

**Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

**Imprisonment Act**

(767/2005; amendments up to 819/2019 included)

**PART I**

**GENERAL PROVISIONS**

**Chapter 1**

**General provisions on the enforcement of imprisonment**

**Section 1**

**Scope of application**

This Act applies to the enforcement of sentences of unconditional imprisonment and conversion sentences for unpaid fines (*imprisonment*).

**Section 2**

**Objective of the enforcement of imprisonment**

The objective of the enforcement of imprisonment is to increase the readiness of a prisoner to lead a life without crime by promoting the prisoner's ability to manage his or her life and by promoting his or her reintegration into society, and to prevent the commission of offences during the term of sentence.

**Section 3**

**Requirements set for the contents of the enforcement of imprisonment**

The content of a prison sentence is loss or restriction of liberty. The enforcement of imprisonment must not place any other restrictions on the rights or circumstances of a prisoner than those provided by law or those necessary due to the sentence itself.

A prison sentence shall be enforced so that it is safe to society, prison staff and prisoners. The authorities in charge of the enforcement of imprisonment shall ensure that no one unjustifiably violates the personal integrity of a prisoner during imprisonment. The prison conditions shall, to the extent possible, be arranged so that they correspond to the living conditions prevailing in society.

The possibilities of a prisoner to maintain his or her health and functioning capacity shall be supported. Efforts shall be made to prevent any harmful effects caused by the loss of liberty.

#### **Section 4 (735/2011)**

##### **Organisation for enforcement of imprisonment**

The Criminal Sanctions Agency is responsible for the enforcement of imprisonment. The Criminal Sanctions Agency is divided into criminal sanctions regions, which each have an assessment centre and prisons. The Health Care Services for Prisoners, referred to in the Act on the Health Care Services for Prisoners (1635/2015) and operating under the auspices of the National Institute for Health and Welfare, is responsible for organising healthcare services. The national Enforcement Unit is responsible for the enforcement of sentences. (1640/2015)

In other respects, provisions on the organisation of the Criminal Sanctions Agency are laid down in the Act on the Criminal Sanctions Agency (953/2009).

#### **Section 5**

##### **Treatment of prisoners**

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

Prisoners must not be discriminated against, without an acceptable reason, on the basis of their race, national or ethnic origin, colour, language, sex, age, family status, sexual orientation, state of health, disability, religion, social opinion, political or professional activity or other reason that concerns their person.

When enforcing prison sentences imposed on juveniles who have committed their offences when under 21 years of age, special attention shall be paid to the needs arising from the age and stage of development of the prisoner.

## **Section 5a (393/2015)**

### **Close relative and other close person**

For the purposes of this Act, *close relative* means the spouse and siblings of a prisoner and his or her relatives in the direct ascending or descending line. *Other close person* means the cohabiting partner of a prisoner or some other person with whom the prisoner has lived before entering the prison.

## **Section 6 (735/2011)**

### **General principles for the use of authority**

Public officials of the Criminal Sanctions Agency shall act appropriately and impartially and in a conciliatory manner.

Public officials of the Criminal Sanctions Agency shall primarily use advice, requests and orders to maintain prison order and prison safety and security.

Public officials of the Criminal Sanctions Agency shall attend to their official duties without causing any greater interference with the rights of any person or any greater detriment than what is necessary and justifiable in order to perform the duty.

## **Section 7**

### **Hearing of prisoners**

A prisoner shall, in compliance with the provisions of section 34 of the Administrative Procedure Act (434/2003), have the right to be heard when a decision concerning his or her accommodation, placement in prison or in an activity, or discipline, or some other decision concerning him or her is being made.

## **Section 8 (393/2015)**

### **Determination of authority within the Criminal Sanctions Agency**

The power of decision referred to in this Act is exercised by the public officials of the Criminal Sanctions Agency working in a criminal sanctions region. The public officials of the Criminal Sanctions Agency referred to in this Act are:

- 1) region director;
- 2) director of assessment centre;
- 3) prison director;
- 4) public official in charge of the organisation of activities for prisoners (*public official in charge of activities*);
- 4) public official in charge of prison order and prison safety and security (*public official in charge of security*);
- 6) public official in a senior guidance or supervisory position;
- 7) public official performing guidance or supervisory tasks;
- 8) other public official of the Criminal Sanctions Agency.

