment and medical rehabilitation in accordance with the medical needs of remand prisoners are paid from state funds. A prerequisite for the payment obligation of

the state is that an examination arranged or treatment provided outside prison is prescribed or approved by a physician of the Health Care Services for Prisoners.

### **Section 6a (394/2015)**

#### **Notification of illness**

A remand prisoner shall be given an opportunity to inform his or her close relative or other close person if he or she has fallen seriously ill or been injured.

### **Section 7 (223/2022)**

#### **Power of decision**

A physician of the Health Care Services for Prisoners decides on remand prisoners' possession of medicines.

The head of prison decides on referrals to treatment or examination referred to in section 2 after consulting with a physician, where possible.

### **Section 8 (1641/2015)**

#### **Further regulations**

The Finnish Institute for Health and Welfare issues further regulations on the arrangement of health examinations and healthcare services for remand prisoners in prisons.

## **Chapter 7**

### **Free time**

#### **Section 1**

##### **Free time activities**

Remand prisoners may participate in free time activities and spend free time together with other prisoners.

Participation may be denied or restricted, if a remand prisoner:

1) is in solitary confinement referred to in chapter 10, section 4, subsection 1, paragraph 3; or

2) is subject to a measure referred to in chapter 10, section 14 or chapter 13, section 1, subsection 1.

A remand prisoner who is intoxicated or disturbs free time activities or endangers prison order or prison safety and security may be denied the right to participate in a free time event.

## **Section 2**

### **Religious practice**

A remand prisoner has the right to attend church services, devotional services and other religious events arranged in prison, unless:

- 1) the remand prisoner is in solitary confinement referred to in chapter 10, section 4, subsection 1, paragraph 3; or
- 2) the remand prisoner is subject to a measure referred to in chapter 10, section 14 or chapter 13, section 1, subsection 1.

A remand prisoner who is intoxicated or disturbs an event referred to in subsection 1 or endangers prison order or prison safety and security may be denied the right to participate in the event. If a remand prisoner is not allowed to participate in the common events, his or her possibilities to engage in religious practice shall be attended to in some other manner.

Remand prisoners shall be given a possibility to meet a pastoral counsellor or another representative of their own religion.

## **Section 3**

### **Library**

Remand prisoners shall be provided with an opportunity to visit the prison library often enough or an opportunity to use public library services. Remand prisoners shall be provided with guidance in the use of the library. Remand prisoners referred to in chapter 3, section 2 above and section 2, subsection 1, paragraphs 1–2 of this chapter shall be provided with an opportunity to make use of library services in some other manner.

A remand prisoner who is intoxicated or disturbs the order of the library or endangers prison order or prison safety and security may be denied the right to access the prison library. (394/2015)

## **Section 4**

### **Literature and media**

Remand prisoners shall be given an opportunity to follow television and radio programmes and newspapers as well as to acquire magazines and literature at their own expense.

The provisions of chapter 5, section 1 apply to the possession of magazines and literature.

## **Section 5 (394/2015)**

### **Power of decision**

A public official in a senior guidance or supervisory position or, if the matter cannot be delayed, a public official performing guidance or supervisory tasks decides on the denial of the right to participate in a free time activity, church service, devotional service or another religious event or to access library, and on the denial or restriction of participation referred to in section 1, subsection 2. The organiser of the event shall be consulted before making a decision on denial.

## **Section 6 (223/2022)**

### **Further regulations**

The Prison and Probation Service issues further regulations on the provision of library services in situations where a remand prisoner cannot access the prison library.

## **PART IV**

### **CONTACTS OF REMAND PRISONERS WITH THE OUTSIDE WORLD**

## **Chapter 8**

### **Correspondence, telephone calls and electronic communication (394/2015)**

## **Section 1 (266/2007)**

### **Correspondence and inspection of postal items**

Remand prisoners have the right to correspondence by post, unless this right is restricted under chapter 4 of the Coercive Measures Act. (394/2015)

A sealed letter or another postal item addressed to a remand prisoner or sent by him or her may be inspected by scanning it or in some other corresponding manner without opening it in order to check whether it contains any prohibited substances or objects referred to in chapter 5, section 1, subsection 1 or 2.

A letter or another postal item addressed to a remand prisoner may be opened and its contents inspected without reading the message contained in the item in order to establish whether it contains any prohibited substances or objects referred to in subsection 2. A letter or another postal item sent by a remand prisoner may be opened and its contents inspected without reading the message contained in the item, if it may be deduced from the form or size of the item that it also contains something else besides a confidential message, or if there otherwise are reasonable grounds to suspect that it contains the said substances or objects.

If any substances or objects that a remand prisoner is not allowed to have in his or her possession are found in connection with the inspection, they shall be removed and stored by the prison. Monetary assets shall be entered into the prisoner's account. Provisions on the notification to be filed when the lawfulness of the origin of property is being questioned are laid down in chapter 16, section 1.

## **Section 2 (394/2015)**

### **Reading and copying of a message**

A letter, another postal item or a message addressed to a remand prisoner or sent by him or her may be read for the purpose of securing the purpose of remand imprisonment, preventing an offence, averting a threat to prison order, or protecting the safety of the prisoner or some other person, if this is considered justified and necessary because of the criminal background of the remand prisoner, his or her behaviour during remand imprisonment, or the item or its sender or addressee. A decision authorising reading can be made for a maximum period of two weeks at a time. (291/2021)

A remand prisoner shall write his or her name on a letter, another postal item or a message addressed to someone else than to a supervisory authority referred to in section 3, unless the remand prisoner hands the item directly to the prison staff. A letter, another postal item or a message sent by a remand prisoner may be opened in order to determine the sender, if the

sender cannot be determined without opening the letter, postal item or message. In that case, the letter or message must not be read any further than what is necessary to determine the sender.

A copy of a letter, another postal item or a message may be taken if, when reading it, it becomes evident that it is likely to contain plans or information:

- 1) on an offence for which the maximum sentence provided by law is at least one year of imprisonment, or on a punishable attempt at such an offence; or
- 2) on illegal use of a narcotic drug.

## **Section 2a (394/2015)**

### **Notification of reading**

If a letter, another postal item or a message addressed to a remand prisoner or sent by him or her is read, the remand prisoner shall, without delay, be notified of the reading and the grounds for it. The notification may be postponed, if this is necessary to prevent an offence, avert a threat to prison order, or to protect the safety of the prisoner or some other person. A notification of reading and the grounds for it shall, however, be given within two weeks of the reading or, if the remand prisoner is released before the said deadline, upon release at the latest, unless otherwise provided elsewhere by law. (291/2021)

If a letter is withheld on the grounds referred to in section 5, the provisions of section 5 apply to the notification of reading.

## **Section 3**

### **Correspondence with supervisory authorities**

Correspondence between a remand prisoner and an authority supervising the operations of the prison or its staff or a body supervising the implementation of human rights, with which the prisoner is under international treaties entitled to lodge an appeal or file a complaint, must not be inspected or read.

Provisions on the communications between a foreign remand prisoner and a diplomatic or consular mission are laid down in chapter 9, section 12. (1071/2015)

## **Section 4**

### **Correspondence with a legal counsel**

A letter or another postal item addressed by a remand prisoner to his or her advocate or another legal counsel referred to in chapter 15, section 2, subsection 1 or section 2, subsection 5 of the Code of Judicial Procedure must not be inspected or read. (725/2011)

A letter or another postal item addressed to a remand prisoner, which according to the sender information appearing on the item is sent by a legal counsel referred to in subsection 1, may be opened and its contents inspected without reading the message contained in the item in the presence of the remand prisoner, if there is reason to suspect that the letter contains substances or objects referred to in chapter 5, section 1, subsection 1 or 2. In all other respects, the provisions of section 1, subsection 4 apply to the inspection. (394/2015)

## **Section 5**

### **Withholding of a letter or postal item**

A letter, another postal item or a message sent by or addressed to a remand prisoner may be withheld, if its delivery to the recipient would endanger the purpose of remand imprisonment or if the withholding is necessary to prevent an offence, to avert a threat to prison order or to protect the safety of the remand prisoner or some other person. (291/2021)

The recipient or the sender shall, without delay, be notified of the withholding of a letter, another postal item or a message and the reason for this, unless the provisions of subsection 1 give reason to act otherwise. A letter, another postal item or a message not delivered to the recipient due to a reason referred to in subsection 1 shall be returned to the sender or given to the remand prisoner upon his or her release.

