

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Justice, Finland

Act on the Enforcement of Community Sanctions

(400/2015, amendments up to 994/2022 included)

By decision of Parliament, the following is enacted:

PART I

GENERAL PROVISIONS

Chapter 1

General provisions on enforcement

Section 1

Scope of application

This Act applies to the enforcement of the following community sanctions imposed by a court:

- 1) community service;
- 2) monitoring sentence;
- 3) conditional imprisonment with supervision;
- 4) juvenile punishment.

This Act also applies to the enforcement of supervision of conditionally released persons, which is imposed by decision of the Prison and Probation Service of Finland.

In this Act, *sentenced person* means a person serving a community sanction referred to in subsection 1 or 2.

Provisions on the imposition of community service are laid down in chapter 6, section 11 of the Criminal Code (39/1889), provisions on the imposition of a monitoring sentence are laid down in chapter 6, section 11a of the Criminal Code, provisions on the imposition of conditional imprisonment with supervision are laid down in chapter 6, section 10, subsections 2 and 3 of the Criminal Code, and provisions on the imposition of a juvenile punishment are laid down in chapter 6, section 10a of the Criminal Code. (273/2019)

In addition to this Act, provisions on the foundations of good administration to be observed in the treatment of persons sentenced to community sanctions and on the procedure to be applied in administrative matters are laid down in the Administrative Procedure Act (434/2003). (1304/2021)

Section 2

Objective of community sanctions

The objective of community sanctions is to promote the sentenced person's social adjustment and improve their ability to lead a life without crime by supporting the person during the enforcement of the sentence.

Section 3

Contents of community sanctions

Community sanctions involve monitoring, obligations, prohibitions and other regulations imposed on a sentenced person as well as activities that are determined on the basis of the sentenced person's needs and circumstances while simultaneously maintaining the security of society, as provided in this Act.

The detailed contents of a community sanction are specified in the sentence plan referred to in section 14.

Section 4

Treatment of sentenced persons

Persons sentenced to community sanctions shall be treated with justice and respect for their human dignity. The enforcement of a community sanction shall not place any other restrictions on

the rights or circumstances of the sentenced person than those provided by law or those that inevitably follow from the enforcement of the sanction.

A community sanction shall be enforced without causing any greater detriment to the sentenced person or persons close to the sentenced person than what is absolutely necessary in order to enforce the sanction. When enforcing a community sanction imposed on a juvenile who has committed an 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 sentenced person.

Sentenced persons shall not, without an acceptable reason, be treated differently from each other on the grounds of sex, age, origin, nationality, language, religion, belief, opinion, political activities, trade union activities, family status, state of health, disability, sexual orientation, or other reason related to the person.

Section 5 (1304/2021)

Section 5 was repealed by Act 1304/2021.

Chapter 2

Enforcement authority and public officials responsible for enforcement

Section 6

Authority responsible for enforcement

The Prison and Probation Service of Finland is responsible for the enforcement of community sanctions.

Section 7

Supervisor and assistant supervisor

A public official of the Prison and Probation Service of Finland assigned to the task (*supervisor*) is responsible for the enforcement of an individual community sanction.

To promote the appropriate enforcement of a community sanction, a person consenting to the task, with appropriate training and experience of working in the field of prison and probation

services, social welfare, healthcare or education, may be assigned to assist the supervisor (*assistant supervisor*). Another suitable person may also be assigned to the task of an assistant supervisor, if this is necessary for carrying out the supervision.

The Prison and Probation Service makes an agreement with the assistant supervisor concerning the performance of the task and determines the fee and compensation for expenses payable to the person from state funds. No public-service employment relationship or contractual employment relationship is established between the Prison and Probation Service and the assistant supervisor.

The Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) and the provisions concerning criminal liability for acts in office apply to the assistant supervisor when they perform their duties. Provisions on liability for damages are laid down in the Damages Act (412/1974).

Section 8

Duties of supervisor and assistant supervisor

The supervisor shall:

- 1) draw up a sentence plan and a schedule for serving the community sanction and serve them on the sentenced person, and thoroughly explain the obligations and restrictions related to the enforcement of the community sanction and the sanctions for breaching them to the sentenced person;
- 2) support and guide the sentenced person;
- 3) supervise compliance with the obligations laid down in this Act and imposed on the sentenced person under this Act;
- 4) when necessary, be in contact with the person having custody of the sentenced person or with the guardian or other legal representative of the sentenced person;
- 5) be in contact, to the extent necessary, with the sentenced person as provided in this Act;

6) be in contact, by telephone, with the place where the sentenced person participates in the activities that are part of the enforcement of the community sanction and, where necessary, conduct control visits to the place;

7) notify the Prison and Probation Service of Finland of any breach of the obligations laid down in this Act or imposed under this Act and draw up a report on such a breach;

8) attend to any other measures required for the enforcement of a community sanction.

The assistant supervisor shall assist the supervisor in the tasks specified in subsection 1. The assistant supervisor shall also comply with orders issued by a public official of the Prison and Probation Service and notify the public official if the sentenced person fails to fulfil their obligations.

Section 9

Further provisions

Further provisions on the procedure for appointing an assistant supervisor are issued by government decree.

Chapter 3

Establishing prerequisites for serving a community sanction

Section 10 (273/2019)

Pre-sentence report

The prosecutor or the court shall request the Prison and Probation Service of Finland to draw up a pre-sentence report when a suspect is charged with an offence that is likely to result in the imposition of community service or a monitoring sentence or in the imposition of conditional imprisonment with supervision on a person aged 21 or over upon committing an offence. The Prison and Probation Service may also draw up a pre-sentence report on the request of the suspect, if there are serious reasons for this.

A pre-sentence report need not, however, be requested, if the suspect is a foreign national with permanent residence outside Finland and it is assessed that there is no prospect of sentencing the

person to a community sanction or transferring the enforcement of a community sanction to another country.

In the pre-sentence report, the Prison and Probation Service assesses the prerequisites and ability of the suspect to serve a community sanction. The suspect's previous criminality, use of intoxicating substances, other personal and social circumstances and need for supervision and support in leading a life without crime are taken into consideration when drawing up the report.

When drawing up a pre-sentence report, it shall be established whether the suspect consents to the imposition and enforcement of community service or a monitoring sentence. It shall also be established whether the suspect consents to the possibility that rehabilitation or outpatient treatment referred to in section 60, subsection 3 may be included in the supervision imposed on a person aged 21 or over upon committing an offence in addition to conditional imprisonment.

If a change affecting the contents of a pre-sentence report occurs in the circumstances of a suspect after the report has been drawn up, the Prison and Probation Service shall make the corresponding changes to the report.

Provisions on the assessment measures and information collecting that precede sentencing a person to a juvenile punishment and sentencing a person aged under 21 upon committing an offence to conditional imprisonment with supervision are laid down in the Act on Investigating the Circumstances of Suspected Young Offenders (633/2010). Provisions on the assessment measures and information collecting that precede sentencing a person to a monitoring sentence are laid down in section 44 of this Act.

Section 11

Sentence plan

If the Prison and Probation Service of Finland considers that a suspect is suitable for serving community service, a monitoring sentence, conditional imprisonment with supervision or a juvenile punishment, or if the prosecutor or the court specifically so requests, a sentence plan containing the following information about the community sanction in question shall be appended to the pre-sentence report:

- 1) obligations of the sentenced person;

2) work, unpaid work, rehabilitation, education and training, or other activities included in the enforcement of the community sanction, and supervision appointments;

3) the means of supervision and other details concerning supervision;

4) supplementary support measures promoting the life management of the sentenced person and improving the person's ability to serve the sentence.

The sentence plan shall be drawn up in cooperation with the suspect.

