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**Criminal Investigation Act**

(805/2011; amendments to 736/2015 included)

***Chapter 1 - Provisions on the scope of application***

***Section 1 – Scope of application of the act***

(1) The criminal investigation of an offence shall be conducted in accordance with this Act, unless provided otherwise in another Act.

(2) What is separately provided in law regarding the use of coercive measures and the obtaining of information by the criminal investigation authorities otherwise applies.

***Section 2 – Issues to be clarified in the criminal investigation***

(1) The following shall be clarified in the criminal investigation:

- (1) in the manner required by the nature of the matter, the suspected offence, the circumstances in which it was committed, the damage caused by it and the benefit obtained from it, the parties as well as the other circumstances necessary for the consideration of prosecution and of the sanction to be imposed as a consequence of the offence;
- (2) the possibilities for the return of property obtained through the offence and for enforcement of forfeiture to be ordered as a consequence of the offence or for compensation to be paid to an injured party;
- (3) the private law claim of the injured party if, on the basis of Chapter 3, section 9 of the Criminal Procedure Act (689/1997), he or she has requested that the prosecutor present his or her claim; and
- (4) whether the injured party consents, and whether the person suspected of the offence intends to consent, to having the matter considered in District Court in the written procedure referred to in Chapter 5(a) of the Criminal Procedure Act.

(2) The matter shall be prepared in the criminal investigation so that the consideration of prosecution and the protection of the interests of the parties can be done in an appropriate manner and so that the submission of evidence can be done in the main proceedings at one and the same time, or so that the matter can be decided in written procedure.

***Chapter 2 – Participants in the criminal investigation***

### **Section 1 – *The authorities in the criminal investigation***

(1) The criminal investigation is conducted by the police.

(2) In addition to the police, the border guard, customs and military authorities are criminal investigation authorities as provided in respect of their criminal investigation competence in the Border Guard Act (578/2005), the Act on the Customs Investigation Office (623/2015), the Military Discipline Act (331/1983) and the Act on the Performance of Police Functions in the Defence Forces (1251/1995). (629/2015)

(3) In addition to the criminal investigation authorities, the prosecutor participates in the criminal investigation.

### **Section 2 – *Head investigator***

(1) The criminal investigation is directed by the head investigator, who is the official with the power of arrest referred to in Chapter 2, section 9 of the Coercive Measures Act (806/2011). However, the public prosecutor serves as the head investigator only in the cases referred to in section 4, subsection 1. In a criminal investigation conducted by the police, a detective sergeant or a police sergeant may serve as head investigator for a reason connected with the nature of the matter or for another corresponding justified reason, and in a criminal investigation conducted by another authority, separate legislation provides which official may serve as the head investigator.

(2) A general head investigator may be appointed as the superior of the head investigators dealing with offences that are part of the same totality of offences, and the general head investigator decides on the coordination of the criminal investigation and may, for said purpose, issue orders to his or her subordinate head investigators.

### **Section 3 - *Investigator***

The investigator, under the leadership and supervision of the head investigator, conducts the questioning concerning the suspected offence and the other criminal investigation measures and carries out the orders given by the head investigator regarding the investigation of the matter and performs the other measures which according to law are incumbent on the investigator.

### **Section 4 – *Special investigation arrangements***

(1) The public prosecutor directs the criminal investigation if a police officer is suspected in an offence in the performance of his or her official duties. Even if an offence that a police officer is suspected of having committed had not been committed in the performance of official duties, the public prosecutor may, when this is required in view of the seriousness of the offence or otherwise by the nature of the matter, decide to assume the duties of head investigator. In the cases referred to above the public prosecutor may direct the criminal investigation also to the extent that there is a suspect in the matter in addition to

a police officer, if this is appropriate for the clarification of the matter. The public prosecutor shall not serve as head investigator if the matter is being considered as a summary penal fine or as a summary penal judgment matter.

(2) When a public prosecutor acts as the head investigator, also he or she has the same powers in that function as does a senior police officer acting as the head investigator.

(3) An offence in which a police officer is the suspect is always investigated by a police unit that is not his or her own, unless the matter is to be considered as a summary penal fine or a summary penal judgment matter. Also otherwise the police unit investigating the offence shall be designated so that confidence in the objectiveness of the criminal investigation is not endangered.

### **Section 5 – *The parties in the criminal investigation***

(1) The parties in the criminal investigation are:

- (1) the injured party;
- (2) the suspect in the offence;
- (3) another person whose rights, interests or obligations may be affected by the offence and its clarification.

(2) The provisions of this Act regarding parties apply, as appropriate, also to a person having the care and custody of the party or a trustee of the party, a lawful body or other representative who is part of the management of the corporate body, or to another lawful representative of the party.

(3) When necessary the head investigator decides whether or not a person is to be deemed a party.

### **Section 6 – *Counsel and support person***

(1) If a party has counsel or a support person, said person participates in the criminal investigation as provided by law.

(2) The provisions of Chapter 4, section 10 of this Act apply to the right of a person other than the injured party who is the object of the pandering offence referred to in Chapter 20, sections 9 and 9(a) of the Criminal Code (39/1889) to counsel in the criminal investigation, to the making of a request to the court for the appointment of counsel or a support person and to the qualifications of counsel. The provisions in Chapter 7, section 12 on the counsel to a party and on a support person to be appointed for a party apply to the right of counsel and a support person of such a person to be present when his or her client is being heard. (1181/2014)

### **Section 7 – *Disqualification of a criminal investigation official***

(1) A head investigator, investigator and other criminal investigation official who is disqualified may not participate in the criminal investigation.

(2) The question of the disqualification of a criminal investigation official shall be decided without delay. The official himself or herself or if necessary his or her

superior decides the question of disqualification. If the public prosecutor acts as the head investigator, he or she shall be heard on the question of the disqualification of an investigator and he or she may take over the question for decision.

(3) A qualified official shall be appointed without delay in place of a disqualified criminal investigation official. However, a criminal investigation official may, even if disqualified, undertake an investigative measure that cannot be delayed without endangering the clarification of the offence.

### **Section 8 – Grounds for disqualification**

(1) A criminal investigation official is disqualified in the following cases:

- (1) he or she or a person close to him or her is a party in the criminal investigation;
- (2) he or she or a person who is close to him or her serves as counsel or represents a party or a person who may expect particular benefit or loss from the decision in the matter;
- (3) he or she or a person close to him or her as referred to in subsection 3 may expect particular benefit or loss from the decision in the matter;
- (4) he or she is employed by or works, in the matter under consideration, on the commission of a party or a person who may expect particular benefit or loss from the decision in the matter;
- (5) he or she or a person close to him or her as referred to in subsection 3, paragraph 1 is a member of the board of directors, board of administration or a comparable body or managing directors or in a comparable position in such a society, foundation, state enterprise or institution that is a party or that which may expect particular benefit or loss from the decision in the matter;
- (6) he or she or a person close to him or her as referred to in subsection 3, paragraph 1 is a member of the board of directors or comparable body of an agency or public service and the matter in question is subject to the guidance or supervision of said agency or public service; or
- (7) confidence in his or her objectiveness may be endangered for another particular reason.

(2) Disqualification on the basis of subsection 1, paragraph 4 does not arise solely on the grounds that the State is a party.

(3) The term “person close to” in subsection 1 refers to the following in relation to a public official in a criminal investigation:

- (1) the spouse and child, grandchild, sibling, parent, grandparent and a person who is otherwise particularly close to him or her as well as the spouse of such a person;
- (2) a sibling of a parent and his or her spouse, a child of a sibling of the public official and a former spouse of the public official; and

- (3) a child, grandchild, sibling, parent and grandparent of the spouse as well as the spouse of such a person and a child of a sibling of the spouse of the public official.
- (4) Also a corresponding step-relative is deemed a person close to the public official. The term “spouse” refers to a married spouse and to a person living in marriage-like circumstances and in a civil union.

### ***Chapter 3 – General provisions on the conduct of a criminal investigation***

#### ***Section 1 – Recording of a report of an offence***

- (1) When an offence or an event that the reporting person suspects is an offence is reported to the criminal investigation authority, the authority shall record the report without delay. If the report is unclear or incomplete, the reporting person shall if necessary be urged to specify or supplement the report.
- (2) The obligation to record the report of an offence also applies to an offence that comes to the attention of the criminal investigation authority other than in the manner referred to in subsection 1, if the prerequisites referred to in section 9, subsection 1 for waiving measures are not fulfilled.