A cash-on-delivery order or another order on credit sent by a remand prisoner may be withheld, if the remand prisoner does not have the funds to pay for the order. An ordered item may be returned to the sender without the prisoner's consent.

## **Section 6**

### **Use of telephone**

Remand prisoners shall be given an opportunity to communicate with those outside prison by telephone at their own expense, unless this right has been restricted under chapter 4 of the Coercive Measures Act. The prison rules may contain regulations on the access times to telephones, if this is necessary with regard to the operations and order of the prison. (808/2011)

Remand prisoners shall also be given an opportunity to communicate by telephone with a legal counsel referred to in section 4 and with other people outside prison in order to attend to matters that cannot be attended to by letter or visit.

The use of the telephone may be made conditional on the remand prisoner stating whom he or she intends to contact. The use of the telephone may be suspended or denied if this is necessary to prevent an offence or to maintain prison order, or if the telephone call endangers the purpose of remand imprisonment.

Remand prisoners may be allowed to use the telephone free of charge in order to attend to necessary matters or for some other special reason.

## **Section 7 (394/2015)**

### **Listening to and recording of a telephone call**

A remand prisoner's telephone call may be listened to and recorded for the purpose of preventing an offence, averting a threat to prison order, securing the purpose of remand imprisonment, or protecting the safety of the remand prisoner or some other person, if this is considered justified and necessary because of the criminal background of the remand prisoner, his or her behaviour during remand imprisonment, or the recipient of the call. (291/2021)

Prior to commencing the listening and recording, the remand prisoner and the person with whom he or she is in contact by telephone shall be notified of the call being listened to and recorded.

A telephone call between a remand prisoner and a supervisory authority referred to in section 3 or a legal counsel referred to in section 4 must not be listened to or recorded. If, upon listening to a

call, it becomes evident that it involves communication between a remand prisoner and a person referred to above, the listening shall be terminated and the recording destroyed.

### **Section 7a (394/2015)**

#### **Use of email**

A remand prisoner may be given permission to send and receive email messages for an important reason related to the maintenance of outside contacts, subsistence, or attendance to work-related, educational, judicial, social or housing matters, unless the remand prisoner's communications have been restricted under chapter 4 of the Coercive Measures Act. Notwithstanding what is stated above, a remand prisoner may be given permission to send and receive email messages to and from a legal counsel referred to in section 4 for an important reason related to the attendance to judicial matters.

A prerequisite for granting permission is that the use of email does not endanger the purpose of remand imprisonment, prison order or prison safety and security, or the safety of the remand prisoner or some other person and that the sender and recipient of the message can be identified to a necessary extent.

If the prerequisites for granting permission to use email are no longer met after the decision has been made or if the remand prisoner violates the conditions of permission, the permission may be revoked.

### **Section 7b (394/2015)**

#### **Use of internet**

A remand prisoner may be given permission to use the internet for an important reason related to his or her subsistence or attendance to work-related, educational, judicial, social or housing matters or for another corresponding important reason, unless the remand prisoner's communications have been restricted under chapter 4 of the Coercive Measures Act. A prerequisite for granting permission is that the remand prisoner's access to other websites than those determined in the permission is appropriately blocked.

A further prerequisite for granting permission is that the use of the internet does not endanger the purpose of remand imprisonment, prison order, prison safety and security, or the safety of the remand prisoner or some other person.

If the prerequisites for granting permission to use the internet are no longer met after the decision has been made or if the remand prisoner violates the conditions of permission, the permission may be revoked.

### **Section 7c (394/2015)**

#### **Monitoring of electronic communication**

In addition to what is provided in the Information Society Code (917/2014), a prison has the right, where necessary, to retrieve data on the sending and reception of a telephone call or message either from the device used by the remand prisoner for communication or the devices and systems administered by the prison for the transmission and processing of communications.

The provisions of sections 2–5 apply to the monitoring of email messages sent and received by remand prisoners.

The sending of email messages and the use of the internet may be monitored by means of electronic monitoring and by having a public official of the Prison and Probation Service present.

### **Section 8 (1303/2021)**

*Section 8 was repealed by Act 1303/2021.*

### **Section 9 (223/2022)**

#### **Power of decision**

A public official performing guidance or supervisory tasks specified in the rules of procedure of the prison and probation centre decides on the inspection of a letter or another postal item under section 1, subsection 2 and on the opening and inspection of the contents of such an item under subsection 3 of the said section or section 4, subsection 2.

A public official in charge of security or a public official in a senior guidance or supervisory position decides on the reading of a letter, another postal item or a message under section 2, subsection 1, determination of the sender in accordance with section 2, subsection 2, copying referred to in section 2, subsection 3, notification of reading in accordance with section 2a, subsection 1, and withholding of a postal item or message as referred to in section 5. However, a message may also be forwarded to and read by such a public official of the Prison and Probation Service who has the right to process information contained in the security data register. A public official in charge of security decides on the listening to and recording of a telephone call. A public official in a senior guidance or supervisory position or a public official performing guidance or supervisory tasks decides on the suspension and denial of the use of the telephone.

A decision to grant and revoke permission to use email or the internet is made by the head of prison or a public official in charge of security or activities.

### **Section 9a (266/2007)**

#### **Non-disclosure obligation and prohibition of misuse of information**

A public official performing duties determined in this chapter must not unlawfully disclose any information he or she has learned in the course of his or her duties on the contents of a message sent by or addressed to a remand prisoner or on the identification information of such a message. Furthermore, this information must not be made use of to one's own benefit or to the benefit or loss of someone else. The information must not be disclosed or used in the said manner even after the termination of the duty.

In addition to what is provided elsewhere by law, the information referred to in subsection 1 may, however, be conveyed also to a public official for whom the information is absolutely necessary so that he or she can perform the duties under this Act.

### **Section 10 (394/2015)**

#### **Further provisions**

Further provisions on the procedure for inspecting, reading, copying and withholding letters, on the listening to and recording of telephone calls, and on the use and monitoring of electronic communications are issued by government decree.

## **Chapter 9 (394/2015)**

### **Visits and other contacts with the outside world**

#### **Section 1 (394/2015)**

##### **Visits**

A remand prisoner has the right to receive visitors under necessary supervision, in the manner provided in this chapter, at times reserved for visits as often as this is possible without disturbing the order and operations of the prison, unless this right has been restricted under chapter 4 of the Coercive Measures Act. A visit may also be allowed at times other than those reserved for visits, if this is necessary to enable the remand prisoner to maintain outside contacts or for another important reason.

Visits are arranged in supervised visiting premises that contain structural barriers between the remand prisoner and the visitor, the purpose of which is to maintain prison order and prison safety and security, to prevent prohibited substances and objects from being brought to prison, and to secure the purpose of remand imprisonment. Visits to prisoners shall be supervised in the necessary manner. Other visits than unsupervised visits may be supervised by means of technical monitoring and by having a public official of the Prison and Probation Service present in the meeting. Technical monitoring means the viewing and recording of image by means of a technical device. The remand prisoner and the visitor shall be notified of the use of technical monitoring in an appropriate manner.