Section 12

Support measures

When the Prison and Probation Service of Finland starts drawing up a sentence plan referred to in section 11 or section 71, subsection 3, it shall, where necessary, assess the suspect's living conditions and need for support measures together with the social welfare and health authorities. The enforcement of a community sanction shall be reconciled with the support measures promoting the life management of the sentenced person and improving their ability to serve the sentence.

When reconciling the support measures referred to in subsection 1, wellbeing services counties bear the expenses for the basic public services that the counties are responsible for. What is provided above on wellbeing services counties applies in Åland to the municipalities of Åland. The Prison and Probation Service bears the expenses arising from the activities related to the enforcement of a community sanction. (635/2022)

Section 13

Further provisions

Further provisions on the assessment of a suspect's suitability for serving a community sanction and on the assessment of other related prerequisites, on the procedure for drawing up a pre-sentence report and a sentence plan, and on the contents of these documents are issued by government decree.

Chapter 4

Initiation of enforcement

Section 14 (1304/2021)

Commencement of enforcement

The court shall, without undue delay, notify the Prison and Probation Service of Finland of its decision by which it has imposed community service, a monitoring sentence, conditional imprisonment with supervision or a juvenile punishment. Information on the decision is stored in the decision notification system of the national data repository of the judicial administration. Provisions on the storage of information are laid down in the Act on the National Data Repository of the Judicial Administration (955/2020).

A specified sentence plan shall be drawn up and the enforcement of community service, a monitoring sentence, conditional imprisonment with supervision and a juvenile punishment shall be commenced and the sanction enforced without undue delay once the judgment imposing the sentence has become final or is enforceable as a final judgment.

The Prison and Probation Service shall assign a start date for serving the sentence.

Section 15 (1304/2021)

Start date for serving a sentence

The serving of community service and a juvenile punishment begins on the day of the first supervision appointment, on the first day of community service work or participation in other activities, or on the day on which other supervision related to the enforcement of the community sanction begins in accordance with the specified sentence plan. Provisions on the start date for serving a monitoring sentence are laid down in section 47.

The supervision term of conditional imprisonment with supervision begins on the day on which the first supervision appointment in accordance with the specified sentence plan is held.

If a person who is to be conditionally released is placed under supervision for the probationary period, the supervision begins on the day on which the person is conditionally released from prison.

Section 16 (1304/2021)

Postponement or suspension of enforcement

The Prison and Probation Service of Finland may postpone or suspend the enforcement of community service, a monitoring sentence, a juvenile punishment or supervision of conditional imprisonment for a fixed period if:

- 1) serving the community sanction would endanger the treatment of a serious illness or a serious injury of the sentenced person;
- 2) there is a temporary impediment to the serving of the community sanction because the sentenced person is participating in substance abuse rehabilitation, performing military service, women's voluntary military service or non-military service, or caring for a child during maternity, special maternity, paternity or parental leave referred to in the Health Insurance Act (1224/2004), or because of another comparable acceptable reason;
- 3) a change in the circumstances of the sentenced person requires making changes to the obligation to participate in activities that is part of the enforcement or to the obligation to remain at a pre-determined place;
- 4) there is an impediment to the serving of the community sanction because the sentenced person is serving a sentence of unconditional imprisonment or some other community sanction or being kept on remand.

In situations referred to in subsection 1, paragraph 1, the enforcement shall be postponed or suspended until any impediment to the commencement of the enforcement arising from the state of health of the sentenced person no longer exists. In situations referred to in subsection 1, paragraphs 2–4, the length of postponements and suspensions shall not exceed a total of one year from the start date for serving the sentence assigned to the sentenced person.

The term of sentence does not lapse during the postponement or suspension.

The Prison and Probation Service shall revoke a postponement or suspension of enforcement if it transpires that prerequisites for the postponement or suspension no longer exist.

Section 17 (1304/2021)

Specified sentence plan

The Prison and Probation Service of Finland shall draw up a specified sentence plan for the purpose of enforcing a community sanction. The specified sentence plan shall include more detailed information about the entire period of enforcement of the community sanction than the sentence plan drawn up during the assessment stage in accordance with section 11, the start and end date for the enforcement of the sanction, and a detailed schedule.

Section 18 (1304/2021)

Drawing up and amending a specified sentence plan

The Prison and Probation Service of Finland draws up a specified sentence plan in cooperation with the sentenced person.

The Prison and Probation Service may amend the specified sentence plan if the circumstances have substantially changed or if there is some other comparable acceptable reason for this. Subsections 1 and 3 shall be observed when amending the specified sentence plan.

The details of the specified sentence plan and the sanctions for breaching the regulations shall be gone through with the sentenced person in an appropriate manner.

Section 19 (1304/2021)

Calculation of terms of sentence and time limits

The terms of sentence referred to in this Act and the maximum length of postponement and suspension referred to in section 16 are calculated in days. Periods given in years and months are converted into days so that a year consists of 365 days and a month consists of 30 days.

Section 20 (1304/2021)

Further provisions

Further provisions on the following are issued by government decree:

1) commencement of enforcement;

- 2) the contents of a specified sentence plan and the procedure for drawing up the plan;
- 3) acceptable activities that can be carried out to fulfil the obligation to participate in activities.

Chapter 5

General conditions for community sanctions and breaching them

Section 21

General obligations of sentenced person

A sentenced person is obliged to:

- 1) participate in the drawing up of a specified sentence plan referred to in section 14;
- 2) provide the supervisor or assistant supervisor with the contact details that are necessary for enforcing the community sanction and with details of their work, residence, education and training, studies, financial circumstances and other corresponding circumstances, and information on any changes occurring in these;
- 3) maintain contact with the supervisor or assistant supervisor in accordance with the sentence plan and attend the supervision appointments;
- 4) fulfil the obligation to participate in activities in accordance with the sentence plan by carrying out work or participating in education and training, rehabilitation, programmes, events or other corresponding activities that maintain or promote their functioning ability and social adaptation;
- 5) abstain from using intoxicating substances in accordance with the specific provisions governing each community sanction laid down in this Act;
- 6) comply with the obligation to remain at their place of residence or another place specified in the sentence plan;
- 7) behave in an appropriate manner at supervision appointments and at events and occasions related to the fulfilment of the obligation to participate in activities;

8) inform the Prison and Probation Service of Finland, without delay, of any impediment preventing them from attending a supervision appointment or fulfilling the obligation to participate in activities and of the reason for this, and to provide, upon request, an appropriate proof or account of the existence of the impediment in the manner specified in the sentence plan;

9) provide the Prison and Probation Service with a medical certificate issued by a physician concerning their state of health, if there is justified reason to suspect that the state of health is insufficient for serving the community sanction;

10) comply with any other regulations laid down in the sentence plan in addition to those referred to in this section, with the schedule for serving the community sanction drawn up by the Prison and Probation Service, and with the orders issued by the supervisor or assistant supervisor that are essential for the enforcement of the community sanction.

Section 22 (1304/2021)

Substance control

A sentenced person 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 sentenced person is under the influence of alcohol or another intoxicating substance in the manner referred to in section 38, 61, 65 or 72; or

2) to supervise compliance with the obligation to abstain from using intoxicating substances during a monitoring sentence.

A sentenced person may be ordered to provide a blood sample if this is necessary because the person 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 sentenced person requests it.

Provisions on the procedure for considering a breach of the obligation to abstain from using intoxicating substances detected in connection with substance control are laid down in sections 24a, 25 and 26.

Section 22a (1304/2021)

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. If a substance control measure requires undressing, the person carrying out the measure shall be of the same sex as the person subject to the measure.