#### ***Section 2 – Transfer of a report of an offence***

If a report of an offence has been made to a criminal investigation authority in whose functions the conduct of the investigation does not belong, said authority shall immediately record the matter as received and deliver the report and the other material that may possibly have been collected in the matter to the appropriate criminal investigation authority, which shall record the report without delay.

#### ***Section 3 – Conduct of the criminal investigation***

- (1) The criminal investigation authority shall conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed.
- (2) Before initiating the criminal investigation, the criminal investigation authority shall if necessary clarify the circumstances connected with the suspected offence referred to in subsection 1, in particular so that no one is unjustifiably deemed a suspect in the offence and so that, when the matter requires it, the decision referred to in section 9, subsection 1 or section 10, subsection 1 on the waiving of the criminal investigation can be made. The provisions of this Act apply as appropriate to the measures that precede the initiation of the criminal investigation.
- (3) The head investigator decides when necessary on whether or not to conduct a criminal investigation as well as on clarification of the matters that may possibly be needed in order to make the decision. The criminal investigation measures

necessary to clarify the matter may be undertaken already before the decision of the head investigator.

**Section 4 – Conduct of the criminal investigation of a complainant offence**

(1) If the public prosecutor may bring charges for the offence only at the request of the injured party (*complainant offence*), the criminal investigation is conducted only if the injured party has notified the criminal investigation authority or the public prosecutor that he or she requests that the offender be punished. If the injured party withdraws his or her request for punishment, the investigation shall be discontinued.

(2) The criminal investigation of a complainant offence may be initiated even if no request for punishment has been made, if the injured party evidently is not yet aware of the offence and the criminal investigation cannot be postponed without endangering clarification of the offence. In such a case the injured party shall be notified without delay of the initiation of the investigation. The investigation shall be discontinued if the injured party, on being informed of the offence, does not give notice that he or she requests that the offender be punished.

(3) If according to law the public prosecutor may in the public interest bring charges for a complainant offence, even if the injured party does not request that the offender be punished, the criminal investigation shall be conducted on the request of the prosecutor.

(4) If proof that an offence has been committed is a legal prerequisite for the undertaking of a measure or for the retention of a benefit, the criminal investigation of a complainant offence shall be conducted to the extent necessary on the request of the injured party, even if he or she does not request that the offender be punished.

**Section 5 – Investigation of a criminal act**

(1) When a person under the age of 15 years is suspected of a criminal act, a criminal investigation shall be conducted as necessary in order to clarify whether a person who has reached the age of 15 years has been an accomplice in the act. In such a case, the circumstances referred to in Chapter 1, section 2 shall be clarified in the criminal investigation in respect of each suspect.

(2) In addition, a criminal investigation shall be conducted as necessary in respect of a criminal act of which a person under the age of 15 years is suspected:

- (1) on the request of the injured party in order to recover lost property or to enforce his or her right to compensation for the loss;
- (2) in order to clarify the prerequisites for forfeiture; or
- (3) in order to clarify the need for child welfare measures directed against the suspect or another need to clarify an interest of the suspect.

(3) In the case referred to in subsection 2, paragraph 3 a criminal investigation may be conducted even if the injured party in a complainant offence has not presented the request referred to in section 4, subsection 1.

### **Section 6 – Notice of the initiation of the criminal investigation**

The head investigator shall notify the superior of an official referred to in Chapter 40, section 11, paragraph 1 of the Criminal Code (39/1889) of the initiation of a criminal investigation for possible measures under civil service law, if the official is suspected in an offence for which the maximum sentence is imprisonment for at least four years. The head investigator has the right of notification also in respect of the initiation of the criminal investigation of another offence of which the official is suspected, if the offence under investigation is such that it can be assumed to be of significance from the point of view of the performance of official duties.

### **Section 7 – Measures requested by the parties**

(1) Questioning and other criminal investigation measures requested by a party shall be conducted if he or she demonstrates that they may affect the matter and if they do not result in expenses that are unreasonable in view of the nature of the matter.

(2) In the course of the criminal investigation, the head investigator or, on the basis of Chapter 5, section 2, subsection 1 the public prosecutor, decides on criminal investigation measures requested by a party. When the matter has been transferred to the public prosecutor, the prosecutor decides on these.

### **Section 8 – Offence committed abroad**

(1) The criminal investigation authority may investigate an offence suspected of having been committed abroad if, in accordance with the provisions of Chapter 1 of the Criminal Code, Finnish law may be applied to the offence and if conduct of the criminal investigation in Finland is appropriate in view of investigative reasons and the determination of criminal liability. If investigation of such an offence in Finland requires the prosecution order of the Prosecutor General referred to in Chapter 1, section 12 of the Criminal Code, the public prosecutor decides on the initiation of the criminal investigation.

(2) When an injured party reports an offence to the criminal investigation authority that has been committed in the territory of another Member State of the European Union, the report and request of the injured party shall be delivered to the authority competent in the Member State in which the offence had been committed, if the criminal investigation authority does not investigate the offence on the basis of subsection 1. A further prerequisite for delivery is that the injured party could not have reported the offence and presented his or her requests in the state of commission or, in the case of a serious offence, he or she did not want to do so.

(3) Separate provisions are contained in law on international cooperation in the clarification of offences.

**Section 9 – Waiver and discontinuation of the criminal investigation**

(1) The criminal investigation may be waived or an already initiated criminal investigation may be discontinued in the case of an offence for which the maximum punishment expected is a fine and which, when assessed as a whole, is to be deemed manifestly petty, if the injured party has no requests in the matter.

(2) However, if an authority, on the basis of what is provided elsewhere in law, waives measures for the prosecution of the suspect, the criminal investigation shall be conducted only for a particular reason.

(3) The decisions referred to in this section are made as necessary by the head investigator.

**Section 10 – Restriction of a criminal investigation**

(1) The public prosecutor may, on the request of the head investigator, decide that no criminal investigation is to be conducted or that the criminal investigation shall be discontinued, if he or she, on the basis of Chapter 1, section 7 or 8 of the Code of Criminal Procedure or on the basis of another corresponding provision, should waive prosecution and if there is no important public or private interest that would require the bringing of charges.

(2) The public prosecutor may, on the request of the lead investigator, also decide that the criminal investigation shall be discontinued if the expenses of continuing the investigation would be clearly disproportionate to the nature of the matter under investigation and the possible sanction or if on the basis of the criminal investigation measures already performed it is very probable that the public prosecutor should waive prosecution on grounds other than those referred to in subsection 1. Discontinuation of the criminal investigation also requires that there is no important public or private interest that would require continuation of the investigation.

(3) In the cases referred to in subsections 1 and 2 the criminal investigation shall be recommenced if there is justified reason for this due to new factors which have become evident in the matter.

**Section 10(a) – Restriction of a criminal investigation on the basis of a confession (672/2014)**

(1) If the criminal investigation involves two or more offences for which the same person is suspected, and he or she has promoted the clarification of one or more suspected offences by confessing to them, the prosecutor may, if he or she deems this justified taking into consideration the nature of the case and the claims to be presented, the apparent expenses and time of proceeding with the case as well as the other circumstances, order on the request of the head investigator that not all

the offences be subjected to a criminal investigation or the criminal investigation of them be discontinued.

(2) If the criminal investigation is restricted on the basis of a confession in accordance with subsection 1, the prosecutor may at the same time on the request of the head investigator and in respect of the suspected offences for which a criminal investigation is conducted, commit to requesting punishment in accordance with the mitigated scale of punishment referred to in section 8(a) of the Criminal Code. The prosecutor may make the same commitment also when one suspected offence is under investigation, and the suspect in the offence has promoted this investigation by confessing to it in full or to an essential extent.

(3) In the case referred to in subsection 2, a negotiation may be conducted between the prosecutor and the suspect in the offence and a proposed judgment in accordance with what is provided in Chapter 1, sections 10 and 10(a) of the Criminal Procedure Act.

(4) The decision to waive or discontinue the criminal investigation and the commitment of the prosecutor to request a mitigated sentence may be withdrawn only if the confession referred to in subsection 1 is withdrawn or in the view of new evidence in the case the decision or the commitment had been based on essentially incomplete or erroneous information.