The region director has the right, in an individual case, to decide a matter falling under the power of decision of a public official referred to in subsection 1, paragraphs 2–7 pursuant to this Act. The prison director has the right, in an individual case, to decide a matter falling under the power of decision of a public official referred to in subsection 1, paragraphs 4–7. The public official in charge of security has the right, in an individual case, to decide a matter falling under the power of decision of a public official referred to in subsection 1, paragraphs 6–7. A public official in a senior guidance or supervisory position has the right, in an individual case, to decide a matter falling under the power of decision of a public official referred to in subsection 1, paragraph 7.

A public official of the Enforcement Unit is responsible for the enforcement of sentences (*public official in charge of enforcement*). The director of the Enforcement Unit has the right, in an individual case, to decide a matter falling under the power of decision of some other public official in charge of enforcement.

## **Section 9 (393/2015)**

### **Authority outside office hours**

Where a matter cannot be delayed, the power of decision belonging to the prison director may, outside office hours, be exercised also by the public official on-call in the criminal sanctions region in matters relating to:

- 1) denial of outdoor exercise;
- 2) referral of a prisoner to a temporary examination and treatment outside the prison;
- 3) prison leave for a particularly important reason;
- 4) special inspection;

- 5) intimate body search of a prisoner;
- 6) keeping in custody;
- 7) notifications referred to in chapter 19, sections 1, 2, 4, 5 and 8;
- 8) conditional release of a prisoner.

The public official on-call in the criminal sanctions region may exercise the power of decision belonging to the public official in charge of enforcement when making a decision concerning the term of sentence, if the matter cannot be delayed.

Only a public official referred to in section 8, subsection 1, paragraphs 1–5 or some other public official with sufficient training may act as a public official on-call.

### **Section 10 (735/2011)**

#### **Matters to be decided by the Central Administration of the Criminal Sanctions Agency**

Notwithstanding the provisions of this Act, the Central Administration of the Criminal Sanctions Agency may, in an individual case, decide a matter falling under the power of decision of a public official of the Criminal Sanctions Agency and related to the placement, transfer, participation in activities outside the prison or prison leave of a prisoner, if there is reason to suspect that the prisoner participates in the activities of an organised criminal group, will continue criminal activities during his or her prison term or endanger prison safety and security, or if this is justified to protect the safety of the prisoner.

### **Section 11**

#### **Executive assistance**

A public official of the Criminal Sanctions Agency has the right to obtain executive assistance for the performance of his or her official duties from the police in accordance with the Police Act (872/2011). (809/2011)

The provisions of the Police Act apply to the provision of executive assistance to the police.

## **Section 12 (735/2011)**

### **Reference provision**

Separate provisions are issued on the job titles and required qualifications of the public officials of the Criminal Sanctions Agency.

Separate provisions are issued on the processing of personal data related to the enforcement of sentences. (393/2015)

## **PART II**

### **COMMENCEMENT OF ENFORCEMENT AND PLACEMENT IN PRISON**

#### **Chapter 2**

##### **Commencement of enforcement**

#### **Section 1 (33/2015)**

##### **Commencement of enforcement of a prison sentence**

Once a judgment concerning a prison sentence has become final or is enforceable as a final judgment, the sentence shall be enforced without undue delay.

The Criminal Sanctions Agency shall issue an order where the sentenced person is requested to arrive at a specific prison at a specific time. The sentenced person shall have the right to be heard concerning the arrival time, the placement prison and the drawing up of a sentence plan.

Provisions on the commencement of enforcement of a conversion sentence for unpaid fines are laid down in the Act on the Enforcement of Fines (672/2002).

In order to balance out the number of prison population and to ensure the appropriate enforcement of sentences, the Ministry of Justice may provide by decree that, during a certain period of time, the prisons shall not take in any persons sentenced to imprisonment for at most six months or to a conversion sentence for unpaid fines. However, the commencement of enforcement may not, for this reason, be delayed for more than eight months from the date on which the judgment became enforceable.

## **Section 1a (14/2016)**

### **Enforcement document and the court's duty to notify**

A printout from the decision notification system of the national information system of the judicial administration functions as the enforcement document for a judgment. A decision of the Ministry of Justice or the Criminal Sanctions Agency functions as the enforcement document for a prison sentence transferred to Finland from another country for enforcement.

The court shall enter the information required for the enforcement document into the decision notification system of the national information system of the judicial administration. If the court, when deciding on the matter, orders the sentenced person to be remanded or to be kept on remand, the court may enter the information into a prisoner status document instead of the information system. Such a document functions as a temporary enforcement document.