A conversation between a remand prisoner and a visitor may be listened to and recorded with a technical device for the purpose of preventing an offence, averting a threat to prison order, securing the purpose of remand imprisonment, or protecting the safety of the remand prisoner or some other person, if this is considered justified and necessary for a reason related to the criminal background of the remand prisoner, his or her behaviour during remand imprisonment, or the visitor. Prior to commencing the listening to and recording of a conversation, the remand prisoner and the visitor shall be informed of their conversation being listened to and recorded. (291/2021)

A visit may be arranged separate from other remand prisoners and visitors, if there is reason to suspect that the visit could, considering the criminal background of the remand prisoner or the visitor or the remand prisoner's behaviour during remand imprisonment, pose a risk to prison order, prison safety and security, or the safety of the remand prisoner or some other person.

Provisions on the supervision of a visit by a legal counsel are laid down in section 4. Provisions on the checks and searches of persons visiting remand prisoners are laid down in chapter 12.

## **Section 2 (394/2015)**

### **Unsupervised visits**

A remand prisoner may be granted permission for an unsupervised visit by a close relative or other close person or, if there is reason for it, by some other person important to the prisoner, if this is justified in order for the remand prisoner to be able to maintain outside contacts or for another corresponding reason, unless the remand prisoner's communications have been restricted under chapter 4 of the Coercive Measures Act. A prerequisite for granting permission for an unsupervised visit is that the visit does not pose a risk to prison order, prison safety and security, or the safety of the remand prisoner or some other person, and that it does not disturb the operations of the prison.

## **Section 3 (394/2015)**

### **Visits by a child**

A remand prisoner may be granted permission to receive a visit from a child under 15 years of age in premises suitable for this, if the visit is necessary to maintain contact between the remand prisoner and the child and the visit is not against the best interests of the child.

## **Section 4 (394/2015)**

### **Visits by a legal counsel**

A remand prisoner has the right to receive a visit from a legal counsel referred to in chapter 8, section 4 without undue delay and without other persons being present.

A visit may be supervised, if this is necessary to maintain prison order or prison safety and security or if the remand prisoner or the counsel expressly so requests. A visit may be supervised by visually observing it or by means of a technical device without hearing or recording the conversation between the remand prisoner and the counsel. The visit may also be arranged in premises with structural barriers between the remand prisoner and the counsel. The remand

prisoner and the counsel shall be informed of the visit being supervised before commencing the supervision.

Provisions on arranging a meeting via video connection are laid down in section 10.

### **Section 5 (394/2015)**

#### **Supervised meetings between prisoners**

A remand prisoner may be granted permission for a supervised meeting with another remand prisoner or prisoner placed in the same prison, if this person is the remand prisoner's close relative or other person close or important to the remand prisoner and the meeting is justified in order for the remand prisoner to be able to maintain contacts or for some other important reason and the remand prisoner's communications have not been restricted under chapter 4 of the Coercive Measures Act. A prerequisite for granting permission for a meeting is that it does not pose a risk to prison order, prison safety and security, or the safety of the remand prisoner or some other person.

### **Section 6 (394/2015)**

#### **Termination of a visit**

A visit may be terminated if this is necessary to prevent an offence or to maintain prison order or prison safety and security.

### **Section 7 (394/2015)**

#### **Cancellation and denial of a visit**

If the prerequisites for granting permission to receive a visit are no longer met after the decision has been made, the visit may be cancelled.

A visit may be denied if:

- 1) the visitor cannot prove his or her identity in a reliable manner;
- 2) the visitor refuses to submit to a security check referred to in chapter 12, section 2 or to a non-intimate body search referred to in chapter 12, section 3;
- 3) the visitor is, judging from external signs, intoxicated;

4) there are reasonable grounds to suspect that the visit could endanger prison order, prison safety and security, or the safety of the remand prisoner or some other person.

In situations referred to in subsection 2, paragraph 1, a visit may be arranged under such supervision that guarantees that the visit does not endanger prison order or prison safety and security.

## **Section 8 (394/2015)**

### **Prohibition to visit**

If a visitor has been found to have brought or attempted to bring narcotic drugs or substances or objects referred to in chapter 5, section 1, subsection 1, paragraph 1 or 2 or subsection 2 to the prison or to have endangered prison safety and security or seriously disturbed prison order, the visitor may be issued a prohibition to visit the prison of a reasonable length, a maximum of six months. A prohibition to visit may be extended, if this continues to be necessary in order to prevent the activity that the prohibition was based on.

A prohibition to visit may consist of a prohibition to visit a particular remand prisoner or prisoners or to enter a particular prison or prisons.

A prohibition to visit must not be issued to a close relative or other close person referred to in chapter 16, section 1, subsection 1, or to a legal counsel of the remand prisoner referred to in chapter 8, section 4.

*Subsection 4 was repealed by Act 384/2017.*

## **Section 9 (394/2015)**

### **Reception and inspection of goods**

In connection with a visit, a minor amount of such goods or objects, the possession of which is permissible in prison under chapter 5, section 1, subsections 1–2, may be received in prison. Further provisions on the property and the amount of property that may be received and the procedure for the reception are issued in the prison rules referred to in chapter 10, section 1.

Goods brought by a visitor shall be inspected before they are delivered to the remand prisoner.

## **Section 10 (394/2015)**

### **Communications via video connection**

A remand prisoner may be provided with an opportunity to communicate with his or her close relatives or other close persons via video connection or other suitable technical means of communication where the participants have an audio and visual connection with each other. In order to maintain outside contacts or for another important reason, the remand prisoner may also be allowed to communicate with some other important person in this manner. A prerequisite for this is that the remand prisoner's communications have not been restricted under chapter 4 of the Coercive Measures Act.

The provisions of section 1, subsection 2 and sections 6 and 7 apply to the monitoring, termination and cancellation of communication.

A meeting with a legal counsel may also be arranged via video connection at the request of the remand prisoner or the counsel. The provisions of section 4 apply to the supervision of such a meeting.

## **Section 11 (394/2015)**

### **Contacts with media**

If a remand prisoner is interviewed or photographed in prison, the provisions of this chapter on visits and visitors apply. If a representative of the media wishes to interview a remand prisoner, a public official of the Prison and Probation Service shall ask the prisoner whether he or she consents to the interview.

## **Section 12 (394/2015)**

### **Contacts with a diplomatic mission**

A foreign remand prisoner has the right to be in contact with the diplomatic or consular mission representing his or her home country, unless his or her communications have been restricted under chapter 4 of the Coercive Measures Act.

Postal items addressed by a remand prisoner to a diplomatic or consular mission shall be forwarded without delay.

### **Section 13 (394/2015)**

#### **Private conversations**

Remand prisoners shall, where possible, be given an opportunity to conduct private conversations related to their personal matters with a representative of a church, an organisation engaged in prison work or another corresponding body.

### **Section 14 (394/2015)**

#### **Prison leave for a particularly important reason and prison leave under escort**

A remand prisoner may be granted prison leave under necessary supervision for a short period of time in order to visit, within the Finnish territory, a close relative or some other close person who is seriously ill or to attend the funeral of a close relative or some other close person or for another corresponding particularly important reason.

A remand prisoner may also be granted permission to leave prison under necessary supervision for a short period of time in order to attend to an urgent and absolutely necessary matter.

### **Section 15 (394/2015)**

#### **Power of decision**

A decision on an unsupervised visit, a visit by a legal counsel, a visit by a child, a meeting between prisoners, a supervised visit referred to in section 1, subsection 4, communications via video connection, and the cancellation of these is made by a public official in charge of activities or security or a public official in a senior guidance or supervisory position. A decision on listening to and recording of a supervised meeting with a technical device under section 1, subsection 3 is made by a public official in charge of security. The head of prison or a public official in charge of activities or security decides on the issue of a prohibition to visit. (223/2022)

A public official in a senior guidance or supervisory position or, if the matter cannot be delayed, a public official performing guidance or supervisory tasks decides on the denial and termination of a visit or meeting.

## **Section 16 (394/2015)**

### **Reference provision**

Provisions on the substance control that is a prerequisite for a visit referred to in sections 2 and 3 above are laid down in chapter 11, section 7, subsection 3. The provisions of chapter 11, section 4 apply to a search of a remand prisoner in connection with such visits.