(5) On the basis of this section, the criminal investigation may not be waived or discontinued nor may the commitment referred to in subsection 2 be given, to the extent that the suspected offence is punishable by a sentence of imprisonment for more than six years or the suspected offence is one referred to in Chapter 20, section 1, 4, 5, 6, 8(a) or 8(b) of the Criminal Code or Chapter 21, section 4, 5, 6(a) or 7 – 15 of the Criminal Code or an important public or private interest requires that the criminal investigation be conducted.

### **Section 11 – *Period of conduct of the criminal investigation***

(1) The criminal investigation shall be conducted without undue delay.

(2) If a person under the age of eighteen is suspected in an offence or if a person under the age of fifteen is suspected of a criminal act, the criminal investigation shall be conducted urgently.

(3) When required by the circumstances, the criminal investigation measures may be placed in order of priority.

### **Section 12 – *Postponement of criminal investigation measures***

Criminal investigation measures may be postponed on the decision of the head investigator if the postponement is necessary for the clarification of the offence in question or of another related offence and if the postponement does not endanger the life, health or liberty of a person or considerable danger to the environment, property or assets.

### **Section 13 – *Interruption of a criminal investigation***

(1) After a criminal investigation has been initiated, it may be interrupted by the decision of the head investigator if no one is suspected in the offence and if no relevant clarification is available in the matter. In deciding on interruption of the criminal investigation, particular attention shall be paid to the nature of the suspected offence.

(2) The criminal investigation shall be continued without undue delay when there are no longer prerequisites for interruption.

#### ***Section 14 – Prerequisites for a simplified criminal investigation***

(1) In simple and clear matters, the criminal investigation may be conducted in a simplified form as provided below if, in accordance with general sentencing practice, no punishment more severe than a fine is expected for the offence.

(2) A simplified criminal investigation may be conducted in the case of an offence for which a police officer is suspected only if the matter is dealt with as a summary penal fine or summary penal judgment matter.

(3) The head investigator decides as necessary on whether the criminal investigation is to be conducted in full or in a simplified form.

### ***Chapter 4 – Criminal investigation principles and the rights of persons participating in the criminal investigation***

#### ***Section 1 – Principle of neutrality***

Facts and evidence both for and against the suspect in the offence shall be clarified and taken into account in the criminal investigation.

#### ***Section 2 – Presumption of innocence***

In a criminal investigation, the suspect in the offence shall be presumed not guilty.

#### ***Section 3 – The right against self-incrimination***

The suspect has the right not to contribute to the clarification of the offence in which he or she is suspected.

#### ***Section 4 – Principle of proportionality***

A criminal investigation measure and the resulting encroachment into the rights of a person shall be justifiable in proportion to the offence under investigation, the need for clarifying the matter and the age, health and other corresponding factors related to the person who is the subject of the measure, and to other circumstances that are relevant in the matter.

#### ***Section 5 – Principle of minimum inconvenience***

(1) The criminal investigation may not encroach upon the rights of anyone beyond what is necessary for the achievement of the purpose of the criminal investigation.

(2) A criminal investigation measure may not cause anyone unnecessary harm or inconvenience.

**Section 6 – Principle of sensitivity**

Parties in the criminal investigation and other persons participating in the criminal investigation shall be treated in a sensitive manner.

**Section 7 – Treatment of a child in criminal investigation**

(1) In the criminal investigation, a person under the age of 18 years shall be treated in the manner required by his or her age and level of development. Particular care shall be taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her.

(2) To the extent possible, investigation measures directed at persons under the age of 18 years shall be assigned to investigators particularly trained in this function. When necessary, the criminal investigation authority shall consult with a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years.

**Section 8 – Appointment of a trustee for a child**

(1) The court shall appoint a trustee in the criminal investigation for a party under the age of 18 years if there is justified reason to assume that the person having care and custody of the child, the trustee or other legal representative cannot objectively ensure the interests of the party in the matter and the appointment of a trustee is not evidently unnecessary. The head investigator shall if necessary submit an application to the court for the appointment of a trustee. The application may be submitted also by the public prosecutor, the city administrative court that is acting as the social welfare authority referred to in the Social Welfare Act (422/1999) or the body referred to in section 6, subsection 1 of the Social Welfare Act (710/1982) (*social welfare authority*). The appointment as trustee is in force until the conclusion of the criminal proceedings following the criminal investigation in respect of which the appointment has been made.

(2) The costs incurred in the appointment of the trustee and the fee and expenses of the trustee are paid from State funds. In other respects, the provisions of the Social Welfare Act apply as appropriate.

**Section 9 – The position of a person in criminal investigation**

(1) When criminal investigation measures are directed against a person, he or she shall be notified as soon as possible what his or her position is in the criminal

investigation. Such a notification obligation also applies in respect of changes in this position.

(2) If the position of a person is not clear, he or she may be treated as a person to be heard in the criminal investigation.

### **Section 10 – *Right to retain counsel in a criminal investigation***

(1) A party has the right in a criminal investigation to retain counsel of his or her own choice. The suspect in an offence shall be notified of said right as provided in sections 16 and 17. Before a party is to be heard, he or she shall be notified in writing of said right, unless the matter is being considered in a simple criminal investigation. The criminal investigation authority shall also otherwise, with consideration to the offence under investigation and to the circumstances connected with the investigation of the offence and the party himself or herself, ensure that the right of a party to retain counsel is in fact realized when he or she wants this or when the ensuring of due process requires this. (818/2014)

(2) The head investigator or the public prosecutor shall submit a request to the court for the appointment of trial counsel or a support person for the injured person if there is reason for this on the basis of the provisions of Chapter 2 of the Criminal Procedure Act, and the appointment of a public defender for the suspect in the offence when there is reason for this on the basis of the provisions of section 1, subsection 3 of said Chapter. When required by the nature of the offence, the criminal investigation authority shall inquire whether the injured person consents to the sending of his or her contact information to an agency providing support services to injured persons, and if the injured person consents to this, shall send the contact information without undue delay. (1145/2013)

(3) Chapter 11, section 3 contains provisions on the qualifications of counsel for a party and on decisions on this.

### **Section 11 – *Contact between the suspect and counsel***

(1) A person suspected of an offence who has been apprehended, arrested or remanded has the right to be in contact with his or her counsel by means of visit, letter and telephone as provided in greater detail in the Remand Act (768/2005) and the Act on the Treatment of Persons in the Custody of the Police (841/2006).

(2) The criminal investigation authority shall ensure that the confidentiality of contact between the suspect and his or her counsel is ensured.

### **Section 12 – *The working language of the criminal investigation***

(1) In the administrative district of a bilingual criminal investigation authority, the language of the suspect in the offence is used in the criminal investigation, either Finnish or Swedish. If the suspects speak different languages or if the language of the suspect is not Finnish or Swedish, the criminal investigation authority decides on the working language, with consideration to the rights and interests of the parties. If the selection of the language cannot be made on this

basis, the language of the majority in the administrative district of the criminal investigation authority shall be used. In a criminal investigation conducted by a monolingual criminal investigation authority, the language of the administrative district of the authority is used, unless the authority, with consideration to the rights and interests of the parties, decides on the use of another language.

(2) However, notwithstanding subsection 1, everyone has the right in the criminal investigation to use Finnish or Swedish in the manner provided in section 10 of the Language Act (423/2003). The criminal investigation authority shall arrange for interpretation or obtain an interpreter at State expense when the authority is not required to speak the language of the person with whom it is in contact.

(3) The Sami Language Act (1086/2003) contains provisions on the right to use the Sami language in the criminal investigation.

(4) Persons other than those speaking Finnish, Swedish or Sami have the right in the criminal investigation to use a language that they understand and speak sufficiently, and persons using sign language have the right to use this. The criminal investigation authority shall ascertain whether or not the party needs interpretation. The criminal authority shall ensure that the party receives the interpretation that he or she needs. A person who has the skills required for the task, is honest and is otherwise suitable for the task may serve as interpreter. The criminal investigation authority shall appoint a new interpreter if legal safeguards for the party require this. The criminal investigation authority may appoint a new interpreter for the task also for another weighty reason. (770/2013)

(5) In the cases referred to in subsections 2 and 4 interpretation shall be arranged also when this is necessary due to a sensory or speaking impediment of the person to be heard.

### **Section 13 – Translation of a document (770/2013)**

(1) A document or a portion thereof that is part of the criminal investigation documentation and that is essential from the point of view of the matter shall be translated in writing within a reasonable period of time into the language of the party referred to in section 12, if translation is necessary to ensure the right of the party.