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

The provisions laid down in and under the Act on the National Information System of the Judicial Administration (372/2010) apply to the procedure for making an entry and submitting the information referred to in subsections 2 and 3 above.

## **Section 2**

### **Commencement of enforcement before a judgment becomes final (383/2017)**

If a sentenced person who is on remand consents to the enforcement and abides by the judgment to the extent that he or she has been sentenced to imprisonment, the enforcement of the prison sentence may commence on the basis of the judgment issued by a district court or the court of appeal as the first instance even before the judgment has become final.

## **Section 2a (383/2017)**

### **Warrant of apprehension**

The Criminal Sanctions Agency may issue a warrant of apprehension on a sentenced person for the purpose of commencing enforcement, if:

- 1) the sentenced person cannot be reached and his or her whereabouts are unknown;
- 2) the sentenced person does not comply with the order to appear at a hearing;
- 3) the sentenced person does not arrive at the prison at the determined arrival time;
- 4) the sentenced person is evidently evading the enforcement.

## **Section 3**

### **Postponement of enforcement on medical grounds**

If the treatment of a serious illness or a serious injury of a person sentenced to imprisonment or to a conversion sentence for unpaid fines would be jeopardised if the person was admitted to prison, or if his or her treatment in the prison would cause considerable difficulties, the commencement of enforcement shall be postponed until the impediments to the commencement of enforcement resulting from the state of health of the sentenced person no longer exist.

If, at the time when the enforcement could begin, the sentenced person is already in prison or being treated outside the prison pursuant to a decision of the prison service authorities, the sentence may be enforced.

A sentenced person who is pregnant may be granted a postponement of enforcement until she has recovered from the childbirth.

## **Section 4 (33/2015)**

### **Postponement of enforcement on other than medical grounds**

A postponement of enforcement of a prison sentence can be granted to a sentenced person, upon application or with his or her consent, if the postponement could materially decrease the losses or difficulties that an immediate enforcement would cause for the sentenced person, for his or her close relative or other close person, or for his or her employer or other party to whom the work input of the sentenced person is particularly necessary.

The maximum duration of a postponement is six months from the determined arrival time referred to in section 1, subsection 2. A new postponement may be granted only in an exceptional case and on such grounds for which the date of termination is known. The maximum total duration of postponements is one year from the determined arrival time. If several sentences become enforceable at the same time or new sentences become enforceable during a postponement, the maximum duration of one year is calculated from the arrival time determined for the first sentence ordered to be enforced. A decision on the postponement of enforcement of a sentence postpones also the enforcement of other sentences that become enforceable during the postponement.

The enforcement of a conversion sentence for unpaid fines may be postponed on the grounds referred to in subsection 1 by at most three months from the arrival of the enforcement document to the enforcement officer or, if the enforcement cannot be commenced at that time, from the termination of the impediment to enforcement.

A postponement must not be granted, if:

- 1) the sentenced person is on remand due to the matter or ordered to be remanded due to some other matter;
- 2) there are reasonable grounds to assume that the sentenced person is evading the enforcement or continues his or her criminal activities;
- 3) the sentenced person has already started to serve his or her sentence.

## **Section 5 (33/2015)**

### **Effect of an application for postponement on enforcement**

The submission of the first application for postponement postpones the enforcement of a prison sentence or several prison sentences that become enforceable at the same time until a decision on the application has been made. The competent enforcement authority decides whether a new application concerning the same sentence has the same effect.

## **Section 6**

### **Cancellation of postponement**

A postponement of enforcement shall be cancelled if, after it has been granted, it becomes evident that:

- 1) there is a risk that the sentenced person will evade the enforcement or continue his or her criminal activities; or
- 2) prerequisites for the postponement otherwise no longer exist.

## **Section 7**

### **Granting respite for payment in prison**

Before the enforcement of a conversion sentence for unpaid fines is commenced, a respite of at most two months may be granted for the payment of a fine, if:

- 1) the conversion sentence is imposed on a prisoner who is already in prison; or
- 2) a prisoner entering prison is also to serve a conversion sentence in addition to another sentence.

The respite granted may not be so long that the enforcement of the conversion sentence could not be commenced before the prisoner is released from prison.

The provision concerning the granting of a respite for payment also applies to a remand prisoner referred to in the Remand Imprisonment Act (768/2005).