## **Section 17 (394/2015)**

### **Further provisions and regulations**

Further provisions on prison leave, prohibition to visit and its contents, arrangements for the supervision of visits, and the technical and structural monitoring arrangements of visiting premises are issued by government decree.

The Prison and Probation Service issues further regulations on the arrangement of visits.  
(223/2022)

## **PART V**

### **DISCIPLINE, SUPERVISION AND INSPECTION**

#### **Chapter 10**

##### **Prison order and discipline**

#### **Section 1**

##### **Prison rules**

Prisons shall have prison rules that contain more specific regulations than this Act and the provisions and regulations issued under this Act on the movement within prison area and locking of premises; wards; arrangements related to visits, telephone use and free time activities; possession of property; and other corresponding individual issues relating to the maintenance of prison order and arrangement of activities in prison.

## **Section 2**

### **Behaviour of a remand prisoner**

Remand prisoners shall comply with the prison rules and the requests and orders issued by prison staff. Remand prisoners shall behave in an appropriate manner towards prison staff and towards other prisoners and persons.

## **Section 3**

### **Disciplinary infractions**

A disciplinary punishment may be imposed on a remand prisoner, if the remand prisoner commits *a disciplinary infraction*. Disciplinary infractions are:

- 1) commitment of an offence in prison or otherwise under the supervision of a public official of the Prison and Probation Service, for which the maximum expected punishment is a fine;
- 2) unauthorised leave from a healthcare institution;
- 3) violation of the provisions of this Act, a government decree issued under this Act or a regulation specifying these issued by the Prison and Probation Service;
- 4) violation of the prison rules referred to in section 1, provided that the prison rules expressly state that a violation of a specific rule may be punishable by a disciplinary punishment;
- 5) violation of conditions set for permission referred to in chapter 8, sections 7a and 7b;
- 6) failure to comply with a request or order issued by a public official of the Prison and Probation Service within his or her authority in order to maintain prison order and prison safety and security.

(394/2015)

A disciplinary punishment must not be imposed for an offence reported by the head of prison to the police.

## **Section 4 (1303/2021)**

### **Disciplinary punishments to be imposed on remand prisoners**

The following disciplinary punishments may be imposed on a remand prisoner:

- 1) a warning;
- 2) restriction of participation in free time activities, use of money or other means of payment, or possession of property for a maximum period of thirty days (*loss of rights*); or
- 3) placement in solitary confinement for a maximum period of ten days (*solitary confinement*).

Instead of a warning, a remand prisoner may be issued with a reprimand if the disciplinary infraction is of minor significance and not repeated.

The loss of rights must not prevent the remand prisoner from maintaining outside contacts.

## **Section 5**

### **Joint disciplinary punishment**

A joint disciplinary punishment is imposed on a remand prisoner who has committed two or more infractions.

If it turns out, after the imposition of a disciplinary punishment, that the remand prisoner has committed another disciplinary infraction prior to the imposition of the disciplinary punishment, a separate disciplinary punishment is imposed for this infraction, unless the disciplinary punishment imposed for the infraction detected earlier is deemed a sufficient sanction.

## **Section 6**

### **Conditional disciplinary punishment**

A disciplinary punishment other than a warning may be imposed conditionally with a probationary period of a minimum of one month and a maximum of three months. Unless the remand prisoner commits a new infraction during the probationary period, the disciplinary punishment lapses.

If a disciplinary punishment is imposed for an infraction committed during the probationary period, a decision shall simultaneously be made on whether the earlier disciplinary punishment is to be enforced.

## **Section 7**

### **Determination of disciplinary punishment**

When deciding on the imposition, determination and conditional nature of a disciplinary punishment, the following shall be taken into account: the nature, seriousness, intent and premeditation of the disciplinary infraction, the previous disciplinary infractions of the remand prisoner, the reasons for the disciplinary infraction, a considerably long period of time elapsed

since the disciplinary infraction, the remand prisoner's efforts to prevent or eliminate the adverse effects of the disciplinary infraction, the remand prisoner's efforts to promote the investigation of his or her disciplinary infraction, the state of the remand prisoner's health, and the precautionary measures imposed on the remand prisoner for the infraction and any other consequences of the act.

## **Section 8 (394/2015)**

### **Solitary confinement**

Solitary confinement involves restricting the remand prisoner's possession of property, communications, use of library, access to radio and television, and participation in recreational and free time activities. Exceptions may be made to the restrictions if there is reason for this considering the circumstances of the remand prisoner. The remand prisoner's right to receive visits and participate in outdoor exercise may be restricted only if the visit or outdoor exercise endangers the safety of the prisoner or other persons.

If a remand prisoner has been in solitary confinement continuously for ten days, a new solitary confinement must not be enforced until seven days have elapsed from the end of the previous sanction.

A physician or another healthcare professional shall be notified of the placement of a remand prisoner in solitary confinement as soon as possible. If the enforcement endangers the health of the remand prisoner, it shall be postponed or enforcement already commenced shall be discontinued.

## **Section 9 (1303/2021)**

### **Investigation of a disciplinary infraction**

A disciplinary infraction shall be investigated without delay. After a disciplinary infraction has taken place, an impartial and objective investigation shall be carried out. The infraction shall be investigated in a manner required by its nature and degree of seriousness.

The remand prisoner, the other parties involved in the matter and, where necessary, other persons shall be heard. The investigation shall be carried out so that no one is placed under suspicion without due cause.

If, in connection with the investigation of a disciplinary infraction, a remand prisoner presents a well-founded claim of the guilt or involvement of a staff member in an offence, the claim shall be referred to the police for investigation.

The investigation of a disciplinary infraction may be concluded without submitting the infraction to the consideration of a disciplinary matter referred to in section 10 if:

- 1) the infraction is of minor significance;
- 2) it has become evident that no infraction has taken place; or
- 3) there is no reason to suspect the remand prisoner of the infraction.

The remand prisoner may be issued with a reprimand in connection with the investigation of a disciplinary infraction, if the consideration of the matter is concluded under subsection 4, paragraph 1.

## **Section 10 (1303/2021)**

### **Consideration of a disciplinary matter**

A disciplinary matter concerning a remand prisoner shall be considered without delay and without attracting unnecessary attention. The matter shall be considered in oral procedure. The remand prisoner, witnesses and other persons may be heard via video connection or another corresponding means of communication, if this is appropriate due to a long distance or for some other corresponding reason.

The remand prisoner shall be given an opportunity to prepare his or her defence and to present his or her own account and evidence to support it. Provisions on interpretation are laid down in chapter 2, section 3, subsection 2.

A disciplinary infraction is considered in the prison where the remand prisoner is placed or where the remand prisoner committed the disciplinary infraction. A disciplinary infraction committed by a remand prisoner during transport shall, however, be considered in the prison at which the remand prisoner arrives. If a remand prisoner is transferred from an open prison to a closed prison due to a disciplinary infraction, the disciplinary infraction may also be considered and the disciplinary punishment imposed in the receiving prison. (223/2022)

## **Section 11 (1303/2021)**

### **Segregation of a remand prisoner during investigation**

During an investigation of a disciplinary infraction and while waiting for a decision on a disciplinary matter, the remand prisoner may be segregated from other prisoners, if this is necessary to maintain prison order or for some other special reason. Segregation must not continue any longer than what is necessary and no more than seven days. A healthcare professional shall be notified of the segregation of a remand prisoner as soon as possible.

The time that the remand prisoner has been segregated from other prisoners shall be taken into account as a deduction when imposing the disciplinary punishment.

## **Section 12 (1303/2021)**

### **Registration**

An investigation of a disciplinary infraction and the consideration of a disciplinary matter shall be registered.

## **Section 13 (1303/2021)**

### **Enforcement and lapse of a disciplinary punishment**

A disciplinary punishment imposed on a remand prisoner shall be enforced without delay and without attracting unnecessary attention.