(2) Notwithstanding the provisions in subsection 1, an essential document or a part or summary thereof may be translated verbally for a party, unless legal safeguards for the party require that the document be translated in writing.

(3) The criminal investigation authority shall ensure that the party receives sufficient knowledge of his or her right to translation of a document and if necessary shall ascertain whether the party wants the translation of a document referred to in this section. A party need not be provided with a translation of a document if the party waives his or her right to a translation.

(4) The translation referred to in this section is done at the expense of the state, unless the criminal investigation authority itself attends to the translation. A

person who has the skills required for the task, is honest and is otherwise suitable for the task may serve as translator. The criminal investigation authority shall appoint a new translator if legal safeguards for the party require this. The criminal investigation authority may appoint a new translator for the task also for another weighty reason.

(5) The provisions in the Language Act and the Sami Language Act on translation apply also to the translation of a document.

**Section 14 – *The language of notices, summons and letters***

(1) Section 19, subsection 3 of the Language Act and section 15, subsection 1 of the Sami Language Act apply to the language to be used in notices, summons and letters connected with the criminal investigation.

(2) A notice, summons or letter to be sent to a person who does not speak Finnish, Swedish or Sami shall be sent, if possible, in a language that he or she can be assumed to understand sufficiently.

**Section 15 – *The right of a party to obtain information on the criminal investigation*** (818/2014)

(1) After the initiation of the criminal investigation a party has the right to obtain information on matters that have led to or become apparent in the criminal investigation and on the documentation in the criminal investigation that may or could have affected the consideration of his or her matter.

(2) A party does not have the right referred to in subsection 1 before the conclusion of the criminal investigation, if the provision of information could impede clarification of the case.

(3) A party does not have the right referred to in subsection 1 if non-provision of the information is necessary in order to secure a very important public or private interest. A party does not have the right to receive information referred to in section 11, subsections 2(6)(a) and 2(7) of the Act on the Openness of Government Activities (621/1999). (736/2015)

(4) When considering the right of a party to obtain information or the restriction of this right, consideration shall be taken in the assessment of the right of the party to a proper defence or otherwise to appropriately secure his or her right in the court proceedings.

(5) In addition, the provisions in Chapter 10, sections 60 and 62 of the Coercive Measures Act apply to the right to obtain information on covert coercive measures and the provisions of Chapter 5, sections 58 and 60 of the Police Act apply to the right to obtain information on the covert collection of intelligence.

(6) In other respects, the provisions of the Act on the Openness of Government Activities apply to the right of a party to obtain information on the documentation in a criminal investigation. However, the provisions of Chapter 9, section 7(2) of this Act apply to the provision of information on audio and video recordings.

**Section 16 – Notice of the rights of the suspect** (818/2014)

(1) When a person is notified that he or she is suspected of an offence, he or she shall be notified of the following without delay and at the latest before he or she is heard:

- (1) the right to counsel of his or her choosing;
- (2) the right to a public defender on the conditions provided in Chapter 2, section 1 of the Criminal Procedure Act;
- (3) the right to cost-free legal aid and counsel on the conditions provided in the Legal Aid Act (257/2002);
- (4) the right to be informed of the offence of which he or she is suspected and to be informed of changes regarding the suspicion of an offence;
- (5) the right to interpretation and to translation of essential documents as provided in section 13, in Chapter 2, section 16 and Chapter 3, section 21 of the Coercive Measures Act, and in Chapter 6(a), section 3 of the Criminal Procedure Act;
- (6) the right to remain silent and also otherwise not to contribute to the clarification of the offence of which he or she is suspected.

(2) The person suspected of an offence shall be notified of the rights referred to in subsection 1 in the language used by the suspect as referred to in section 12. The suspect shall be informed of the right referred to in subsection 1(1) in writing, unless the matter is to be considered in a simplified criminal investigation.

**Section 17 – Written notice of the rights of a person deprived of his or her liberty** (818/2014)

(1) When a person suspected of an offence has lost his or her liberty in connection with apprehension, arrest or remand, he or she shall be notified of the following without delay:

- (1) the rights referred to in section 16;
- (2) the right to obtain information in accordance with section 15;
- (3) the right to have persons close to him or her or other persons be notified of the loss of liberty in accordance with Chapter 2, section 2(2) of the Act on the Treatment of Persons in the Custody of the Police;
- (4) the right to the health and medical care referred to in Chapter 5, section 1 of the Act on the Treatment of Persons in the Custody of the Police and in Chapter 6, section 1 of the Remand Act;
- (5) the right to have the issue of remand considered in court within the time period provided in Chapter 3, section 5 of the Coercive Measures Act and the right of a remanded person to a new remand hearing as referred to in Chapter 3, section 15 of the Coercive Measures Act.

(2) In addition to what is provided in subsection 1, a foreign person who has lost his or her liberty shall be notified without delay of the right to have the diplomatic or consular representative of his or her country be notified of the loss of liberty.

(3) The person who has lost his or her liberty shall be notified in writing of the rights referred to in subsections 1 and 2 in the language used by the suspect as referred to in section 12.

## ***Chapter 5 – Cooperation between the criminal investigation authority and the public prosecutor***

### ***Section 1 – Notification to the prosecutor***

The criminal investigation authority shall inform the public prosecutor without delay of a matter in which a police officer is a suspect in an offence, unless the matter is to be dealt with as a summary penal fine or summary penal judgment matter. In addition, the public prosecutor shall be notified of an offence that has come under investigation, and the criminal investigation and the prosecutorial authorities have jointly decided on the basis of their competence that notice shall be given of such offences, or the public prosecutor has requested that notice be given of such offences.

### ***Section 2 – The competence of the public prosecutor in the criminal investigation***

(1) On the request of the public prosecutor, the criminal investigation authority shall conduct a criminal investigation or perform a criminal investigation measure. Also otherwise the criminal investigation authority shall comply with orders given by the public prosecutor intended to ensure clarification of the matter in the manner referred to in Chapter 1, section 2.

(2) After a matter has been transferred to the public prosecutor following the conclusion of the investigation, the public prosecutor decides on criminal investigation measures.

(3) Chapter 2, section 4 contains provisions on the function of the public prosecutor as head investigator.

### ***Section 3 – Obligation to cooperate***

(1) The criminal investigation authority shall, in the manner required by the nature or scope of the matter, notify the public prosecutor of the conducting of a criminal investigation and of circumstances connected with criminal investigation measures and otherwise of progress in the investigation. If the criminal investigation authority has notified the public prosecutor of the opening of an investigation in an offence, the head investigator shall, before concluding the criminal investigation, hear the public prosecutor on whether the matter has been clarified sufficiently in the manner referred to in Chapter 1, section 2, if the nature or scope of the matter require that the public prosecutor be heard, or if the intention is to conclude the criminal investigation without submitting the matter to the prosecutor. The Coercive Measures Act contains provisions on the notification obligation concerning the use of coercive measures.

(2) The public prosecutor shall participate to the extent necessary in the criminal investigation in order to ensure that the matter is clarified in the manner referred to in Chapter 1, section 2.

(3) The criminal investigation authority and the public prosecutor shall discuss questions relating to the arrangement of cooperation in the criminal investigation.

## ***Chapter 6 – Presence in the criminal investigation***

### ***Section 1 – Obligation to attend a criminal investigation***

(1) If there is reason to assume that a person may provide clarification regarding an offence or if his or her presence in the performance of a criminal investigation measure is otherwise necessary in order to clarify the offence, he or she is obliged when summoned to attend the criminal investigation in the closest appropriate criminal investigation office or to another corresponding criminal investigation office. (1145/2013)

(2) The summons shall indicate the offence under investigation and the position of the person being summoned in the criminal investigation.

### ***Section 2 – Bringing a person to a criminal investigation***

(1) If a person summoned to a criminal investigation does not comply with the summons without a valid excuse, he or she may be brought to the investigation. A suspect may be brought to the criminal investigation even without a summons if the offence is punishable by imprisonment and it is probable that he or she does not intend to comply with the summons or there is reason to suspect that if he or she receives the summons he or she intends to hinder the investigation by absconding, destroying evidence or otherwise.

(2) The head investigator decides on whether or not a person is to be brought. A written order shall be issued to the person to be brought regarding this measure. If, due to the urgency of the matter, the order cannot be issued in writing, the person to be brought shall be informed at the time of apprehension of the order and the facts on which it is based.