## **Section 8**

### **Payment of a fine in prison**

A conversion sentence for unpaid fines lapses if the person sentenced to the conversion sentence pays the total unpaid amount of the converted fine within five weekdays after his or her arrival at prison. If there are several conversion sentences for unpaid fines to be enforced, the sentenced person has the right to pay his or her fine even with regard to one of the conversion sentences, in which case this conversion sentence lapses.

## **Section 9**

### **Prohibition of enforcement of a conversion sentence for unpaid fines due to substance abuse services and child welfare services**

A conversion sentence for unpaid fines must not be enforced while the person fined is being treated in a rehabilitation institution for substance abusers or in a child welfare institution.

## **Section 10 (33/2015)**

### **Power of decision**

The director of an assessment centre or the public official substituting for the director of an assessment centre under the rules of procedure decides on postponement of a prison sentence and a conversion sentence for unpaid fines referred to in section 3, on postponement of a prison sentence referred to in section 4, subsections 1 and 2, and on cancellation of a postponement referred to in section 6. An enforcement officer decides on postponement of a conversion sentence for unpaid fines referred to in section 4, subsection 3 and on cancellation of such a postponement. A statement of the Health Care Services for Prisoners shall be requested when applying for a postponement on medical grounds. (383/2017)

The public official in charge of enforcement decides on a respite for payment referred to in section 7.

The public official in charge of enforcement or another public official of the Enforcement Unit appointed by the enforcement director decides on the issue of a warrant of apprehension and its revocation.

## **Section 11 (33/2015)**

### **Right of apprehension**

A public official of the Criminal Sanctions Agency may apprehend a sentenced person wanted under section 2a of this chapter within the region of a unit referred to in section 4 of the Act on the Criminal Sanctions Agency in order to commence the enforcement of a sentence. The police shall be informed of the apprehension of a wanted person. The apprehended person may be handed over to the police, where necessary.

## **Section 12 (33/2015)**

### **Further provisions and regulations**

Further provisions on the commencement and postponement of the enforcement of a prison sentence, enforcement of a non-final decision, hearing of a sentenced person, issue of a warrant of apprehension, and payment of a fine in prison are issued by government decree.

Further regulations on the grounds on which the unit of the Criminal Sanctions Agency responsible for the hearing of a sentenced person is determined are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 3**

### **Calculation of the duration of term of sentence**

#### **Section 1 (393/2015)**

##### **Calculation of the duration of a fixed-term prison sentence**

When enforcing a fixed-term prison sentence, the term of sentence is calculated in days. A prison sentence imposed as years and months is converted into days so that a year consists of 365 days and a month of 30 days.

A deduction of a period corresponding to loss of liberty to be made from the term of sentence under chapter 6, section 13 of the Criminal Code (39/1889) is calculated in days. The deduction is taken into account in the enforcement of the sentence in accordance with the length determined in the court decision. House arrest imposed instead of remand imprisonment, which has been enforced after the issue of a final district court judgment, is taken into account when calculating the term of sentence as provided in chapter 6, section 13 of the Criminal Code. A deduction concerning the same calendar days is taken into account only once. If the sentenced person has been serving a prison sentence or a conversion sentence for unpaid fines during the said calendar days, the deduction is not taken into account for this period of time. A prison sentence has been served in full when the probationary period referred to in chapter 2c, section 13 has ended. A combination sentence has been served in full when the supervision term following the prison term or a supervision term converted into imprisonment has ended. (104/2018)

#### **Section 2**

##### **Calculation of the duration of a conversion sentence for unpaid fines**

The term of a conversion sentence for unpaid fines is calculated on the basis of the number of days.

### **Section 3**

#### **Time of commencement of term of sentence**

If the sentenced person is not on remand due to the matter, imprisonment commences on the day on which the sentenced person loses his or her liberty due to the enforcement of imprisonment.

If the sentenced person is on remand due to the matter, the serving of the prison sentence commences on the day on which the judgment forming the grounds for the enforcement is pronounced or issued. If a sentenced person loses his or her liberty later on the basis of a remand order, the prison term commences on the day on which the person was apprehended.

If the sentenced person loses his or her liberty for some other reason, imprisonment commences on the day on which the loss of liberty continues for the purpose of delivering him or her to prison. If a warrant has been issued for the apprehension of a sentenced person, imprisonment commences when the person is apprehended. If a sentenced person is already in prison for some other reason, imprisonment commences when the sentence becomes enforceable.