To provide a urine sample, a sentenced person may be obliged to visit a relevant unit of the Prison and Probation Service of Finland, a health centre or a unit referred to in the Act on Welfare for Substance Abusers (41/1986). 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 sentenced person has not used any intoxicating substances. The laboratory shall meet the quality requirements set for narcotics tests by law.

The sentenced person shall be informed of the grounds for the substance control measure as soon as possible in view of the condition of the person and the other circumstances.

Section 23 (1304/2021)

Permission to temporarily deviate from specified sentence plan

A sentenced person may, in an individual case, be given permission to deviate from a regulation laid down in the specified sentence plan referred to in section 17, if this is necessary for a reason related to the person's family, healthcare or livelihood, or if the sentenced person needs to attend to a matter relating to their work, education and training, social welfare or housing, or for some other similar acceptable reason.

In an individual case, a sentenced person may deviate from a regulation referred to in subsection 1 without prior permission if this is absolutely necessary due to the sentenced person's illness or for other unforeseeable and compelling reasons affecting the enforcement. The sentenced person shall notify the Prison and Probation Service of Finland of the matter without delay. The Prison and Probation Service may, after receiving the notification, grant permission for the deviation retrospectively.

Section 24

Bringing a sentenced person in to a meeting required for enforcement

If a person serving a sentence of conditional imprisonment with supervision, a person serving a juvenile punishment or a conditionally released person placed under supervision fails to arrive at a supervision appointment or another corresponding event without an acceptable reason known to the supervisor or assistant supervisor and it is likely that the person is evading the meeting, the person may be brought in to the next meeting to be determined by the supervisor or assistant supervisor. The police shall provide executive assistance when bringing someone in, unless this is considered manifestly unnecessary. Executive assistance is free of charge. (994/2022)

A police officer with the power of arrest decides on the bringing in at the request of the Prison and Probation Service of Finland. The person ordered to be brought in may be apprehended and taken into custody six hours before the supervision appointment at the earliest. Attraction of undue attention shall be avoided when bringing in a sentenced person.

Section 24a (1304/2021)

Breach of obligations

A sentenced person may be issued with a warning if the person breaches their obligations laid down in section 21, 22, 38, 49, 72 or 73. Instead of a warning, a sentenced person may be issued with a reprimand if the breach of obligations is of minor significance and not repeated.

A sanction in accordance with section 39, 55, 62, 67 or 75 may be imposed on a sentenced person for a serious breach of obligations. A breach of obligations is serious if the sentenced person:

- 1) repeatedly breaches their obligations regardless of a warning issued to them; or
- 2) fails to start serving the sentence or does not complete the sentence.

A breach of obligations is also serious if the sentenced person breaches their obligations in a manner that demonstrates manifest disregard of the appropriate serving of the sentence.

Section 25 (1304/2021)

Investigation of a breach of obligations

If a sentenced person is suspected of having breached their obligations in the manner referred to in section 24a, the Prison and Probation Service of Finland shall investigate the breach of obligations in the manner required by its nature and degree of seriousness.

The Prison and Probation Service may prohibit the commencement of the enforcement of community service, a monitoring sentence, supervision of conditional imprisonment imposed on a person aged 21 or over, or a juvenile punishment, or suspend the enforcement for the time that the breach of obligations is being investigated, if the matter cannot be investigated immediately.

Section 26 (1304/2021)

Consideration of a breach of obligations

If a sentenced person is found to have breached their obligations in the manner referred to in section 24a, subsection 1, the Prison and Probation Service of Finland decides whether a reprimand or warning shall be issued. In connection with issuing a warning, the sentenced person

shall be informed of the consequences that may follow if the person continues to be in breach of the obligations.

If the sentenced person is suspected of having seriously breached their obligations in the manner referred to in section 24a, subsection 2 or 3, the Prison and Probation Service shall submit a report of the investigation referred to in section 25 to the prosecutor. The Prison and Probation Service shall prohibit the commencement of enforcement or suspend the enforcement if the sanction concerned is community service, a monitoring sentence, supervision of conditional imprisonment imposed on a person aged 21 or over or a juvenile punishment.

When considering a serious breach of obligations, the court shall, before deciding on the matter, give the sentenced person an opportunity to be heard. A representative of the Prison and Probation Service shall also be given an opportunity to issue a statement, unless this is manifestly unnecessary from the perspective of the consideration of the matter. The matter can be decided regardless of the absence of the sentenced person. The district court has a quorum in single-judge formation. In other respects, the provisions governing the criminal procedure apply. An appeal against a court decision issued under this section shall be considered urgently.

Section 26a (1304/2021)

Registration

Substance control measures and investigation of breaches of obligations shall be registered.

Section 27 (1304/2021)

Further provisions and regulations

Further provisions on the registration of substance control measures, investigation and registration of a breach of obligations, and the procedure to be followed in the event of a breach of obligations 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 of Finland. (225/2022)

Chapter 6

Powers

Section 28

General principles for the exercise of powers

The public officials of the Prison and Probation Service of Finland who are responsible for the enforcement of community sanctions and the assistant supervisors shall act appropriately, impartially and in a conciliatory manner.

The public officials of the Prison and Probation Service and the assistant supervisors shall primarily use advice, requests and orders to ensure that community sanctions are served in an appropriate manner.

The public officials of the Prison and Probation Service and the assistant supervisors shall attend to their duties related to the enforcement of community sanctions without causing any greater interference with the rights of any person or any greater detriment than what is absolutely necessary and justifiable in order to perform the duty.

Section 29 (1304/2021)

Section 29 was repealed by Act 1304/2021.

Section 30 (225/2022)

Power of decision

The head of probation office decides on the measures to be taken due to a serious breach of obligations referred to in section 24a, subsection 2 or 3.

The head of probation office decides on:

- 1) the start date for serving a sentence referred to in section 15;
- 2) the postponement and suspension of enforcement referred to in section 16 and revocation of such postponement and suspension;

- 3) a specified sentence plan referred to in sections 17 and 46;
- 4) the taking of a blood sample referred to in section 22;
- 5) the submission of a request for a sentenced person to be brought in as referred to in section 24;
- 6) a reprimand and a warning referred to in section 24a, subsection 1;
- 7) the prohibition of commencement of enforcement or the suspension of enforcement referred to in section 25, subsection 2;
- 8) the discontinuation of supervision referred to in section 60, subsection 4 and section 76.

If a matter cannot be delayed, it may be decided by the head of prison, assistant director or senior prison and probation official specified in the rules of procedure of the prison and probation centre.

The public official in charge of enforcement decides on the calculation of the term of a monitoring sentence and on the conditional release of a person serving a monitoring sentence. The 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 and revocation of a warrant of apprehension referred to in section 34.

The supervisor or another public official of the Prison and Probation Service designated to the task in the rules of procedure of the prison and probation centre decides on:

- 1) amendments to a specified sentence plan referred to in section 18;
- 2) substance control measures referred to in section 22 other than the taking of a blood sample;
- 3) the right of a sentenced person to deviate from an obligation determined in the specified sentence plan due to an impediment as referred to in section 23;
- 4) a reprimand referred to in section 24a, subsection 1;

5) reimbursement of travel costs referred to in section 32;

6) a security check referred to in section 50.

Chapter 7

Miscellaneous provisions

Section 31 (1304/2021)

Section 31 was repealed by Act 1304/2021.

Section 32

Reimbursement of travel costs

The necessary travel costs arising from the process of establishing prerequisites for serving a community sanction and drawing up a sentence plan are reimbursed to the suspect from state funds. Travel costs related to the supervision and participation in the activities that are part of the enforcement are reimbursed to a sentenced person from state funds if the person is unable to pay them without undue difficulty themselves. The costs are reimbursed, upon application, for journeys made within the territory of Finland. The reimbursement is calculated based on costs incurred using the cheapest mode of public transportation.