(3) Chapter 8, section 3, subsection 1 and section 4 of the Coercive Measures Act contain provisions on search for the purpose of bringing a person to the investigation.

### ***Section 3 – Immediate hearing***

(1) A person who is found at the scene of an offence or in its immediate vicinity shall, on the order of a criminal investigation official conducting the criminal investigation, remain there or come immediately to the closest appropriate criminal investigation office that the criminal investigation official represents or to another corresponding criminal investigation office. If he or she refuses to comply with the order without a valid excuse or on the basis of his or her behaviour it is probable that he or she will refuse to comply, said official may prevent him or her

from leaving the scene or apprehend him or her and take him or her for questioning. (1145/2013)

(2) A person who is leaving the scene of an offence may be apprehended for the issuing of the order referred to in subsection 1 if the circumstances are such that the order cannot otherwise be conveyed to him or her and clarification of the matter would otherwise be endangered.

#### ***Section 4 – Initiation of investigation measures without delay***

Investigation measures for which a person has arrived on request or has been brought for the investigation or on the basis of section 3 has been ordered to remain at the scene or taken to be heard, shall be initiated without delay.

#### ***Section 5 – Length of presence***

(1) No one may be held in a criminal investigation longer than necessary.

(2) A person other than the suspect in an offence need not be present in the criminal investigation for longer than six hours at a time. A suspect who has not been arrested or remanded need not be present in the criminal investigation for longer than 12 hours at a time or, if the prerequisites for arrest under Chapter 2, section 5 of the Coercive Measures Act are fulfilled, for longer than 24 hours. A person suspected of a criminal act committed under the age of 15 years is obliged, for very weighty reasons, to be present at a time for more than 12 hours and at the most 24 hours.

(3) A person who has been present in the criminal investigation is not obliged, without a special reason, to be present, and cannot be brought, within the twelve hours following when he or she has left the criminal investigation.

#### ***Section 6 – Preventing a person from leaving***

A suspect in an offence who in accordance with section 5, subsection 2 is obliged to be present in the criminal investigation and who has not been arrested or remanded may be kept in the criminal investigation in locked premises, if this is necessary to prevent him or her from leaving.

#### ***Section 7 – Notice to a military authority***

Notice of the bringing or apprehension of a soldier for a criminal investigation or his or her release shall be made to the head of the administrative unit in which the soldier in question is serving.

### ***Chapter 7 - Questioning***

#### ***Section 1 – Presence of the person to be questioned***

(1) The person to be questioned shall himself or herself be present in the questioning.

(2) If the investigator deems that this would not inconvenience or compromise the reliability of the investigation, a party may give his or her statement through an attorney or by telephone or by other means of communication. Subject to the same prerequisites, a witness may be questioned by telephone or by other means of communication. The suspect may be questioned through an attorney only if the offence in question is not punishable by other or more punishment than a fine or imprisonment for six months.

(3) Written accounts offered by a party and witness to supplement their statement under questioning shall be accepted.

### ***Section 2 – Restrictions on the questioning of a party***

A party who manifestly cannot provide information clarifying the matter under investigation need not be questioned in the criminal investigation if, when reporting the offence or otherwise, he or she has provided the information necessary for deciding on the charges and for the trial. The questioning of an injured party may be left to await his or her initiative, if this is required by the nature of the matter, due to the large number of injured parties or another corresponding reason.

### ***Section 3 – Questioning of an intoxicated person***

If a person is so intoxicated with alcohol or another intoxicant that he or she cannot be assumed to understand the significance of the questioning, he or she may be questioned only if the questioning cannot be postponed without endangering the clarification of the offence. The person to be questioned shall be reserved a later opportunity to examine his or her statement as provided below in respect of the examination of a statement under questioning.

### ***Section 4 – Questioning of a mentally disturbed person***

If the person to be questioned cannot be assumed to understand the significance of the questioning, due to mental disturbance, emotional disturbance or some other corresponding reason, what is provided in section 3 applies correspondingly. As necessary, those close to the person and a physician shall be consulted regarding the questioning.

### ***Section 5 – Treatment of the person being questioned***

(1) The person being questioned shall be treated in a calm and appropriate manner. Knowingly false statements, promises or representations concerning particular benefits, tiring out, threats, coercion or other improper methods or approaches that influence the freedom of choice, willpower, memory or judgement of the person being questioned may not be used in order to secure a confession or a statement tending in a certain direction.

(2) Questioning may be conducted between 22:00 and 7:00 only if:

(1) the person being questioned requests this;

- (2) the matter is under simplified investigation for which, in accordance with Chapter 6, section 3, the person being questioned is required to stay or to arrive immediately; or
- (3) the questioning cannot be delayed without endangering the clarification of the offence.

(3) The person being questioned shall be allowed the opportunity for regular meals and sufficient rest.

**Section 6 – *The obligation of the injured party to be truthful***

The injured party and his or her lawful representative and attorney must remain truthful when providing information in the matter under investigation and when answering the questions presented.

**Section 7 – *Restrictions on the hearing of a witness*** (736/2015)

- (1) A person who may not be heard in criminal proceedings concerning the suspected offence may not be heard as a witness in the criminal investigation.
- (2) The head investigator decides on the questioning in a criminal investigation of a person referred to in Chapter 17, section 27 or 30 of the Code of Judicial Procedure for the purpose of the submission of evidence or as a witness.

**Section 8 – *The obligation of a witness to provide evidence and refusal to testify*** (736/2015)

- (1) A witness shall truthfully and without concealment state what he or she knows in the matter under investigation. However, if he or she would have the right or the obligation in the criminal proceedings concerning the matter to refuse to testify, in accordance with Chapter 17, sections 10 – 14, 16 – 21 or 22(1) or 22(2) of the Code of Judicial Procedure, he or she has said right or obligation also in the criminal investigation.
- (2) Notwithstanding what is provided in subsection 1 on the right or obligation of a witness to refuse to testify, a witness is required to testify if:
  - (1) the person in whose benefit the secrecy obligation has been provided, as referred to in Chapter 17, section 11(2) or 11(3), section 12(1) or 12(2), section 13(1) or 13(3), section 14(1) or section 16(1) of the Code of Judicial Procedure, consents to the testimony;
  - (2) the offence under investigation is punishable with a maximum of imprisonment for at least six years, or attempt of or participation in such an offence, and in criminal proceedings concerning the offence the court could require testimony in accordance with Chapter 17, section 12(3), section 13(2) or 13(3), section 14(2) or section 20(2) of the Code of Judicial Procedure;
  - (3) the offence under investigation is one in which, in accordance with Chapter 17, section 9(3), the witness does not have the right or obligation to refuse to testify in court, and the witness is not a person referred to in section 20(1) of said Chapter.

(3) A witness is also required to produce a document or other evidence in his or her possession that is of significance for the criminal investigation, if it could be confiscated in accordance with Chapter 7, section 1 of the Coercive Measures Act and there are no bars to confiscation as provided in section 3 of said Chapter.

(2) What is provided in subsections 2 and 3 of this section do not apply to a witness who is related to the suspect in the manner referred to in Chapter 17, section 17(1) of the Code of Judicial Procedure.

### **Section 9 – *The questioning of a witness in court***

(1) If a witness obviously knows of a circumstance that is important for the determination of guilt or for the tracing and seizing of the proceeds of an offence, and he or she refuses to reveal it even if he or she may be obliged to reveal it, the question of the grounds for refusal shall on the request of the head investigator be examined in court. The questioning of the witness shall be conducted in court if there is no lawful justification for the refusal. (736/2015)

(2) What is provided in subsection 1 applies also to a witness who refuses to produce a document or other evidence.

(3) The questioning of a witness may be conducted in the District Court where this is convenient. What is provided in the Code of Judicial Procedure regarding the receipt of evidence outside of the main hearing applies as appropriate to the questioning of a witness. The provisions of sections 13 and 18 apply to the right of the suspect in an offence and his or her counsel or representative to be present during the questioning of a witness. The court decides on the right to be present after having heard the head investigator.

(4) The witness has the right to compensation for economic loss and travel and living expenses in accordance with the grounds provided in the Act on the Payment of Witness Expenses By the State (666/1972). Nonetheless, there is no right to compensation if the court deems that the refusal of the witness to testify has evidently been unjustified.