If a remand prisoner is charged in court with an offence for which a disciplinary punishment has been imposed, the disciplinary punishment shall lapse to the extent that it has not been enforced.

## **Sections 14–15**

*Sections 14–15 were repealed by Act 1303/2021.*

## **Section 16**

### **Power of decision**

The Director of the Core Operations Department confirms the prison rules. (223/2022)

The head of prison or, if the matter cannot be delayed, a public official in charge of security or a public official in a senior guidance or supervisory position decides on the supervision and locking of prison premises. (223/2022)

The head of prison decides on disciplinary punishments. The head of prison also decides whether an offence is referred to the police for investigation instead of imposing a disciplinary punishment. (223/2022)

A public official in charge of security decides on the investigation of a disciplinary infraction, the conclusion of the consideration of a disciplinary matter during investigation under section 9, subsection 4, and the issuing of a reprimand under section 9, subsection 5. A public official in charge of security or, if the matter cannot be delayed, a public official in a senior supervisory position decides on the segregation of a remand prisoner referred to in section 11. (1303/2021)

The provisions of chapter 2, sections 7 and 8 of the Criminal Investigation Act (805/2011) apply to disqualification. (808/2011)

## **Section 17**

### **Request for review and prohibition of enforcement**

Provisions on the right of a remand prisoner to request a review of a disciplinary punishment imposed on him or her and on the effects of a request for a review on the enforcement of the disciplinary punishment are laid down in chapter 15.

## **Section 18 (1303/2021)**

### **Further provisions and regulations**

Further provisions on the investigation of a disciplinary infraction and on the registration of the investigation of a disciplinary infraction and of the consideration of a disciplinary matter are issued by government decree.

Further regulations on the enforcement of a disciplinary punishment are issued by the Prison and Probation Service. (223/2022)

## **Chapter 11**

### **Inspection of prison premises and remand prisoners**

#### **Section 1**

##### **Supervision in prison**

Remand prisoners and the premises used by remand prisoners shall be supervised in a manner required to secure the purpose of remand imprisonment, prison order, security of imprisonment, prevention of escape or unauthorised leave, safety of remand prisoners and other persons, and prevention of offences.

Prisons shall have alarm systems and other technical security systems necessary to guarantee prison safety and security.

The provisions of chapter 16, section 1a of the Imprisonment Act on technical monitoring in prison are applied in the enforcement of remand imprisonment. (291/2021)

#### **Section 2**

##### **Inspection of accommodation premises and property**

The accommodation premises of remand prisoners and the property in their possession or located in prison area may be inspected in order to maintain prison order and prison safety and security or to investigate a suspected disciplinary infraction. Provisions on the possession of utility articles, money and other means of payment and other property are laid down in chapter 5.

#### **Section 2a (1303/2021)**

##### **Interference with the path of an unmanned vehicle**

The provisions of chapter 16, sections 2a, 8a and 9–11 of the Imprisonment Act on interference with the path of an unmanned vehicle are applied in the enforcement of remand imprisonment.

### **Section 3**

#### **Security check of a remand prisoner**

A remand prisoner may be checked in prison, in its area and during transport to ensure order, safety and security or to protect property (*security check of a remand prisoner*).

A security check of a remand prisoner may be conducted by using a metal detector, another technical device or a trained dog, or by means of a pat-down, or in another corresponding manner in order to ensure that the remand prisoner is not carrying an object or substance:

- 1) that could pose a risk to the safety of a person or a serious threat to prison order;
- 2) that is particularly suitable for damaging property; or
- 3) the possession of which is otherwise prohibited in or under the law.

For the purpose referred to in subsection 1, a remand prisoner may be obliged to change his or her clothes in the presence of the staff.

### **Section 4 (394/2015)**

#### **Non-intimate body search**

A remand prisoner may be subjected to a non-intimate body search if:

- 1) the remand prisoner is suspected of having prohibited objects or substances referred to in chapter 5, section 1, subsection 1 or 2 in his or her possession; or
- 2) the non-intimate body search is necessary to prevent an escape, to avert a threat to prison order or prison safety and security, to investigate a suspected disciplinary infraction, upon entering or returning to prison, or in connection with an unsupervised visit and a visit by a child.

A non-intimate body search involves searching of what the remand prisoner has in his or her clothes or otherwise on him or her. A non-intimate body search also includes the inspection of the remand prisoner's mouth.

## **Section 5**

### **Special inspection**

A special inspection may be conducted in a prison or in a ward or other premises of a prison, if this is necessary to avert a serious threat to prison order and prison safety and security or to search for prohibited objects or substances referred to in chapter 5, section 1, subsection 1 or 2.

When a special inspection is conducted in a ward or other prison premises, all remand prisoners placed in the ward or staying in the premises searched may be subjected to a non-intimate body search.

## **Section 6**

### **Intimate body search**

An intimate body search may be conducted on a remand prisoner, if there are probable grounds to suspect that the remand prisoner has in his or her body, in prison or upon entering it, prohibited substances or objects referred to in chapter 5, section 1, subsection 1 or 2 of this Act that are conducive to seriously endangering prison order, prison safety or security, or the remand prisoner's life or health. (291/2021)

An intimate body search includes a search of body cavities, taking of a sample, or another examination of the body.

Procedures requiring medical expertise may only be conducted by a physician.

## **Section 6a (394/2015)**

### **Prohibition of manufacture and use of intoxicating substances**

It is prohibited to manufacture and use alcohol, other intoxicating substances and doping substances referred to in chapter 44, section 16 of the Criminal Code in prison.

## **Section 7 (1303/2021)**

### **Substance control**

A remand prisoner may be obliged to take a breath test or to provide a saliva or urine sample:

- 1) if there is reason to suspect that the prisoner is under the influence of alcohol, another intoxicating substance or a doping substance referred to in chapter 44, section 16 of the Criminal Code; or
- 2) to establish the prerequisites for or to supervise compliance with the obligation to abstain from using intoxicating substances in connection with an unsupervised visit, a visit by a child or placement in a contract ward.

A remand prisoner may be ordered to provide a blood sample if this is necessary because the remand prisoner has refused to take a test or provide a sample as referred to in subsection 1, or if this is necessary to secure the implementation of substance control or to obtain a reliable test result.

If intoxication is evident on the basis of external signs, a breath test or a saliva, urine or blood sample does not need to be taken unless the prisoner requests it.

## **Section 8**

### **Separate storage of property**

If a prison service authority has reason to question the lawfulness of the origin of money and other means of payment or other property, the property may be stored separate until the police makes a decision on the matter. Provisions on the notification to be made to the police are laid down in chapter 16, section 1, paragraph 9.

## **Section 9 (1303/2021)**

### **Procedure and registration of decisions**

A non-intimate body search shall be conducted in the presence of a witness. If a non-intimate body search or substance control measures require undressing, the person conducting the search or carrying out the measure and the witness of the search shall be of the same gender as the person subject to the search or measure. When a remand prisoner is outside prison under the direct supervision of a public official of the Prison and Probation Service, a non-intimate body

search may, however, be conducted without the presence of a witness, if the matter cannot be delayed.

If an intimate body search is conducted by a person who is not a member of the healthcare staff, a witness shall be present. In other respects, the provisions of chapter 8, section 33, subsections 3–4 of the Coercive Measures Act apply to the conduct of an intimate body search.

The remand prisoner shall be notified of the grounds for a non-intimate body search, a special inspection, an intimate body search and substance control measures as soon as possible in view of the condition of the person and the other circumstances.

A non-intimate body search, substance control measures, a special inspection, and an intimate body search shall be registered.

### **Section 9a (1303/2021)**

#### **Carrying out substance control measures**

The taking of samples in connection with substance control shall take place in appropriate premises and under supervised conditions to ensure the protection of privacy of the person being tested. Blood samples shall be taken in a healthcare unit suitable for the purpose. Blood samples may only be taken by healthcare professionals.