Section 33

Compensation for damage caused by a sentenced person

The service place, its staff and any third parties are compensated from state funds for any material damage and personal injury caused by a sentenced person through negligence when carrying out unpaid work or participating in other activities that are part of a community sanction.

The State Treasury shall carry out an investigation of an incident referred to in subsection 1. The compensation is paid by the State Treasury.

Provisions on damages are also laid down in the Act on Compensation for Crime Damage (1204/2005) and the Damages Act.

Section 34

Warrant of apprehension

The Prison and Probation Service of Finland may issue a warrant of apprehension on a person sentenced to a community sanction, if the person cannot be reached and their whereabouts cannot be established. In the warrant, the sentenced person is urged to contact a probation office of the Prison and Probation Service by a specific date for the purpose of enforcing the community sanction. The warrant shall state that in any other case a procedure will be initiated to convert the community sanction into unconditional imprisonment or another sanction provided by law for a breach of conditions of the community sanction in question.

Section 35 (994/2022)

Executive assistance

Public officials of the Prison and Probation Service of Finland have the right to obtain free-of-charge executive assistance from the police in accordance with the Police Act (872/2011) for the performance of their official duties.

Section 36

Further provisions

Further provisions on the reimbursement of travel costs incurred by a suspect or a sentenced person, on the investigation required for a damage caused by a sentenced person to be compensated, and on the issue and revocation of a warrant of apprehension are issued by government decree.

PART II

COMMUNITY SANCTIONS

Chapter 8

Community service

Section 37

Content and duration

Community service is a punishment imposed instead of a sentence of unconditional imprisonment. It comprises a minimum of 14 and a maximum of 240 hours of regular, unpaid work that shall be carried out under supervision.

A maximum of 30 hours of a community service sentence may be served by participating in activities organised or approved by the Prison and Probation Service of Finland or by attending outpatient treatment provided by a public or private healthcare or social welfare service provider. The purpose of the activities or treatment referred to above is to reduce the sentenced person's risk of recidivism or substance abuse problems and to improve the person's ability to complete the community service sentence. However, work shall make up at least half of the sentence imposed.

Community service imposed on a person aged under 21 upon committing an offence may also comprise activities and programmes promoting social functioning ability, targeted especially at young persons, and support and guidance to be provided in connection with these. In such a case, the restrictions concerning the extent of activities referred to in subsection 2 may be derogated from.

Section 38

Special obligations of sentenced person

A sentenced person shall perform the service tasks assigned to them and comply with the instructions issued by the staff of the service place.

The sentenced person shall not be under the influence of alcohol or any other intoxicating substance at a workplace, rehabilitation facility, educational institution or any other place of

activity related to the enforcement of community service, or at any event required for the enforcement. (1304/2021)

Section 39 (1304/2021)

Sanction for a serious breach of obligations

If the prosecutor considers that community service should be converted into a monitoring sentence or unconditional imprisonment due to a conduct referred to in section 24a, section 2 or 3, the prosecutor shall, without delay, submit a request to that effect to the district court that considered the criminal matter in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

If the court finds that a sentenced person has acted in the manner referred to in section 24a, subsection 2 or 3, it may convert the unserved part of the community service into a monitoring sentence or unconditional imprisonment. The minimum duration of the conversion sentences referred to above is four days. The court may also convert such community service the enforcement of which has not yet begun into a monitoring sentence or unconditional imprisonment.

Section 40

Further provisions

Further provisions on the measures required for preparing and carrying out outpatient treatment that is provided by a public or private healthcare or social welfare service provider and on other institutions responsible for organising a community service place are issued by government decree.

Chapter 9

Monitoring sentence

Section 41

Content

A monitoring sentence is a punishment imposed instead of unconditional imprisonment. A person serving the sentence is monitored with technical devices and by other means specified in this Act.

A person sentenced to a monitoring sentence shall remain at their place of residence or another suitable place where the person is being treated or where they are to stay in accordance with the sentence plan, and participate in the activities determined for them. The sentenced person may leave their place of residence or another place designated for them in the sentence plan only as specified in the sentence plan referred to in sections 14 and 46 and in the weekly schedule, unless otherwise provided in section 23.

The activities that the sentenced person shall participate in are activities organised or approved by the Prison and Probation Service of Finland, or institutional care or outpatient treatment provided by a public or private healthcare or social welfare service provider. The sentenced person shall work or participate in other activities for at least 10 and at most 40 hours per week as specified in the sentence plan referred to in section 14. If there are special reasons arising from the content of the activity or some other similar circumstance for this, the number of hours that the sentenced person shall participate in work or other activities may be determined to be higher than 40; however, it shall not exceed 50 hours per week.

Work and other activities shall not take place between the hours of 21.00 and 6.00, unless otherwise determined in the sentence plan due to the nature of the work or activity.

Section 42

Sentencing a person to monitoring sentence

A court may sentence a person to a monitoring sentence only if the court considers, based on the report referred to in section 10 and section 44, subsection 1, that prerequisites for this exist and if the court has been provided with a sentence plan referred to in sections 11 and 44 before the sentence is imposed.

Section 43

Monitoring

A sentenced person is monitored with technical devices that are installed in the person's place of residence or another place determined for them in the sentence plan, given into the possession of the sentenced person, or attached to the person's wrist, ankle or waist, or with a combination of such devices. The technical device shall not enable on-site interception referred to in chapter 10,

section 16 of the Coercive Measures Act (806/2011) or technical observation referred to in chapter 10, section 19 of the same Act in places covered by the right to domestic privacy.

The Prison and Probation Service of Finland shall maintain sufficient contact with the sentenced person and with the place where the sentenced person participates in the activities determined for them, and carry out control visits to the sentenced person's place of residence or another place determined for them in the sentence plan. A public official of the Prison and Probation Service and an assistant supervisor accompanying the public official have the right to access, without prior notice, the sentenced person's place of residence or another place determined for the person in the sentence plan for the purpose of supervising compliance with the obligation to remain at the place of residence or other designated place and the obligation to abstain from using intoxicating substances. Attraction of undue attention shall be avoided during the control visits. Monitoring shall be carried out without causing any greater interference with the rights of any person or any greater detriment than what is absolutely necessary in order to perform the task.

When a sentenced person is placed in institutional care referred to in section 41, subsection 2, the institution shall appoint a contact person who is responsible for the enforcement of the monitoring sentence at the institution. Notwithstanding the non-disclosure obligation, the contact person shall inform the supervisor of the monitoring sentence or another public official of the Prison and Probation Service if the sentenced person breaches the conditions of the placement or their obligations.

Section 44

Establishing the prerequisites and drawing up a sentence plan

In addition to what is provided on the pre-sentence report in section 10, the report to be drawn up on the prerequisites for sentencing a person to a monitoring sentence shall include:

- 1) a written consent of the suspect to the imposition of a monitoring sentence;
- 2) a written consent of the suspect to the fact that the Prison and Probation Service of Finland will be in contact, when necessary, with the authorities, private organisations and persons involved in the enforcement of the monitoring sentence as well as with the place where the sentenced person participates in the activities determined for the person and that these authorities, organisations

and persons may, notwithstanding non-disclosure provisions, inform the Prison and Probation Service of any breach of conditions;

3) an assessment of the suitability of the suspect's place of residence or another place designated for the person in the sentence plan for serving the monitoring sentence;

4) an assessment of the suspect's need to move outside their place of residence or another place designated for them in the sentence plan in order to participate in the activities that are part of the monitoring sentence;

5) an account of any other monitoring sentences previously imposed on the suspect;

6) a statement on whether sentencing the suspect to a monitoring sentence is justified in order to maintain or promote the suspect's social adaptation.