### **Section 10 – *Notices to be given before questioning***

(1) Before the questioning, the person to be questioned shall be informed of his or her position in the criminal investigation, his or her right to request the presence of a credible witness, and his or her rights in respect of language. (818/2014)

(2) Before the questioning, the suspect in the offence shall be informed of the specific offence in which he or she is suspected. At the same time, the suspect shall be informed of his or her rights as provided in Chapter 4, section 16, unless he or she has been informed of these previously. Before the questioning the suspect shall be informed of his or her right to remain silent and also otherwise not to contribute to the clarification of the offence, even if he or she has been informed of this previously. Before the questioning the suspect shall also be informed of the right to retain counsel of his or her choice and of in which situations a public defender may be assigned to him or her, even if he or she has

been informed of these rights previously, unless informing him or her of them again is manifestly unnecessary. (818/2014)

(3) Before the questioning, the injured party, his or her legal representative and attorney as well as the witness shall be informed of their obligation to speak the truth as well as the penalty for perjury. The injured party shall be informed before the questioning of in which situations, in accordance with Chapter 2 of the Code of Criminal Procedure, trial counsel or a support person may be assigned to him or her.

(4) The witness shall be asked about circumstances which, according to law, entitle or require him or her to refuse to testify. Should there be cause, the witness shall be informed of the provisions of sections 8 and 9.

### **Section 11 – Credible witness**

(1) On the request of the person being questioned, a credible witness who is trustworthy qualified in the manner referred to in section 1 of the Act on Disqualification of A Witness to Juridical Acts and Performance (734/2015) shall be present during the question. The investigator may also on his or her own initiative summon a credible witness. If the questioning cannot be delayed without endangering the investigation, the questioning may be conducted in the absence of a witness despite the request of the person being questioned. Nonetheless, a person under the age of 18 suspected in an offence may not be heard without a witness, unless his or her counsel or legal representative or a representative of the social welfare authorities is present. (736/2015)

(2) The use of a credible witness may be replaced by the audio and video recording of the questioning, if in this manner the manner in which the questioning was conducted and the events occurring during the questioning can be reliably proven to a sufficient extent.

### **Section 12 – Presence of persons supporting the person being questioned**

Counsel assigned to a party and a support person assigned to an injured party has the right to be present when his or her client is being questioned, unless the head investigator prohibits this for weighty investigative reasons. The investigator may on request allow the presence also of another person supporting a party or witness to be present in the questioning, if this does not hamper the clarification of the offence or endanger the secrecy obligation.

### **Section 13 – Participation in the questioning of another person**

(1) The investigator may allow a party and his or her counsel or attorney as well as a support person assigned to an injured party to be present together with the injured party when another party or witness is being questioned, unless this may hamper the clarification of the offence. In considering whether or not participation should be allowed, consideration shall be given in addition to the

need for sensitivity and the factor that the presence of the suspect should not cause suffering or corresponding other prejudice to the injured party.

(2) The prosecutor has the right to participate in the questioning.

**Section 14 – Presence in the questioning of the legal representative of a minor**

(1) If the person being questioned is under the age of 15 years, the person responsible for his or her care and custody, or his or her trustee or other legal representative has the right to be present in the questioning.

(2) If the injured party or the person being questioned as a suspect is a minor over the age of fifteen years, his or her legal representative has the right to be present in the questioning if said legal representative may, in accordance with Chapter 12, section 1 or 2 of the Code of Judicial Procedure, speak on behalf of or in addition to the minor in the trial concerning the offence being investigated.

(3) The investigator may prohibit the presence of the legal representative in the questioning if this person is a suspect in the offence under investigation or if his or her presence may otherwise be assumed to hamper the clarification of the offence.

**Section 15 – Contact with the legal representative of a minor**

(1) Advance notice of the questioning shall be made to the legal representatives of the minor referred to in section 14, subsections 1 and 2 as being entitled to be present and at least one of them shall be reserved an opportunity to be present at the questioning.

(2) An exception may be made to the obligation to give notice and to reserve an opportunity to be present only if it is not possible to contact the legal representative or if for reasons related to the criminal investigation it is not possible to give notice and reserve an opportunity to be present and if the suspect should be questioned without delay in order to clarify the offence or the criminal act.

(3) In the case referred to in subsection 2, notice of the questioning and the contents of the record of the questioning shall be given as soon as possible to the legal representative of the person being questioned.

**Section 16 – Participation of the representative of a social welfare authority in the questioning**

(1) When a person under the age of 18 years is suspected in an offence or a criminal act, the social welfare authority shall be informed of the act and be reserved an opportunity to send its representative to the questioning, unless this is clearly not necessary.

(2) The criminal investigation authority shall provide the record of the questioning to the social welfare authority without delay.

### **Section 17 – *The presenting of questions***

A party and his or her counsel or attorney may, with the permission of the investigator, present questions to the person being questioned in order to clarify the matter. The investigator may decide that questions are to be submitted through him or her. Also the public prosecutor may present questions to the person being questioned. A party, his or her counsel and attorney also otherwise have the right to request that the investigator presents questions to the person being questioned about aspects necessary in order to clarify the matter.

### **Section 18 – *Removal of a person from the questioning***

The investigator may remove a person from the questioning if his or her behaviour disturbs the questioning or his or her presence otherwise hampers the clarification of the matter.

### **Section 19 – *Rights of a party who is absent from the questioning***

A party and his or her counsel or attorney who, despite their request, had not had the right to be present at questioning or who had been removed from questioning, shall be reserved an opportunity to be informed about what has been learned in the questioning, and to present questions as soon as this could not interfere with the clarification of the offence.

### **Section 20 – *Preliminary contacts***

In preliminary contacts made in order to clarify an offence, the provisions in section 5, subsection 1 on the treatment of the person being questioned, and in section 8 on the obligation of the witness to provide evidence and on his or her refusal to testify, apply.

## **Chapter 8 – *Identity parade***

### **Section 1 – *Definition of an identity parade***

An *identity parade* refers to an event organized in order to identify the suspect in an offence, in which the suspect is placed among other persons.

### **Section 2 – *Prerequisites for an identity parade***

- (1) An identity parade may be used when this can be assumed to be of significance in the clarification of an offence.
- (2) An injured party and a witness may be ordered to participate in an identity parade as identifiers.
- (3) The head investigator decides on the arrangement of an identity parade.

### **Section 3 – *Arrangement of an identity parade***

- (1) An identity parade shall be arranged so that its result is as credible as possible. The appearance of the persons among whom the suspect is placed may

not differ from that of the suspect in the offence to the extent that this difference lessens the credibility of the identification. At least five other persons shall be used in the identity parade.

(2) The investigator may allow a party, his or her counsel or attorney and the injured party together with the support person assigned to him or her to be present at the identity parade, as long as this does not hamper the identification. The prosecutor shall be reserved an opportunity to be present at the identity parade.

(3) A record shall be made of the identity parade, in addition to which the event shall be recorded on video or in another comparable visual recording.

#### ***Section 4 – Obliging a third party to participate in an identity parade***

(1) A third party may be obliged to participate as one of the persons among whom the suspect is placed only if this is important, in view of the nature of the offence, in order to clarify the matter. Such a person may, however, refuse to participate in an identity parade if participation would result in unreasonable inconvenience to him or her.

(2) Third parties who participate in an identity parade have the right to reasonable compensation for this. The amount of the compensation is determined in a Decree issued by the Ministry of the Interior.

#### ***Section 5 – Application of provisions to other identification***

The provisions of sections 1–4 on identity parades apply as appropriate also to identification on the basis of photographs or other visual recordings, or to sensory detection in addition to or besides eyewitness evidence.

### ***Chapter 9 – Criminal investigation documentation***

#### ***Section 1 – Record to be prepared on criminal investigation measures***

(1) A record, or a notation in another document, shall be made of criminal investigation measures, unless separately provided otherwise in law.

(2) A record of a questioning shall be made in the language used by the person being questioned, Finnish or Swedish. If the person being questioned has used another language, the record shall be made in the working language of the criminal investigation as referred to in Chapter 4, section 12, subsection 1.

(3) The record of the questioning shall indicate to what extent an expression or statement was submitted through a representative, by telephone or by other means of the transmission of data. If the person being questioned has been in the state referred to in Chapter 7, section 3 or 4, a notation shall be made of the state of said person in the record of the questioning as well as of why the questioning could not be postponed.