The same calendar period is counted as part of the term of sentence only once.

### **Section 4**

#### **Combining a fixed-term prison sentence and a conversion sentence for unpaid fines**

If conversion sentences for unpaid fines are to be served alongside sentences of imprisonment or separately, the sentences shall be combined. (393/2015)

Provisions on exemptions regarding non-military service offences are laid down in the Non-Military Service Act (1446/2007). (1452/2007)

### **Section 5**

#### **Combining sentences**

The combined duration of several conversion sentences for unpaid fines to be served within one sentencing period may be at most 90 days. (986/2005)

Provisions on combined sentences of imprisonment are laid down in chapter 2c, section 4 of the Criminal Code.

## **Section 6**

### **Sentence lengthened due to a request for review**

If the sentence to be enforced is a sentence which previously has been enforced as a shorter sentence on the basis of an earlier judgment but which has been lengthened due to a request for a review by the opposing party of the sentenced person, the duration of the sentence to be served is the difference between the sentence to be enforced and the sentence enforced earlier.

## **Section 7**

### **Time counted as part of the term of sentence**

If a prisoner escapes or leaves without authorisation a prison or a placement institution referred to in chapter 8, section 9, subsection 2 or treatment referred to in chapter 10, sections 2–4, the period from the beginning of the day on which the prisoner escaped or left without authorisation until the end of the day on which he or she returned to prison or was apprehended to be returned to prison is not counted as part of the term of sentence.

The period that a prisoner spends outside the prison under section 6 or section 9, subsection 1 or 3 of chapter 8 or under section 1 of chapter 14 is counted as part of the term of sentence, if the prisoner returns to the prison at the time determined in the conditions of the permission or leave. If the prisoner does not return to the prison at the determined time, the period from the beginning of the day on which the prisoner was ordered to return to prison until the end of the day on which he or she returned or was apprehended to be returned to prison is not counted as part of the term of sentence. However, if the prisoner has had a compelling reason for not returning to the prison at the determined time, this period is counted as part of the term of sentence. The period may be counted as part of the term of sentence also if the delay has been minor and if not counting this period as part of the term of sentence would be unreasonable. (393/2015)

If the commencement of the enforcement of a sentence has been delayed or the enforcement has been suspended due to a reason not attributable to the prisoner, other than one referred to in chapter 2, section 1, subsection 3, this period is counted as part of the term of sentence.

## **Section 7a (393/2015)**

### **Decision on term of sentence**

A person serving a fixed-term prison sentence and a conversion sentence for unpaid fines shall be provided with a decision containing the information referred to in sections 1–7 and information on the release date.

A decision concerning a sentence of life imprisonment indicates the earliest date on which the prisoner may be conditionally released. A decision concerning a combination sentence indicates the supervision term and its start date. (804/2017)

The prisoner shall be served with the decision on the term of sentence without delay.

## **Section 7b (393/2015)**

### **Correction of an error in a decision on term of sentence**

A factual or typographical error or a miscalculation in a decision on the term of sentence may be corrected without the consent of the prisoner, if the correction does not lead to an unreasonable outcome for the prisoner considering the vicinity of the date of release, the minor significance of the error, the effect of the error on the implementation of the release plan, or some other comparable reason.

## **Section 8 (393/2015)**

### **Power of decision**

A decision on the term of sentence is made by the public official in charge of enforcement. The enforcement director, however, decides on the time to be counted as part of the term of sentence referred to in section 7, subsection 3.

The public official in charge of enforcement decides on the conditional release in cases where the sentenced person has already served the proportion of sentence referred to in chapter 2c, section 5 of the Criminal Code before arriving at prison.

## **Section 9 (735/2011)**

### **Further regulations**

Further regulations on the calculation of the term of sentence are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 4**

### **Arrival and placement in prison**

#### **Section 1**

##### **Prisons**

Prisons are closed prisons or open prisons. Prisons may have different levels of supervision.