If the Prison and Probation Service considers a monitoring sentence justified or if the prosecutor or the court separately so requests, the report shall be accompanied by a sentence plan which shall, in addition to the information specified in section 11, include information on:

1) the place of residence or other place designated for the sentenced person for the purpose of serving the monitoring sentence;

2) the number of hours per week to be used for work, rehabilitation or other activities and for supervision appointments;

3) the amount and timing of movement outside the place of residence or other place designated for the sentenced person that is required for participation in the activities.

Section 45

Procedure for drawing up a sentence plan

For the purpose of drawing up a sentence plan and enforcing a sentence, the suspect or the sentenced person shall provide the necessary information on the medication they are taking. With the written consent of the suspect or the sentenced person, the information on medication may be entered in the register containing information on the enforcement of community sanctions.

Provisions on the processing of data when performing tasks related to enforcement are laid down in the Act on Processing of Personal Data at the Prison and Probation Service of Finland. (345/2020)

The sentence plan shall be accompanied by a written consent of the adults permanently living at the place of residence intended for serving a monitoring sentence to the enforcement of the sentence at the place of residence and to the enforcement-related control visits to the place of residence. The consent shall include an assurance referred to in chapter 6, section 11a, subsection 2 of the Criminal Code stating that the persons concerned have given their consent of their own free will. The opinion of a person under 18 years of age living permanently at the place of residence shall be ascertained and the person shall be heard in cooperation with the child welfare authorities in accordance with the provisions of section 20 of the Child Welfare Act (417/2007). The opinion shall be stated in a document to be appended to the plan. The enforcement of a monitoring sentence shall not be commenced if a minor, for justifiable reasons, is opposed to it and the minor is, in view of their age and stage of development, mature enough to assess the matter.

Section 46 (1304/2021)

Specifying a sentence plan

Once a monitoring sentence has become enforceable, the Prison and Probation Service of Finland shall draw up a specified sentence plan in accordance with sections 17 and 18. The specified sentence plan for a monitoring sentence shall also contain information and regulations concerning:

- 1) the sentenced person's place of residence or another place designated for them;
- 2) the number of hours for which the sentenced person is obliged to remain at their place of residence or another place designated for them and the timing of those hours;
- 3) the right of the sentenced person to move outside the place of residence or another place designated for the person.

Section 47

Start date for serving a monitoring sentence and calculation of its duration

The serving of a monitoring sentence begins on the day on which the technical monitoring devices necessary for the enforcement of the sentence are installed or placed in the possession of the sentenced person, following the confirmation of the specified sentence plan.

If the enforcement of a monitoring sentence is suspended, the term of sentence ceases to run at the beginning of the following day. In other respects, the provisions of chapter 3, section 1, subsections 1 and 2 of the Imprisonment Act (767/2005) apply to the calculation of the duration of a monitoring sentence.

A person serving a monitoring sentence shall be provided with a decision containing the information referred to in sections 1 and 2 and information on the release date. A factual or typographical error or a miscalculation in the decision on the term of sentence may be corrected without the consent of the sentenced person, unless the correction leads to an unreasonable outcome for the person considering the vicinity of the release date, the minor significance of the error or another reason equivalent to these. (1304/2021)

Section 48

Right to access a sentenced person's place of residence

A public official of the Prison and Probation Service of Finland has the right, for the purpose of installing, repairing and removing technical monitoring devices, to access the place of residence of a sentenced person or another place designated for the person.

Section 49

Special obligations of sentenced person

A sentenced person is obliged to:

- 1) handle the technical monitoring devices referred to in section 43, subsection 1 with care and comply with the relevant instructions for use;

2) allow a public official of the Prison and Probation Service of Finland performing supervisory duties and the accompanying assistant supervisor to access the sentenced person's place of residence.

During the enforcement, the sentenced person shall not use alcohol or other intoxicating substances or be under the influence of any intoxicating substance. (1304/2021)

Section 50

Security check

A security check may be carried out on a sentenced person to ensure the safety and security of the enforcement of a monitoring sentence and to ensure order.

In a security check, a public official of the Prison and Probation Service of Finland has the right to use a metal detector, another corresponding technical device or a trained dog to search the sentenced person, or to search by means of a pat-down, to ensure that the person is not carrying an object or substance that could pose a risk to the safety of a person or the possession of which is prohibited by law.

The public official of the Prison and Probation Service carrying out a security check has the right to remove an object or substance referred to in subsection 2 that is found during a security check or otherwise. The objects and substances removed shall be handed over to the police or returned to the sentenced person, provided that there is no impediment to this under the law.

Attraction of undue attention shall be avoided when carrying out a security check. A security check shall be carried out without causing any greater interference with the rights of any person or any greater detriment than what is absolutely necessary in order to perform the task.

Section 51

Suspicion of an offence that constitutes a serious breach of obligations

If a sentenced person is suspected of having committed an offence punishable by a more severe punishment than a fine, the Prison and Probation Service of Finland shall prohibit the commencement of the enforcement of a monitoring sentence or suspend the enforcement of the sentence and, if necessary, take measures to refer the matter to a court for consideration.

Section 52

Revocation of consent and change in circumstances

If a person living at the same place of residence with the sentenced person, for justified reasons, revokes their consent referred to in section 45, subsection 2 in writing, the Prison and Probation Service of Finland shall investigate whether the monitoring sentence can be enforced at another place of residence or some other place to be designated for the sentenced person in the sentence plan or whether the matter shall be referred to a court for consideration. The same procedure shall be followed if the sentenced person moves to another place of residence or the circumstances at their place of residence change in such a way that the enforcement of the monitoring sentence cannot be continued.

In order to investigate the matter, the enforcement of the monitoring sentence may be temporarily suspended as provided in section 26.

In connection with this, the sentenced person and the person living at the same place of residence with them shall be heard.

Section 52a (385/2017)

Enforcement of several monitoring sentences

Monitoring sentences to be enforced simultaneously shall be combined when they are enforced. The total combined duration of the proportions of monitoring sentences referred to in section 53, taking into account the deductions specified in chapter 6, section 13 of the Criminal Code, shall not exceed one year. If necessary, the Prison and Probation Service of Finland shall review and update the sentence plan as required due to the extension of the sentence.

Section 53

Conditional release and probationary period

A sentenced person is conditionally released in compliance with the provisions of chapter 2c, sections 5–7 of the Criminal Code and taking into account any deduction to be made under chapter 6, section 13 of the Criminal Code. A person serving several monitoring sentences that are enforced at the same time is conditionally released once the person has served the time that is arrived at when the periods to be served of each monitoring sentence, calculated on the basis of

the proportions referred to in chapter 2c, section 5 of the Criminal Code, are added up. Parts of a day are not taken into account when calculating the proportions. A probationary period, the length of which equals the length of the sentence remaining at the time of release, begins when the sentenced person is conditionally released.

On the last day of enforcement of a monitoring sentence, the Prison and Probation Service of Finland shall deactivate and take possession of the technical monitoring devices used in the enforcement of the monitoring sentence.

If a sentenced person commits an offence during the probationary period, the provisions of chapter 2c, section 14 of the Criminal Code on the ordering of the enforcement of the sentence remaining after conditional release apply.