#### ***Section 2 – Inspection and correction of the record of questioning***

(1) Immediately at the end of the questioning the record of the questioning shall be submitted to the person questioned for inspection. The inspection may be conducted by reading out the statement given by the person being questioned and the record of the questioning to said person, if in consideration of the nature and extent of the matter this is appropriate. The person being questioned shall be asked whether his or her statement has been recorded correctly. The relevant additions and corrections made by the person being questioned shall be noted in the record of the questioning.

(2) The record of the questioning may not be amended after the person being questioned has inspected it and the requested corrections and additions have been made.

### **Section 3 – Audio and video recording of the questioning**

The questioning may be audio- and video-recorded in full or in part. The questioning shall be recorded in full or in part if, in consideration of the nature of the matter or of circumstances related to the person being questioned, there is reason to do so in order to subsequently verify the manner in which the questioning was conducted, the events that occurred during the questioning or the statement of the person being questioned. The person being questioned shall be notified in advance of the recording.

### **Section 4 – Recording of the questioning for the purpose of submission as evidence (736/2015)**

(1) The questioning of an injured party and a witness shall be audio and video-recorded if the statement to be given in the questioning is intended to be used as evidence in criminal proceedings and the person to be questioned, due to his or her young age or mental disturbance, probably cannot be heard in person without causing him or her detriment. In the questioning, consideration shall be taken of the special requirements that the level of development of the person being questioned places on the methods of questioning, the number of persons participating in the questioning and the other circumstances in the questioning. The person being questioned shall be notified in advance of the recording.

(2) The head investigator may decide that also a person other than the criminal investigation authority may, under the supervision of the person conducting the hearing, present questions to the person being questioned. The suspect in the offence shall be reserved an opportunity to present questions to the person being questioned on all circumstances that are of significance in the clarification of the matter. If the person suspected in the offence so requests, his or her questions may also be presented by his or her attorney or counsel. The person conducting the investigation may nonetheless order that questions are to be submitted through him or her to the person being questioned.

(3) The public prosecutor shall be reserved an opportunity to be present in the questioning. He or she has the right to present questions to the person being

questioned, either by himself or herself or through the person conducting the questioning.

(4) What is provided in this section on questioning and the recording of question applies also:

- (1) to an injured person between the ages of 15 and 17 years who is in need of special protection, with consideration in particular to his or her personal circumstances and the nature of the offence;
- (2) an injured person in a sexual offence referred to in Chapter 20, section 1, 2, 4, 5, 6 or 7 of the Criminal Code who is between the ages of 15 and 17 years and does not want to be heard in the criminal proceedings;
- 3) an injured person in a sexual offence referred to in Chapter 20, section 1, 2, 4, 5, 6 or 7 of the Criminal Code who has reached the age of 18 years, if hearing him or her in criminal proceedings would endanger his or her health or would cause other significant harm.

### **Section 5 – *Inspection of an audio and video recording***

If the questioning is recorded in the manner referred to in section 3 or 4, the person being question shall, after the questioning is concluded, be provided with an opportunity to listen to and view the recording and make the necessary corrections and additions to his or her statement, unless this is clearly pointless in consideration of the young age or mental disturbance of the person being questioned. The inspection of the statement under questioning is conducted by inspection of the record of the questioning referred to in section 2, subsection 1.

### **Section 6 – *Record of a criminal investigation***

(1) On the conclusion of a criminal investigation, a record of the documentation collected in its course shall be prepared in the language of the criminal investigation as referred to in Chapter 4, section 12, subsection 1 (*record of a criminal investigation*), if this is needed for further consideration of the matter.

(2) The record of the criminal investigation shall incorporate the records of the questioning and the explanations of the investigation measures as well as of the observations made in their connection concerning the matters to be clarified in the criminal investigation, and the documents, recordings and photographs collected in the investigation shall be appended, if they can be assumed to be of significance in the matter and if it is not provided otherwise in law. A notation shall be made in the record of the use of surplus information in the clarification of the offence. (1145/2013)

(3) The language used by the persons heard in the criminal investigation shall be noted in the record of the criminal investigation. If a party has been heard or questioned with the aid of an interpreter, an essential document or part or summary thereof referred to in Chapter 4, section 13, subsection 1 has been translated for the party verbally or the party has waived his or her right to a

translation of the document, a notation shall be made thereof into the record of the criminal investigation or into another document. (770/2013)

(4) Documentation collected in the criminal investigation that is not incorporated into the record of the criminal investigation shall be noted in the record, unless provided otherwise in law.

(5) A copy of the record of the criminal investigation shall be sent to the public defender assigned to a person suspected in an offence, on the basis of Chapter 2, section 1 of the Code of Criminal Procedure, and to the counsel for the injured party appointed on the basis of section 1(a) of said Chapter.

### ***Section 7 – Openness of the documentation in a criminal investigation***

(1) The Act on the Openness of Government Activities contains provisions on the openness of the documentation in a criminal investigation. The provisions of Chapter 4, section 15 of this Act apply to the right of parties to receive information. (818/2014)

(2) Information on an audio and video recording may be provided only by allowing the recording to be examined at the criminal investigation authority, if in view of the contents of the recording there is reason to assume that providing the information in another manner may lead to a violation of the protection of the privacy of an individual depicted in the recording.

## ***Chapter 10 – Conclusion of the criminal investigation***

### ***Section 1 – Final statement***

(1) Before the criminal investigation is concluded, the parties shall be reserved an opportunity to submit a final statement to the criminal investigation authority on the sufficiency of the criminal investigation documentation, the assessment of the evidence, the legal issues or other circumstances that are important from the point of view of the consideration of the matter, unless with consideration to the nature and extent of the matter, the pettiness of the offence or the other corresponding circumstances, requesting a statement would be evidently unnecessary from the point of view of the consideration of charges and the court proceedings.

(2) The request for a final statement shall if necessary be specified. Time shall be reserved for the giving of a final statement so that the person submitting the statement has sufficient time to become acquainted with the matter, but so that the consideration of the matter is not needlessly delayed. The criminal investigation authority, on receiving the final statement, shall consider whether this statement gives cause for the supplementing of the criminal investigation.

(3) The head investigator decides on the requesting of a final statement and on the measures that it may possibly call for. If necessary, the prosecutor shall be heard on the need for and the content of the final statement.

### ***Section 2 – Conclusion of the criminal investigation***

(1) On the conclusion of the criminal investigation, the matter shall be submitted to the prosecutor for the consideration of charges or for the issuing of a summary penal judgment or summary penal fine. The criminal investigation record concerning an offence investigated as a military court matter shall be submitted without delay to the military authorities.

(2) A criminal investigation shall nonetheless be concluded without submitting the matter to the consideration of the prosecutor if the investigation has shown that no offence has been committed or that no charges may be brought against anyone or that no other requests under public law may be presented in respect of an offence.

(3) Chapter 3, sections 9, 10 and 10(a) contain provisions on the conclusion and restriction of the criminal investigation on the basis of a decision of the criminal investigation authority and the prosecutor. (672/2014)

### **Section 3 – Cautioning**

A police officer and, when serving as the head investigator, the public prosecutor, may give the person suspected in an offence an oral or written caution if the criminal investigation is concluded on the basis of Chapter 3, section 9.

### **Section 4 – Partial conclusion of the criminal investigation**

Should it become apparent in the criminal investigation that a person who has been notified that his or her status is that of a suspect in an offence is no longer a suspect, but the criminal investigation as a whole cannot be concluded in the manner provided in section 2, the criminal investigation shall without undue delay be concluded in respect of him or her.

## **Chapter 11 – Miscellaneous provisions**

### **Section 1 – Decision on a criminal investigation**

(1) A written decision shall be made on the waiving of a criminal investigation, on its conclusion on the basis of Chapter 3, section 9(1) or section 10 or 10(a), and on conclusion without submitting the matter to the consideration of the prosecutor. The same applies to another corresponding criminal investigation decision that may affect the rights, interests and obligations of a party. (672/2014)

(2) The decision referred to above in subsection 1 shall indicate:

- (1) the authority making the decision and the date of the decision;
- (2) the parties;
- (3) the matter;
- (4) the grounds for the decision and the provisions applied;
- (5) the contents of the decision; and
- (6) contact information of the criminal investigation official who can supply additional information.