Prisoners placed in open prisons may spend time and move within the area of the prison or its ward, in the workplace, or in another place of activity without immediate supervision. In an open prison, prisoners may be supervised with technical devices installed in the prison premises, given into the possession of the prisoner or attached to the wrist, ankle or waist of the prisoner, or with a combination of such devices. (328/2011)

#### **Section 2**

##### **Admission to prison**

The admission of a prisoner to a prison is based on an enforcement document referred to in chapter 2, section 1a and an order to arrive at prison or a warrant of apprehension issued in order to enforce a sentence. The admission of a person sentenced to a conversion sentence for unpaid fines is based on an order to arrive at prison issued by an enforcement officer or a warrant of apprehension. Provisions on the admission of a remand prisoner to a prison are laid down in the Remand Imprisonment Act. (33/2015)

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

Information on the admission of a prisoner to a prison shall be entered into the enforcement register referred to in the Act on the Processing of Personal Data at the Criminal Sanctions Agency (1069/2015). (1070/2015)

### **Section 3**

#### **Reimbursement of travel costs**

Travel costs incurred within the territory of Finland by a prisoner arriving at a prison or released from a prison are paid from state funds. Similarly, reimbursement is paid for travel costs incurred by a sentenced person when he or she arrives at a hearing that concerns the commencement of the enforcement of a prison sentence and is held at a unit of the Criminal Sanctions Agency. The reimbursement is calculated based on costs incurred using the cheapest mode of public transportation. (33/2015)

Reimbursement may be paid for costs other than the travel costs of a prisoner referred to in subsection 1 if this is justifiable with regard to the reason for the journey or the prisoner's lack of funds. Provisions on travel costs related to prison leave are laid down in chapter 14, section 10.

Travel costs of an escort assigned to a prisoner may be paid from state funds.

### **Section 4**

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

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

A foreign prisoner shall be informed of his or her possibilities to contact the diplomatic mission of his or her home country in accordance with chapter 13, section 15. A foreign prisoner shall be provided with interpretation services, where possible. A prisoner using sign language or requiring interpretation services due to a disability shall be provided with the necessary interpretation and translation services. (1070/2015)

A collection of the acts, decrees and other provisions concerning prisoners shall be kept available to the prisoners.

## **Section 5**

### **Arrival check**

A prisoner arriving at a prison shall be checked in the presence of a witness (*arrival check*). In the arrival check, the prisoner's identity is verified and registered, his or her personal identifying characteristics are recorded, and the property brought by the prisoner is inventoried and inspected. In a closed prison, the arrival check also includes changing of the prisoner's clothes. Provisions on the inventory of property are laid down in chapter 9, section 2. Provisions on the security check of a prisoner are laid down in chapter 16, section 3.

The prison service authority is allowed to record the prisoner's personal identifying characteristics referred to in the Coercive Measures Act (806/2011). (809/2011)

## **Section 6**

### **Sentence plan**

An individual plan concerning the serving of the term of sentence, release and conditional release (*sentence plan*) shall be drawn up for each prisoner.

The sentence plan includes a plan on the placement of a prisoner, his or her activities during the term of sentence, probationary liberty under supervision, conditional release, and granting of prison leave. Well in advance of the probable release of the prisoner, the plan is supplemented with a release plan and a supervision plan. The possibilities of the prisoner to cope in freedom as well as his or her needs for services shall be assessed, to the extent necessary, when drawing up the release plan. Provisions on the sentence plan concerning a conditionally released person and his or her supervision are laid down in the Act on the Enforcement of Community Sanctions (400/2015). (403/2015)

The duration of the term of sentence of a prisoner and his or her previous prison sentences, his or her working and functioning capacity, and the information received on his or her personal characteristics, criminality and circumstances are taken into account in the contents and extent of the sentence plan.

## **Section 7 (393/2015)**

### **Procedure for drawing up a sentence plan**

A sentence plan is drawn up at an assessment centre or another unit responsible for the commencement of enforcement measures. The plan is elaborated in the prison where the prisoner is placed.

The plan shall be prepared in cooperation with the person sentenced to imprisonment. The sentence plan and the release plan included in it shall be drawn up, to the extent necessary and with the consent of the prisoner, in cooperation with the social welfare, health, housing and employment authorities of the prisoner's municipality of residence or domicile, with other authorities, and with private organisations and persons.

The monitoring of the plan is the responsibility of the public official of the Criminal Sanctions Agency appointed to this task. The implementation of the plan shall be monitored and the plan kept up-to-date. The plan shall be taken up for reconsideration together with the prisoner at regular intervals and whenever the plan is not complied with.