Samples shall be taken and processed in a technically reliable manner so that:

- 1) samples of different persons tested cannot get mixed up;
- 2) no impurities may enter a sample; and
- 3) falsifying a sample is not possible.

Saliva, urine and blood samples shall be sent for examination or verification to a laboratory, unless it can be determined based on the results of a rapid test performed on a saliva or urine sample that the prisoner has not used any intoxicating substances. The laboratory shall meet the quality requirements set for narcotics tests by law.

## **Section 10 (1303/2021)**

### **Power of decision**

A public official in a senior guidance or supervisory position or a public official performing guidance or supervisory tasks decides on a security check of a remand prisoner. A public official in a senior guidance or supervisory position or, if the matter cannot be delayed, a public official performing guidance or supervisory tasks decides on a non-intimate body search of a remand prisoner and other substance control measures than the taking of a blood sample referred to in section 7.

The head of prison or a public official in charge of security or a public official in a senior guidance or supervisory position specified in the rules of procedure of the prison and probation centre decides on the taking of a blood sample referred to in section 7. (223/2022)

The head of prison or a public official in charge of security specified in the rules of procedure of the prison and probation centre decides on a special inspection. In individual cases, the Director of the Core Operations Department or a public official of the Core Operations Department specified in the rules of procedure of the Prison and Probation Service has the right to decide on the conduct of a special inspection. (223/2022)

The head of prison decides on an intimate body search. (223/2022)

## **Section 11 (1303/2021)**

### **Further provisions and regulations**

Further provisions on the registration of a non-intimate body search, substance control measures, a special inspection and an intimate body search are issued by government decree.

Further regulations on the procedure to be complied with in substance control are issued by the Prison and Probation Service. (223/2022)

## **Chapter 12**

### **Inspection of other persons**

#### **Section 1**

##### **Entry into prison**

No one may enter a prison without an appropriate permit or a valid reason.

Entry into a prison may be made subject to the condition that the person leaves his or her outdoor clothing and other goods brought along to be kept by the prison in the manner ordered by the prison. Entry into the prison and movement in the prison area may also be made subject to the condition that the person proves his or her identity. Other conditions necessary for the maintenance of prison order or prison safety and security may also be set for a person moving in the prison area.

A person may be denied entry into the prison or prohibited from moving in the prison area if he or she does not comply with an order issued to him or her or a condition imposed on him or her under subsection 2, or if he or she refuses to submit to a security check referred to in section 2. No person who may pose a risk to prison order or prison safety and security due to intoxication, threatening behaviour or another corresponding reason may be allowed to enter the prison. In addition, the provisions of chapter 9, section 7 apply to the denial of entry of a visitor.

(1071/2015)

#### **Section 2**

##### **Security check in prison area**

A person may be checked in a prison and its area to maintain safety and security, to ensure order, or to protect property (*security check*).

During a security check, a person entering the prison or moving in the prison or in its area, goods in his or her possession or a vehicle used by him or her and located in the prison area may be inspected by using a metal detector, another technical device or a trained dog, by means of a pat-down, or in some other corresponding manner in order to ensure that the person is not carrying an object or substance:

- 1) that could pose a risk to the safety of a person or to prison order;

- 2) that is particularly suitable for damaging property; or
- 3) the possession of which is otherwise prohibited in or under the law.

For a purpose referred to in subsection 1, a person may be obliged to hand over the property in his or her possession for inspection, if the inspection cannot be conducted in the manner referred to in subsection 2.

### **Section 3**

#### **Non-intimate body search of a visitor**

If there are reasonable grounds to suspect that a visitor's intention during a visit is to hand over substances or objects referred to in section 2, subsection 2, the visit to the remand prisoner may be made subject to the condition that the visitor consents to a non-intimate body search.

The provisions of chapter 9, section 7 apply if the visitor refuses to submit to a non-intimate body search. (1071/2015)

A non-intimate body search involves searching of what the visitor has in his or her clothes or otherwise on him or her.

### **Section 4**

#### **Removal of objects and substances**

A public official performing guidance or supervisory tasks who conducts a security check or a non-intimate body search has the right to remove an object or substance referred to in section 2, subsection 2 found during the check or search or otherwise.

The removed objects and substances shall be handed over to the police or, provided that there is no impediment to it under the law, returned to the person checked or searched when he or she leaves the prison.

## **Section 5**

### **Removal from prison area**

Anyone who refuses to undergo a security check or does not comply with an order to leave the prison issued to him or her under section 1, subsection 3 of this chapter or chapter 9, section 7 may be removed from the prison or its area. (1071/2015)

The person to be removed shall be informed of the grounds for the removal.

## **Section 6**

### **Apprehension and keeping in custody**

The head of prison, a public official in charge of security, a public official in a senior supervisory position, and a public official performing guidance or supervisory tasks has the right, in the prison and its area, to apprehend a person who is there, if the apprehension is necessary to avert a threat to a person or property or to prevent or investigate an offence.

If the apprehended person cannot immediately be handed over to the police, he or she may be kept in custody in accordance with the instructions provided by the police until the arrival of the police; however, for a maximum of four hours.

The person shall be informed of the grounds for the apprehension and keeping in custody. (1303/2021)

## **Section 7 (1303/2021)**

### **Procedure and registration of decisions**

A security check and a non-intimate body search shall be conducted with discretion. The check or search must not cause unnecessary inconvenience to the person subject to the check or search or damage to property.

The person subject to a check or search shall be informed of the grounds for the check or search. A witness shall be present in a non-intimate body search. If a non-intimate body search requires undressing, the search shall be conducted in separate premises and the person conducting the search and the witness shall be of the same gender as the person subject to the search.

A non-intimate body search of a visitor, removal of objects and substances, removal from prison area, apprehension and keeping in custody shall be registered.

## **Section 8**

### **Power of decision**

A public official in a senior supervisory position or a public official performing guidance or supervisory tasks decides on a security check and denial of entry into prison. (1303/2021)

A public official in a senior supervisory position decides on a non-intimate body search of a visitor and removal of a visitor from prison. A decision to keep an apprehended person in custody is made by the head of prison. (223/2022)

## **Section 9 (1303/2021)**

### **Further provisions**

Further provisions on the registration of a non-intimate body search of a visitor, removal of objects and substances, removal from prison area, apprehension and keeping in custody are issued by government decree.

## **Chapter 13**

### **Precautionary measures and use of force**

#### **Section 1**

##### **Precautionary measures**

Precautionary measures are restriction of communications, physical restraint, isolation under observation for safety purposes, isolation under observation for the purposes of detecting prohibited substances, and segregation of a remand prisoner, as provided in this chapter.

Instead of taking precautionary measures, means other than those restricting the liberty of a remand prisoner shall primarily be used to calm down the prisoner or to prevent an offence or a potentially dangerous incident.

Provisions on the restriction of a remand prisoner's communications are laid down in chapter 4 of the Coercive Measures Act. (808/2011)

## **Section 2**

### **Physical restraint**

A remand prisoner's immediate freedom to act may be restricted by applying handcuffs, using plastic ties or a spit mask, or in some other corresponding manner, if this is necessary:

- 1) to prevent an escape during transport;
- 2) to control violent behaviour that cannot be prevented by any other means and that may endanger the safety of the prisoner or another person or cause serious damage to property;
- 3) to avert imminent violence; or
- 4) to secure an intimate body search. (508/2019)

The restraining shall not be continued any longer than what is necessary. If a remand prisoner is restrained under subsection 1, paragraph 2, a physician shall be consulted, where possible. When a remand prisoner is being heard in a court, the restraining shall be terminated, unless the presiding judge for special reasons orders otherwise. The restraining shall also be terminated if this is necessary in order to perform a medical procedure.