(3) The decision is given to the parties present in the criminal investigation or sent by post to the address that they have indicated or that is otherwise known to the criminal investigation authority. A decision need not be given or sent if doing so could hamper the clarification of the offence or of a connected offence. Notice shall be given or sent without undue delay after there is no risk that this could hamper such clarification.

(4) What is provided elsewhere in law on decisions of the criminal investigation authority shall otherwise apply.

### **Section 2 – Content of a simplified criminal investigation**

(1) A simplified criminal investigation does not have a head investigator. Only the main contents of the statement of the person being questioned is entered into the record of the questioning, and this may be recorded in another document in lieu of in a record of the questioning.

(2) A simplified criminal investigation may be conducted without applying the provisions in Chapter 5, section 1 or in Chapter 7, sections 11 and 14–16. (818/2014)

### **Section 3 – Competence of counsel**

(1) An advocate, a public legal aid, or the licensed legal counsel referred to in the Act on Licensed Legal Counsel (715/2011), may serve as counsel to a party in the criminal investigation.

(2) A person may not serve as counsel in an individual case if he or she:

- (1) has advised the suspect in an offence in the offence under investigation or in a directly related offence;
- (2) is serving as counsel for another suspect in respect of the offence under investigation or in a directly related offence, if service as counsel for the party can be presumed to significantly hamper clarification of the matter;
- (3) is serving or has served as a search representative as referred to in Chapter 8, section 7 of the Coercive Measures Act or as the public attorney referred to in Chapter 10, section 44 of said Act, in respect of the offence under investigation or in a directly related offence;
- (4) engages in legal practice together with a person who, in accordance with paragraphs 1–3 may not serve as counsel to a party;
- (5) is a suspect or witness in a matter concerning the offence being investigated or in a directly related offence;
- (6) has participated as a public official or otherwise in the exercise of a public function in measures in respect of the offence under investigation or in a directly related offence or in a measure connected with such offence; or
- (7) after having undertaken to serve as counsel has acted in said matter in violation of the law or the professional ethics of attorneys so that his or her continuing to serve as counsel would presumably significantly hamper clarification of the matter.

(3) The question of the eligibility of counsel is decided by the head investigator. If a person has been denied the right to serve as counsel in criminal investigation, the party shall be reserved an opportunity to retain counsel that fulfils the qualifications. The investigation need nevertheless not be delayed for this reason, unless there is special cause to do so.

(4) On the request of a concerned person, the court decides whether a decision made by the head investigator on the basis of subsection 2 shall be followed. The matter is decided by the court which has jurisdiction over the investigation of the principal matter. The court shall consider the matter as one of urgency. The decision of the court is not subject to appeal. The person who had submitted the request may file an extraordinary appeal on the basis of procedural fault in the manner provided in the Coercive Measures Act in respect of remand.

#### **Section 4 – *Statement by an expert***

(1) An expert statement may be obtained regarding a question to be clarified in the criminal investigation.

(2) A person whose relation to the matter or to a party is such that his or her impartiality is endangered may not serve as an expert.

#### **Section 5 – *Prohibition against revealing information***

(1) If a person present in the criminal investigation is informed of matters relating to this investigation of which he or she had not been aware, and these do not directly concern the person himself or herself or his or her principal, the head investigator may prohibit him or her from revealing these to third parties during the criminal investigation. During the consideration of charges, the prosecutor decides on a prohibition against revealing information. A prohibition against revealing information may be imposed on the representative and counsel of a party even if he or she has not been present in the investigation.

(2) A prerequisite for the prohibition against revealing information is that revelation of the matters referred to in subsection 1 in the course of the criminal investigation may hamper clarification of the offence or cause harm or inconvenience to a party or another person. The prohibition may be ordered to remain in force also after the conclusion of the criminal investigation, until the matter has been considered in a court session or until the public prosecutor has decided to waive the raising of charges or the case has been dismissed without considering the merits, if revelation of the matters can hamper clarification of another offence that is still under investigation.

(3) A prohibition against revealing information is issued for at most three months at a time. Certified service of the prohibition shall be given to its recipient in writing. The prohibition shall specify the matters subject to the prohibition, state the period of validity of the prohibition and note the threat of penalty for violation of the prohibition.

(4) The prohibition against revealing information shall be rescinded without delay before the end of the set period if the prerequisite referred to in subsection 2 for imposing the prohibition no longer exists. The recipient of the prohibition shall be notified of the rescission of the prohibition.

(5) The penalty for violation of the prohibition against revealing information is imposed on the basis of Chapter 38, section 1 or 2 of the Criminal Code, unless more severe punishment for the act is provided elsewhere in law.

### **Section 6 – *Secrecy obligation***

The prohibition against revealing information referred to above in section 5 does not detract from the secrecy obligation provided on the basis of section 23, subsection 2 of the Act on the Openness of Government Activities. The criminal investigation authority shall inform the recipient of the prohibition of the relation between the prohibition and the secrecy obligation based on the provision referred to, and also otherwise inform the person subject to the secrecy obligation of the contents of this obligation, unless this is evidently unnecessary.

### **Section 7 – *Provision of information on the criminal investigation***

(1) If it is necessary to provide information on the criminal investigation in view of its societal significance, the general interest that it arouses, the clarification of the offence, apprehension of the person suspected in the offence, the prevention of a new offence or the prevention of harm caused by the offence or for another corresponding reason, the information shall be provided in a manner so that no one is unduly subjected to suspicion and no one is unnecessarily subjected to harm or inconvenience.

(2) The name or picture of a person may be publicized only if this is necessary in order to clarify an offence, apprehend the person suspected in the offence, prevent a new offence or prevent harm caused by the offence.

(3) Also the principles of criminal investigation provided in Chapter 4 shall be taken into consideration in providing information on the criminal investigation. Separate provisions apply to the obligation to keep secret the circumstances that have been revealed in the criminal investigation.

(4) The head investigator and his or her superior as well as other officials designated by them have the right to make public information regarding the criminal investigation. After the conclusion of the criminal investigation, also the prosecutor has the right to give information.

### **Section 8 – *Obtaining information from an authority, and from a private corporation or person* (629/2015)**

Chapter 4, sections 2 and 3 of the Police Act (872/2011) and Chapter 2, section 14 of the Act on the Customs Investigation Office contain provisions on obtaining information from an authority and from a private corporation or person necessary in order to clarify an offence.

### **Section 9 – Notices to an injured party**

(1) In addition to what is provided in the foregoing regarding notices, the criminal investigation authority shall notify an injured party regarding:

- (1) as possible, what measures are to be undertaken on the basis of the report of an offence or on the basis of an offence of which the criminal investigation authority has otherwise been informed;
- (2) the significance of a request that a person suspected of a complainant offence be punished, and of the revocation of such a request, if this request is a prerequisite for the conduct or continuation of the criminal investigation;
- (3) without delay of the conduct of a criminal investigation into a complainant offence in the case referred to in Chapter 3, section 4, subsection 3.

(2) If an injured party has suffered loss as a result of an offence, for which he or she would evidently be entitled to compensation in accordance with the Crime Compensation Act (1204/2005), the criminal investigation authority shall in addition notify the injured party of the right to compensation and as necessary shall advise him or her in applying for compensation.

### **Section 10 – More detailed provisions**

More detailed provisions may be provided by Government Decree on:

- (1) the method of recording a report of an offence;
- (2) the arrangement of an identity parade;
- (3) the contents, structure and addenda to the record of questioning and a criminal investigation record.

### **Section 11 – Entry into force**

(1) This Act enters into force on 1 January 2014.

(2) This Act repeals the Criminal Investigation Act (449/1987).

### **Section 12 – Transitional provision**

(1) The provisions that were in force at the time the present Act enters into force apply to criminal investigations underway at said time.

(2) In addition to what is provided above in subsection 1, a person who, according to the provisions that were in force at the time the present Act enters into force, is qualified to serve as counsel to a party in a criminal investigation, is qualified to so serve as counsel to a party in a criminal investigation for one year from the date this Act enters into force. In addition, a person who, according to the provisions that were in force at the time the present Act enters into force, is qualified to serve as counsel to a party in a criminal investigation and who seeks the permission referred to in the Act on Licensed Legal Counsel three months before the end of the period referred to in section 30, subsection 3 of said Act and

whose application has not been decided in a legally final manner within one year of the entry into force of this Act, is qualified to serve as counsel to a party in a criminal investigation until his or her application has been decided in a legally final manner.