Section 54 (1304/2021)

Consideration of a serious breach of obligations

If the prosecutor considers that a sentenced person has acted in the manner referred to in section 24a, subsection 2 or 3 or section 51, the prosecutor shall, without delay, refer the matter for consideration to the district court that considered the criminal matter in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

Section 55

Punishment to be imposed instead of a monitoring sentence

If the court finds that a sentenced person has acted in the manner referred to in section 24a, subsection 2 or 3 or section 51, it shall convert the unserved part of the monitoring sentence into a sentence of unconditional imprisonment, the minimum duration of which is four days. (1304/2021)

If the sentenced person has been serving several monitoring sentences enforced simultaneously, the unserved part of the total combined duration of the monitoring sentences shall be converted into unconditional imprisonment. If the conversion in such a case would result in the application of two different proportions, the provisions of chapter 2c, section 6 of the Criminal Code on conditional release from a joint sentence shall be complied with.

Section 56

Special duties of public officials of the Prison and Probation Service and assistant supervisors in the enforcement of monitoring sentence

A public official of the Prison and Probation Service of Finland shall:

- 1) conduct both scheduled and unscheduled control visits to the place of residence of a sentenced person or another place designated for the person;
- 2) be in contact, as necessary, with the persons living in the same place of residence with the sentenced person and, if the sentenced person is under 18 years of age, with the person having custody of the person or their guardian or other legal representative, as well as with the contact person of another place designated for the sentenced person.

The assistant supervisor shall assist the public official of the Prison and Probation Service in the duties specified in subsection 1. The assistant supervisor has the right to conduct control visits to the sentenced person's place of residence or other designated place only when accompanied by the supervisor or another public official of the Prison and Probation Service.

The public official of the Prison and Probation Service and the assistant supervisor shall treat those living at the same place of residence with the sentenced person or staying in another place designated for the sentenced person appropriately and ensure that the enforcement of the monitoring sentence does not cause them any unnecessary harm.

Section 57

Organisation of centralised monitoring

The Prison and Probation Service of Finland is responsible for organising the centralised monitoring of the enforcement of monitoring sentences at national and regional level. If necessary for the appropriate performance of this task, the Prison and Probation Service may procure information systems from a private service provider and conclude agreements with it on the systems, their maintenance and the technical solutions, as well as on services for sending, receiving and transmitting alarms. The agreement shall specify the information systems and software to be used for the monitoring, the tasks that the centralised monitoring involves, the personnel performing these tasks, and other similar details necessary for carrying out the centralised monitoring in an

appropriate manner. The Prison and Probation Service shall ensure that the employees have the training and experience that is necessary for the task. The Prison and Probation Service oversees the appropriateness of the activities and is responsible for ensuring that the centralised monitoring is carried out in a reliable and professional manner.

If the centralised monitoring is carried out under an agreement as referred to in subsection 1, the right to decide on the disclosure of documents produced in the course of the centralised monitoring is governed by the provisions of section 14, subsection 1 of the Act on the Openness of Government Activities (621/1999), and the obligation of the employees of the company carrying out centralised monitoring activities to remain silent is governed by the provisions of section 23 of that Act. The employees of the company carrying out centralised monitoring do not have the right to access the registers of the Prison and Probation Service. The provisions of the Language Act (423/2003) and the provisions on criminal liability apply to the employees when they carry out their duties.

Section 58

Further provisions and regulations

Further provisions on the measures required for preparing, carrying out and supervising treatment provided by a public or private healthcare provider, on the security checks and registering them, and on the procedure for conditional release may be issued by government decree.

The Prison and Probation Service of Finland may issue further regulations on the calculation of the term of sentence and on the procedure for substance control referred to in section 22 and for monitoring the participation in activities referred to in section 41. (225/2022)

Section 59

Reference provision

A monitoring sentence may be imposed instead of a sentence of imprisonment that would be imposed under section 74 or 75 of the Non-Military Service Act (1446/2007) or under section 118 of the Conscription Act (1438/2007), if the conditions laid down in chapter 6, section 11a of the Criminal Code are met. The enforcement of such a monitoring sentence is governed by the provisions of sections 74 and 75, section 81, subsections 2–4 and sections 82–85 of the Non-

Military Service Act and by the provisions of section 118 of the Conscription Act. In other respects, this Act applies to the enforcement of such a monitoring sentence.

Chapter 10

Supervision of a person sentenced to conditional imprisonment

Section 60

Content and duration

Supervision of a person sentenced to conditional imprisonment involves regular supervision appointments between the supervisor or the assistant supervisor and the sentenced person. The purpose of the appointments is to monitor the sentenced person's circumstances and changes in them and to improve the sentenced person's ability to lead a life without crime. Supervision may also involve activities and programmes promoting the sentenced person's social functioning ability.

The maximum number of hours for which a sentenced person may be required to participate in supervision appointments, activities and programmes that are part of the supervision is 12 per month or, for a reason related to the tight schedule of a programme or for some other special reason, 24 per month. The number of hours per month may vary during the supervision period as required for the appropriate enforcement of the supervision.

Supervision imposed on a person aged 21 or over upon committing an offence may involve a maximum of 30 hours of participation in rehabilitation or outpatient treatment provided by a public or private service provider in a manner approved by the Prison and Probation Service of Finland. (273/2019)

If, after the supervision has lasted for a minimum of six months, it becomes evident that there is no need to continue the supervision, the Prison and Probation Service may, on the proposal of the supervisor, discontinue the supervision.

Section 61

Requirement to abstain from using intoxicating substances

A person sentenced to conditional imprisonment with supervision shall not be under the influence of alcohol or any other intoxicating substance at supervision appointments or when participating in the activities or events that are part of the enforcement of the supervision.

Section 62 (1304/2021)

Sanction for a serious breach of obligations

If a person sentenced to conditional imprisonment with supervision seriously breaches the obligations that are part of the supervision as referred to in section 24a, subsection 2 or 3, the Prison and Probation Service of Finland shall, without delay, notify the prosecutor of this, unless it is manifestly unnecessary from the perspective of achieving the purpose of supervision.

If the prosecutor considers that, due to a serious breach of obligations referred to in section 24a, subsection 2 or 3, the supervision period should be extended or, in the case of a person aged 21 or over upon committing an offence, the unserved part of the supervision period should be converted into unconditional imprisonment, the prosecutor shall, without delay, submit a request to that effect to the district court that considered the criminal matter in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

If the court finds that the sentenced person has seriously breached the obligations that are part of the supervision as referred to in section 24a, subsection 2 or 3 and if there are special reasons for this when assessing the circumstances of the sentenced person and the reasons that led to the breach as a whole, the court may extend the supervision period by a maximum of six months or, in the case of a person aged 21 or over upon committing an offence, convert the supervision period into a sentence of unconditional imprisonment, the duration of which is at least four and at most 14 days. When converting a supervision period into unconditional imprisonment, one month of unserved supervision is equal to one day of imprisonment. A partly served month of supervision is considered fully served.

The provisions of section 60, subsection 2 apply to an extended supervision period. Supervision imposed on a person aged 21 or over upon committing an offence may also include participation in

rehabilitation or outpatient treatment referred to in section 60, subsection 3 to the extent that it was included in the sentence plan but has not yet been completed.

Section 63 (273/2019)

Further provisions

Further provisions on the measures required for preparing and carrying out the rehabilitation and outpatient treatment referred to in section 60, subsection 3 and on the discontinuation of supervision are issued by government decree.

Chapter 11

Juvenile punishment

Section 64

Content and duration

A juvenile punishment is a sanction imposed on a perpetrator aged between 15 and 17 years for a period of at least four months and at most one year, and it comprises supervision, activities and programmes promoting the social functioning ability of the young person as well as support and guidance provided in connection with these. The juvenile punishment also includes orientation to employment and work, carried out under supervision, unless this can be considered manifestly unnecessary or this is particularly difficult to organise.