## **Section 3**

### **Isolation under observation for safety purposes**

A remand prisoner may be placed in a room or cell where he or she can be observed 24 hours a day with technical monitoring systems or otherwise, if this is necessary:

- 1) to monitor the state of health of an intoxicated remand prisoner or a remand prisoner suffering from withdrawal symptoms resulting from the use of intoxicating substances and to ensure his or her safety;
- 2) to prevent suicide or suicidal behaviour; or
- 3) to control such violent behaviour that cannot be prevented by any other means and that may endanger the safety of the remand prisoner or some other person or cause serious damage to property.

A healthcare professional shall be notified without delay when a remand prisoner is placed in isolation under observation for safety purposes. The state of a remand prisoner's health shall, as

soon as possible, be examined by a physician or another healthcare professional. The remand prisoner shall be closely monitored with technical monitoring systems and otherwise. (736/2011)

Placement in isolation under observation for safety purposes must not be continued any longer than what is necessary and not over seven days. It may, however, be continued if this is necessary for a reason referred to in subsection 1, paragraph 1. Placement in isolation under observation for safety purposes shall be taken up for reconsideration at regular intervals, the length of which must not exceed seven days.

#### **Section 4 (394/2015)**

##### **Isolation under observation for the purposes of detecting prohibited substances**

If there are reasonable grounds to suspect that, while in prison or upon entering it, a remand prisoner has inside his or her body prohibited substances or objects referred to in chapter 5, section 1, subsection 1 or 2, the prisoner may be placed in a room or cell where he or she and the exit of the prohibited substances or objects from his or her body can be monitored 24 hours a day with technical monitoring systems or otherwise. In this case, the remand prisoner may also be required to wear special clothing designed for observation purposes. A remand prisoner wearing such clothing shall be given access to a toilet at his or her request without delay.

A remand prisoner may be kept in isolation under observation until the prohibited substances or objects have exited his or her body or until there otherwise no longer is reason for the isolation. Isolation under observation for the purposes of detecting prohibited substances must not, however, last for more than six days. Should isolation under observation endanger the health of the remand prisoner, it shall be discontinued. If substances or objects referred to in subsection 1 have been detected in the body of the remand prisoner in an intimate body search, isolation under observation may be continued even after the maximum period of six days, but for a maximum of three more days.

A healthcare professional shall be notified without delay when a remand prisoner is placed in isolation under observation for the purposes of detecting prohibited substances. The state of a remand prisoner's health shall, as soon as possible, be examined by a physician or another healthcare professional. The remand prisoner shall be closely monitored with technical monitoring systems and otherwise.

## **Section 5**

### **Segregation**

A remand prisoner may be segregated from other prisoners, if this is necessary:

- 1) to prevent the remand prisoner from seriously endangering the life or health of another person;
- 2) to prevent an evident escape or release attempt;
- 3) to prevent continuous use of intoxicating substances or to prevent a narcotics offence referred to in chapter 50, sections 1–4 of the Criminal Code; or
- 4) to prevent another act similar to the acts referred to in paragraphs 1–3 that poses a serious threat to prison order.

The rights of a person subject to segregation may not be restricted more than what is necessary due to the segregation. A remand prisoner and his or her state of health shall be closely monitored.

Segregation must not be continued any longer than what is necessary. A decision on segregation shall be taken up for reconsideration at regular intervals, the length of which must not exceed 30 days.

## **Section 6**

### **Use of force**

While performing their official duties, public officials of the Prison and Probation Service have the right to use force in a prison, in its area and in its immediate vicinity, during a transport of a remand prisoner, and during activities supervised by the Prison and Probation Service: (736/2011)

- 1) to prevent a remand prisoner from escaping or leaving the prison without authorisation, to overcome resistance, and to perform a supervisory, inspection and precautionary measure referred to in this chapter or in chapter 11;
- 2) to prevent entry into prison referred to in chapter 12, to take possession of objects or goods, to remove a person from prison area, and to apprehend a person or to keep a person in custody; and
- 3) to prevent unauthorised entry, to remove an obstacle or to stop a vehicle at the threat of an offence directed at life or health or another act or event endangering the health of a person.

The use of force shall be necessary and justifiable considering the circumstances. In assessing the justifiability, the importance and urgency of the task, the dangerousness of the resistance, the

resources available, and any other issues affecting the overall assessment of the situation shall be taken into consideration. Instruments of force may only be used by public officials who have received relevant training.

Public officials of the Prison and Probation Service on duty also have the right of self-defence as provided in chapter 4, section 4 of the Criminal Code. When assessing the justifiability of self-defence, the requirements set for public officials based on their training and experience shall be taken into account. (1303/2021)

Anyone who, at the request of a public official referred to in subsection 1 or with his or her consent, temporarily assists the public official in a situation where it is necessary to resort to use of force by a third party in order to perform a very important and urgent official duty under this section, has the right, under the guidance of the public official, to use the necessary force that may be deemed justifiable considering the circumstances. (1303/2021)

Provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code and provisions on excessive self-defence are laid down in chapter 4, section 4, subsection 2 and section 7 of the Criminal Code. (1303/2021)

### **Section 6a (1303/2021)**

#### **Preparing for and warning of the use of force**

If, in carrying out an official duty, there is reason to suspect that resistance will be met or an unlawful attack referred to in chapter 4, section 4, subsection 1 of the Criminal Code will occur, a public official shall prepare for the use of force in a suitable and appropriate manner.

Those at whom an official duty is directed shall be warned of the possibility that force may be used against them, if giving such a warning is possible and appropriate. The warning shall be given in a comprehensible manner that is suitable for the purpose.

### **Section 6b (1303/2021)**

#### **Use of a firearm**

A public official of the Prison and Probation Service may only use a firearm when it is necessary to stop the actions of a person posing an imminent and serious danger to the life or health of another

person and no more moderate means to do this are available. When carrying out an urgent and important duty, a firearm may also be used to remove an object or other similar obstacle.

*Use of a firearm* refers to the warning of the use of a firearm referred to in section 2 of the Firearms Act, threatening with a firearm and firing a shot. Revealing a firearm and getting it ready for use do not constitute use of a firearm.

## **Section 7 (1303/2021)**

### **Procedural provisions**

The remand prisoner shall be informed of the grounds for physical restraint as soon as possible in view of the condition of the person and the other circumstances.

Physical restraint, enforcement of isolation under observation for safety purposes, enforcement of isolation under observation for the purposes of detecting prohibited substances, enforcement of segregation, and use of an instrument of force shall be registered.

## **Section 8**

### **Power of decision**

A public official in a senior supervisory position or, if the matter cannot be delayed, a public official performing guidance or supervisory tasks decides on physical restraint. A public official in charge of security or, if the matter cannot be delayed, a public official in a senior supervisory position decides on the placement of a remand prisoner in isolation under observation for safety purposes and isolation under observation for the purposes of detecting prohibited substances. The head of prison decides on the segregation of a remand prisoner. (223/2022)

A public official in charge of security or, if the matter cannot be delayed, a public official in a senior supervisory position or a public official performing guidance or supervisory tasks makes the decision to threaten with a firearm and fire a shot. (1303/2021)

## **Section 9 (394/2015)**

### **Further provisions and regulations**

Further provisions on the enforcement and circumstances of isolation under observation for safety purposes, isolation under observation for the purposes of detecting prohibited substances and segregation, and on the instruments of force, the instruments to be used for physical restraint and the registration of physical restraint and use of an instrument of force are issued by government decree. (1303/2021)

Further regulations on the use of force and on the training required for the use of precautionary measures, use of force and use of instruments of force are issued by the Prison and Probation Service. (223/2022)

## **PART VI**

### **OTHER PROVISIONS**

#### **Chapter 14**

##### **Transport of remand prisoners**

###### **Section 1**

###### **Means of transport**

Remand prisoners shall be transported using such means of transport that are suitable for the purpose and equipped with the necessary security devices.

A remand prisoner shall be given an opportunity to contact the authority supervising the transport without undue delay.

###### **Section 2**

###### **Duration of transport**

The transport of a remand prisoner shall be carried out without undue delay.