The maximum number of hours for which a person serving a juvenile punishment may be required to participate in the events that are part of the enforcement of the juvenile punishment is eight per week. The number of hours per week may vary during the sanction as required for the enforcement.

Section 65

Requirement to abstain from using intoxicating substances

A person sentenced to a juvenile punishment shall not be under the influence of alcohol or any other intoxicating substance at supervision appointments, at a workplace, at a rehabilitation facility, at an educational institution or at any other place of activity related to the enforcement, or at any event required for the enforcement.

Section 66 (1304/2021)

Consideration of a serious breach of obligations

If the prosecutor considers that a person sentenced to a juvenile punishment has seriously breached their obligations as referred to in section 24a, section 2 or 3, the prosecutor shall, without delay, refer the matter for consideration to the district court that considered the criminal matter in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

Section 67

Sanction for a serious breach of obligations

If a court finds that a person sentenced to a juvenile punishment has seriously breached their obligations as referred to in section 24a, subsection 2 or 3, the person shall be sentenced to another punishment instead of the unserved part of the juvenile punishment. (1304/2021)

When selecting the type of the new punishment, consideration shall be given to the age of the sentenced person, the length of the unserved part of the juvenile punishment, the severity of the reprehensible conduct, and the nature of the offence underlying the imposition of the juvenile punishment.

If the sentenced person has not served the juvenile punishment at all or if a considerable part of the sentence has not been served and if there are also other special reasons for this, taking into account the factors referred to in subsection 2 and when assessed as a whole, a sentence of unconditional imprisonment may be imposed instead of the unserved part of the juvenile punishment.

Section 68 (1304/2021)

Taking into account the part of juvenile punishment already served

When a person sentenced to a juvenile punishment is sentenced to a new punishment in a situation referred to in chapter 7, section 8 of the Criminal Code or in section 67, subsection 1 of this Act, the part of the juvenile punishment already served shall be taken into account as a basis for reducing the new punishment to the extent that this is considered reasonable. Two days of juvenile punishment are equal to one day of unconditional imprisonment, unless there are special

reasons to deviate from this, when taking into account the contents of the part of the sentence already served.

Section 69

Further provisions

Further provisions on the places for orientation to employment and work are issued by government decree.

Chapter 12

Supervision of a conditionally released person

Section 70

Placement under supervision

A prisoner to be conditionally released shall be placed under supervision for the duration of the probationary period if:

- 1) the probationary period is longer than one year;
- 2) the offence was committed when the person was under 21 years of age;
- 3) the prisoner so requests;
- 4) the prisoner has agreed to undergo pharmacotherapy referred to in section 4 of the Act on Probationary Liberty under Supervision (629/2013) and to comply with regulations concerning any other possible treatment and support related to the pharmacotherapy;
- 5) the risk of a prisoner sentenced for murder, manslaughter or attempted murder to commit a new violent offence is assessed to be high; or
- 6) the risk of a prisoner who is serving a sentence of imprisonment for a violent or sexual offence and who has previously been sentenced to imprisonment for a similar offence to commit a new violent or sexual offence is assessed to be high.

(188/2019)

Notwithstanding the provisions of subsection 1, it is possible to refrain from placing a prisoner under supervision if the supervision would, considering its purpose, be manifestly unnecessary due to the expected removal of the prisoner from the country or the prisoner's serious illness or for some other special reason. (385/2017)

Section 71

Content of supervision

Supervision of a conditionally released person involves regular appointments between the supervisor or the assistant supervisor and the sentenced person. The purpose of the appointments is to monitor the sentenced person's circumstances and changes in them and to improve the sentenced person's ability to lead a life without crime. The supervision may also involve activities and programmes promoting the sentenced person's social functioning ability.

The maximum number of hours for which a sentenced person may be required to participate in supervision appointments, activities and programmes that are part of the supervision is 12 per month or, in the case of a sentenced person in need of special support and supervision, 30 per month. The number of hours per month may vary during the supervision as required for the appropriate enforcement of the supervision.

If a prisoner is placed under supervision pursuant to section 70, subsection 1, the Prison and Probation Service of Finland shall, well in advance of the conditional release, draw up a sentence plan concerning the supervision period in cooperation with the prisoner. This plan shall be reconciled with the sentence plan for the prison term. The plan shall be drawn up, to the extent necessary, in cooperation with the prisoner's municipality of residence or domicile, with other authorities, and with relevant private organisations and persons. (635/2022)

Section 72

Special obligations of sentenced person

A conditionally released person who is subject to supervision shall not be under the influence of alcohol or any other intoxicating substance at supervision appointments or when participating in the activities or events that are part of the enforcement of the supervision.

If a sentenced person has agreed to undergo pharmacotherapy referred to in section 70, subsection 1, paragraph 4, the person shall provide the urine and blood samples that are essential for controlling the use of the medication and for ensuring the safety of the treatment. The sentenced person is obliged, for the purposes of providing such a sample, to arrive at a separately designated university hospital or specialised healthcare unit.

Section 73

Special regulations concerning supervision

If a sentenced person is placed under supervision pursuant to section 70, subsection 1, paragraph 4, the person shall comply with the regulations concerning the control of pharmacotherapy and other treatment and support related to the pharmacotherapy.

Section 74 (1304/2021)

Section 74 was repealed by Act 1304/2021.

Section 75 (1304/2021)

Sanction for a serious breach of obligations

If the prosecutor considers that part of the sentence remaining after conditional release should be enforced due to a serious breach of obligations referred to in section 24a, subsection 2 or 3, the prosecutor shall, without delay, submit a request to that effect to the district court that considered the criminal matter in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

If the court finds that the sentenced person has seriously breached their obligations as referred to in section 24a, subsection 2 or 3 and there are special reasons for this when considering the circumstances of the sentenced person and the reasons that led to the breach as a whole, it may order that a minimum of four days and a maximum of 14 days of the sentence remaining after conditional release be enforced.

Section 76

Duration of supervision

If, when the supervision period has lasted for at least six months, it has become evident that the life conditions of the sentenced person have stabilised, the person does not have an apparent risk of committing a new offence, and there is otherwise no need to continue the supervision, the Prison and Probation Service of Finland may, on the proposal of the supervisor, discontinue the supervision.

When the supervision period has lasted for one year and six months, the Prison and Probation Service shall assess the need to continue or discontinue the supervision in compliance with subsection 1.

When the supervision has lasted for six months, it may also be discontinued in a situation referred to in section 70, subsection 2, if the sentenced person has been refused entry or deported under section 148 or 149 of the Aliens Act (301/2004) or has permanently moved to a country other than another Nordic country or is in long-term institutional care due to illness. The fact that a sentenced person has moved to another Nordic country does not constitute grounds for discontinuation, if the supervision can be arranged under section 22 of the Act on Nordic Cooperation in Criminal Matters (326/1963).

Section 77 (1642/2015)

Control of pharmacotherapy and reconsideration of regulations concerning pharmacotherapy and other treatment and support related to pharmacotherapy

The Health Care Services for Prisoners referred to in the Act on the Health Care Services for Prisoners (1635/2015) concludes an agreement with a university hospital and a specialised healthcare unit on how pharmacotherapy will be arranged and the related blood and urine samples taken.

The regulations concerning pharmacotherapy and any other treatment and support related to pharmacotherapy shall be taken up for reconsideration at least every three months.

A physician of the Health Care Services for Prisoners decides on the control and discontinuation of pharmacotherapy and other treatment and support related to the pharmacotherapy. In urgent

cases, also a physician working in the hospital or specialised healthcare unit referred to in subsection 1 may temporarily suspend pharmacotherapy. Information on the temporary suspension of pharmacotherapy shall be communicated without delay to a physician of the Health Care Services for Prisoners, who shall make the final decision on the pharmacotherapy.

Section 78

Physician's duty to provide information

Notwithstanding the non-disclosure obligation, a physician working at a hospital or a specialised healthcare unit referred to in section 72, subsection 2 shall provide the Prison and Probation Service of Finland with the information that is necessary for assessing whether a sentenced person has complied with the regulations concerning pharmacotherapy referred to in section 70, subsection 1, paragraph 4 and any other related treatment and support.

Section 79

Costs

The costs for the pharmacotherapy referred to in section 70, subsection 1, paragraph 4, for any related treatment and support, and for their control are paid from state funds.

Section 80

Further provisions

Further provisions on the procedure for placing a person under supervision, discontinuation of supervision, and the contents of a sentence plan of a sentenced person placed under supervision pursuant to section 70, subsection 1, paragraph 4 are issued by government decree.

PART III

MISCELLANEOUS PROVISIONS

Chapter 13

Certain provisions related to enforcement and notifications

Section 81 (1304/2021)

Section 81 was repealed by Act 1304/2021.

Section 82

New sentence of imprisonment

If the prosecutor decides to prosecute a person who has been sentenced to community service, a monitoring sentence or a juvenile punishment for an offence for which the prosecutor considers unconditional imprisonment to be the probable sanction, the prosecutor may, in order to prohibit the enforcement of the above-mentioned community sanction, notify the Prison and Probation Service of Finland of this. After receiving the notification, the Prison and Probation Service shall prohibit the commencement or continuation of the enforcement of the community sanction.

When a person who has previously been sentenced to community service or a juvenile punishment is sentenced to unconditional imprisonment for an offence committed before the enforcement of the aforementioned community sanction has ended or, in the case of a monitoring sentence, for an offence committed before the conditional release, the court may prohibit the commencement or continuation of the enforcement of the community sanction in question. When prohibiting the enforcement of a previously imposed community sanction, the court shall order that the unserved part of that community sanction be served as imprisonment.

A decision concerning the prohibition of enforcement of a previously imposed community sanction shall be complied with regardless of a request for review.

Section 83

Taking account of a community sanction already served when determining the duration of a sentence of imprisonment

When a person sentenced to community service, a monitoring sentence or a juvenile punishment is sentenced to a new punishment in a case referred to in section 82, the same conversion scale between the community sanction in question and imprisonment shall be applied as was applied when the community sanction was imposed. When converting a monitoring sentence, a part of a day is equal to one day of imprisonment. The method of calculation that is the most favourable to the sentenced person shall be applied.

Section 84 (1304/2021)

Deduction of a sentence already enforced

In a case where the court has prohibited the enforcement of a monitoring sentence but has not determined the length of the sentence to be enforced as imprisonment, the Prison and Probation Service of Finland shall deduct from the sentence of imprisonment to be enforced the time that corresponds to the part already served as a monitoring sentence. If the sentenced person has been conditionally released from a monitoring sentence, the provisions of chapter 3, section 6 of the Imprisonment Act on the enforcement of the difference apply correspondingly.

Section 85

Further provisions

Further provisions on the drawing up, processing, submission and contents of enforcement documents and on the submission of certain notifications are issued by government decree.

Chapter 14

Request for review

Section 86 (1304/2021)

Decisions eligible for review

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

- 1) the postponement or suspension of enforcement referred to in section 16, subsection 1, and the revocation of postponement or suspension referred to in subsection 4 of the said section;
- 2) a specified sentence plan referred to in sections 17 and 46 or amending a specified sentence plan as referred to in section 18;
- 3) permission to temporarily deviate from the specified sentence plan as referred to in section 23, subsection 1;
- 4) a reprimand or a warning referred to in section 24a, subsection 1 or a decision not to issue a reprimand or a warning;
- 5) the prohibition of commencement of enforcement or the suspension of enforcement as referred to in section 25, subsection 2 and section 26, subsection 2;
- 6) reimbursement of travel costs referred to in section 32;
- 7) the term of a monitoring sentence referred to in section 47, subsection 2;
- 8) the placement under supervision referred to in section 70 and the discontinuation of supervision referred to in section 76;
- 9) a decision other than those referred to in paragraphs 1–8 that has been issued under this Act and is referred to in section 6 of the Administrative Judicial Procedure Act (808/2019), unless requesting a review is prohibited under section 86a of this Act.

Section 86a (1304/2021)

Prohibition of request for review

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

- 1) the start date for serving a sentence referred to in section 15;

2) permission to temporarily deviate from the specified sentence plan as referred to in section 23, subsection 2.

Section 87 (225/2022)

Power of decision and consideration of a request for an administrative review

The Director of the Development and Guidance Department decides on a request for an administrative review in matters referred to in section 86, paragraphs 1–6, 8 and 9. The Head of the Enforcement Unit decides on a request for an administrative review of a decision referred to in paragraph 7 of the said section.

A written request for an administrative review shall be submitted within seven days from the date of service of the decision. A request for an administrative review shall be submitted to the Director of the Development and Guidance Department, the head of probation office or the head of prison. If the decision concerns the term of a monitoring sentence referred to in section 86, paragraph 7, the request for an administrative review shall be submitted to the Head of the Enforcement Unit. A request for an administrative review shall be considered urgently.

Section 88 (862/2020)

Appeal to administrative court

An appeal to an administrative court shall be filed within 14 days from the date of service of the decision. An appeal against a decision of the Prison and Probation Service of Finland on a request for an administrative review shall be filed with the Helsinki Administrative Court. (225/2022)

In other respects, a request for a judicial review by an administrative court is governed by the provisions laid down in the Administrative Judicial Procedure Act (808/2019).

Section 89

Consideration of appeal in administrative court

When considering an appeal, the administrative court constitutes a quorum in single-judge formation. Appeals shall be considered urgently.

Section 90 (862/2020)

Section 90 was repealed by Act 862/2020.

Section 91 (225/2022)

Effect of a request for an administrative review and an appeal on the enforcement

The filing of a request for an administrative review or an appeal does not interrupt the enforcement of a decision referred to in section 86, paragraphs 7 and 8, unless the Director of the Development and Guidance Department or the Head of the Enforcement Unit dealing with the request or the court hearing the appeal decides otherwise.

Section 92

Legal aid

Provisions on the legal aid to be granted to a sentenced person in a matter referred to in section 86 are laid down in the Legal Aid Act (257/2002). The sentenced person need not provide information on their financial circumstances as referred to in section 10, subsection 1 of the Legal Aid Act. A court decides on the granting of legal aid, if the matter is being considered by the court.

Section 93

Further provisions

Further provisions on the submission and consideration of a request for an administrative review are issued by government decree.

Chapter 15

Entry into force

Section 94

Entry into force

This Act enters into force on 1 May 2015.

Section 95

Acts to be repealed

This Act repeals:

- 1) Act on Community Service (1055/1996);
- 2) Act on the Juvenile Punishment (1196/2004);
- 3) Act on the Supervision of Conditional Release (782/2005);
- 4) Act on the Supervision of Conditional Imprisonment (634/2010);
- 5) Act on the Monitoring Sentence (330/2011).

Section 96

Transitional provisions

The provisions in force at the time of making the relevant decision apply to the imposition, preparation and enforcement of a community sanction. The provisions of this Act apply, however, if the matter is taken up for reconsideration due to a breach of conditions or change in circumstances or for another corresponding reason after the entry into force of this Act.

The provisions in force at the time of the entry into force of this Act apply to any matter concerning a breach of conditions or a postponement or suspension of the enforcement pending at the time of the entry into force of the Act. The provisions in force at time of the entry into force of this Act apply to requests for a review of decisions made before the Act's entry into force.