The transport shall be carried out so that it does not last unreasonably long taking into account the reason for the transport, the length of the distance and the state of health of the person being transported.

If a transport using a regular route or means of prisoner transport would last an unreasonably long time considering the reason for the transport, the distance to be travelled or the remand prisoner's state of health, another route or means of transport shall be used for the transport. (394/2015)

### **Section 3**

#### **Keeping a remand prisoner separate from other passengers during transport**

If a means of public transport is used for transporting a remand prisoner, efforts shall be made to keep the prisoner separate from the other passengers. A remand prisoner under 18 years of age shall be kept separate from adult remand prisoners and prisoners, unless it is in his or her best interests to act otherwise.

To the extent possible, transports shall be carried out without attracting attention.

### **Section 4**

#### **Treatment of a remand prisoner during transport**

The provisions of this Act apply, where appropriate, to the treatment of a remand prisoner during a transport. The right of a remand prisoner to exercise outdoors, to participate in activities or free time activities, to have property in his or her possession or to use it, to receive visits, and to use the telephone may be restricted during a transport, if providing access to these rights during the transport is particularly difficult.

The person transported must not accept money, substances or objects from any third parties during a transport. Money, substances and objects addressed to the person transported may be stored by the public official responsible for the transport, if there are special reasons for this. (394/2015)

## **Section 5**

### **Responsibility for the arrangement of transport**

Provisions on the responsibility for the arrangement of transport are issued separately.

## **Chapter 15 (394/2015)**

### **Request for review**

#### **Section 1 (394/2015)**

##### **Decisions eligible for a request for review**

A remand prisoner has the right to request an administrative review or a judicial review, by appeal, of a decision of the Prison and Probation Service that concerns:

- 1) placement in separate accommodation at own request referred to in chapter 3, section 2, subsection 2, use of own clothes referred to in chapter 3, section 3, or an exception to be made to the basic diet referred to in chapter 3, section 4;
- 2) denial of possession of property referred to in chapter 5, section 1, use of money referred to in chapter 5, section 4, or payment of the activity and expense allowance referred to in chapter 5, section 7; (384/2017)
- 3) temporary medical treatment outside prison referred to in chapter 6, section 2;
- 4) withholding of a letter or another postal item as referred to in chapter 8, section 5;
- 5) a prohibition to visit referred to in chapter 9, section 8 or prison leave for a particularly important reason referred to in chapter 9, section 14, subsection 1;
- 6) a reprimand, a warning, loss of rights, solitary confinement or waiving of a disciplinary punishment as referred to in chapter 10, section 4, or segregation referred to in section 11 of the same chapter; (1303/2021)
- 7) placement in isolation under observation for safety purposes referred to in chapter 13, section 3, isolation under observation for the purposes of detecting prohibited substances referred to in chapter 13, section 4, and segregation referred to in chapter 13, section 5;
- 8) another decision referred to in section 6 of the Administrative Judicial Procedure Act (808/2019) and issued under this Act, unless requesting a review is prohibited under section 2 of this chapter. (820/2019)

A visitor to a remand prisoner may request an administrative review of or appeal against a decision of the Prison and Probation Service concerning a prohibition to visit referred to in chapter 9, section 8.

A person who has sent a letter to a remand prisoner and a person to whom a letter sent by a remand prisoner has been addressed may request an administrative review of and appeal against a decision of the Prison and Probation Service concerning withholding of a letter or another postal item as referred to in chapter 8, section 5.

## **Section 2 (394/2015)**

### **Prohibition of request for review**

A remand prisoner may not request an administrative review of or appeal against a decision of the Prison and Probation Service that concerns:

- 1) placement in prison referred to in chapter 2, section 1, subsection 1 or 2;
- 2) placement within a prison referred to in chapter 3, section 1, placement in accommodation referred to in chapter 3, section 2, subsection 1, placement in a contract ward referred to in chapter 3, section 2a, transfer to another prison referred to in chapter 3, sections 6 and 6a, or release of a remand prisoner for the purpose of being heard by an authority other than a court referred to in chapter 3, section 8, subsection 2;
- 3) participation in activities referred to in chapter 4, section 1 and permission for own work referred to in chapter 4, section 2;
- 3a) supervision of the use of a payment card referred to in chapter 5, section 3a, subsection 2; (291/2021)
- 4) reading and copying of a letter, another postal item or a message referred to in chapter 8, section 2, listening to and recording of a telephone call referred to in chapter 8, section 7, permission to use email referred to in chapter 8, section 7a, or permission to use the internet referred to in chapter 8, section 7b;
- 5) visits and meetings referred to in chapter 9, sections 2, 3, 5 and 10, reception of goods in connection with a visit referred to in chapter 9, section 9, and prison leave referred to in chapter 9, section 14, subsection 2.

## **Section 3 (394/2015)**

### **Review procedure**

In all other respects, the provisions of chapter 20, sections 3–9 of the Imprisonment Act apply to requesting a review.

## **Chapter 16**

### **Miscellaneous provisions**

## **Section 1 (394/2015)**

### **Application of the Imprisonment Act**

The following provisions concerning the enforcement of imprisonment laid down in the Imprisonment Act also apply to the enforcement of remand imprisonment:

- 1) the provisions of chapter 1, section 4 on the organisation for the enforcement of imprisonment, the provisions of chapter 1, section 5a on a close relative and other close person, the provisions of chapter 1, sections 6, 8 and 9 on the authority and use of authority, and the provisions of chapter 1, section 11 on the executive assistance; (1641/2015)
- 2) the provisions of chapter 4, section 1, subsection 1 on prisons and the provisions of chapter 4, section 3 on the reimbursement of travel costs;
- 3) the provisions of chapter 5, section 1, subsection 1 on wards, the provisions of chapter 5, section 8 on the daily schedule of a ward, the provisions of chapter 5, section 9, subsection 1 on the power of decision in confirming the daily schedule of a ward, and the provisions of chapter 5, section 9, subsection 2 on the power of decision of a chief physician or another physician appointed by him or her; (1641/2015)
- 4) the provisions of chapter 7, section 1 on accommodation premises;
- 5) the provisions of chapter 10, section 9 on the death of a prisoner;
- 6) the provisions of chapter 11, section 1 on free time activities, the provisions of chapter 11, section 3, subsection 1 on the arrangement of religious events, and the provisions of chapter 11, section 4, subsection 1 on libraries;
- 7) the provisions of chapter 13, section 2, subsection 1 on visiting premises and the provisions of chapter 13, section 11 on the entry of a minor visitor to a prison;
- 8) the provisions of chapter 14, section 11 on the power of decision concerning prison leave;
- 9) the provisions of chapter 19 on notifications, provision of information and the right to remain silent.

The provisions of chapter 19, section 4, subsection 2 and section 11 of the Imprisonment Act on a sentenced person apply to the release and notification of release of a remand prisoner remanded for an offence referred to in chapter 19, section 4, subsection 2 of the Imprisonment Act.  
(15/2016)

## **Section 2**

### **Further provisions on implementation**

Further provisions on the implementation of this Act may be issued by government decree.

## **Chapter 17**

### **Transitional provisions and entry into force**

#### **Section 1**

##### **Entry into force**

This Act enters into force on 1 October 2006.

This Act repeals the Pretrial Detention Act of 19 July 1974 (615/1974) as amended.

#### **Section 2**

##### **Transitional provisions**

The provisions in force at the time of making a decision concerning the treatment of a remand prisoner apply to the enforcement of the decision. The provisions of this Act apply, however, if the matter is taken up for reconsideration due to a violation of conditions, change in circumstances, time limit provided by law or for another corresponding reason.

The provisions of this Act on the placement of a remand prisoner apply when a court makes the decision on remand or continuation of the remand after the entry into force of this Act. The provisions on disciplinary punishments apply to a disciplinary infraction committed after the entry into force of this Act. The provisions on the request for a review apply to requesting a review of a decision made after the entry into force of this Act.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.