## **Section 8**

### **General principles for placement in prison**

When placing a prisoner in a prison, the following shall be taken into account in accordance with the sentence plan: the prisoner's place of residence, possibilities to maintain contacts with his or her close relatives or other close persons, age, gender, state of health, number of sentences imposed, earlier criminal history, the prisoner's own wish, and the possibilities to place the prisoner in the activity determined in the sentence plan. When making a placement decision, the possibilities of a prisoner to attend to matters relating to the enforcement of imprisonment in his or her own language shall also be taken into account. A prisoner must not be placed in a prison or prison ward that is more closed than what is required by prison order, prison safety and security, and security of imprisonment. In addition, the provisions of section 9 shall be observed.

A person under 18 years of age shall be placed in a prison where he or she can be kept separate from adult prisoners unless it is in his or her best interests to act otherwise.

## **Section 9**

### **Placement in open prison**

A sentenced person may be placed in an open prison directly upon arrival from freedom if he or she has been sentenced to a conversion sentence for unpaid fines or to a sentence of imprisonment for a maximum of two years, or to a combination of these sentences. The sentenced person may be ordered to arrive at a closed prison before he or she is taken to the open prison. A prerequisite for placement in an open prison is that the prisoner undertakes to abstain from using intoxicating substances and to submit to the substance control referred to in chapter 16, section 7, subsection 3. (393/2015)

The sentenced person shall, however, be placed in a closed prison, if there are reasonable grounds to suspect that:

- 1) the sentenced person is not suited for the activities organised in or approved by an open prison;
- 2) the sentenced person will not comply with the order of the open prison;
- 3) the sentenced person will continue his or her criminal activities;
- 4) the sentenced person will leave the open prison without authorisation; or that
- 5) the sentenced person will not comply with the obligation to abstain from using intoxicating substances or consent to the control of this.

A sentenced person shall be placed in a closed prison also if there is no room in open prisons or if the prisoner himself or herself requests it.

## **Section 10 (89/2010)**

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

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

## **Section 11 (33/2015)**

### **Power of decision**

Decisions on sentence plans, placement of prisoners in prisons, time for arriving at prison, payment of reimbursement for travel costs of prisoners arriving at prison, and hearing of prisoners due to reimbursement of travel costs are made by the director of an assessment centre or the

public official substituting for him or her under the rules of procedure, or by the director of a community sanctions centre under the rules of procedure of the criminal sanctions region or the public official substituting for him or her. Decisions on the payment of reimbursement for travel costs of prisoners arriving at prison may also be made by some other public official of the assessment centre or community sanctions centre determined in the rules of procedure of the criminal sanctions region. Decisions on the payment of reimbursement for travel costs of prisoners released from prison and for travel costs referred to in section 3, subsection 2 are made by the public official in charge of activities or a public official in a senior guidance or supervisory position determined in the prison rules of procedure. (383/2017)

The Central Administration of the Criminal Sanction Agency decides on those open prisons and open prison wards where prisoners are subject to technical monitoring by means of devices referred to in section 1, subsection 2.

## **Section 12 (393/2015)**

### **Further provisions and regulations**

Further provisions on the enforcement documents, duties of the assessment centres, delivery of sentenced persons to a prison, the record to be drawn up of an arrival check, and the contents and drawing up of a sentence plan are issued by government decree.

Further regulations on the arrival check, assessment, placement in open prisons, and enforcement of sentences in accordance with the plan are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 5**

### **Placement in a prison ward**

#### **Section 1**

##### **Prison wards**

A prison may have wards with different levels of supervision and different activities.

When prisoners are placed in the wards, the following shall be taken into consideration: the sentence plan, the prisoner's individual characteristics and age, the possibilities of the prisoner to

fulfil his or her obligation to participate in activities, maintenance of prison order and prison safety and security, safety of the prisoner or other persons, and prevention of criminal activity.

Men and women shall be housed in separate accommodation wards.

## **Section 2**

### **Keeping a minor separate from adult prisoners**

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

## **Section 3 (393/2015)**

### **Separate accommodation at own request**

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

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

## **Section 4**

### **Contract ward**

Prisoners shall be given an opportunity to be accommodated in a ward where the prisoners are committed to the activities arranged for the prisoners placed in the ward and to the substance control referred to in chapter 16, section 7, subsection 3 (*contract ward*).

## **Section 5**

### **High-security ward**

By decision of the Central Administration of the Criminal Sanctions Agency, a ward separated from the rest of the prison may be established in a prison for security reasons (*high-security ward*).

(735/2011)

The rights of a prisoner placed in a high-security ward must not be restricted more than what is necessary due to the placement in the high-security ward.

A prisoner placed in a high-security ward and his or her state of health shall be closely monitored.

## **Section 6**

### **Prerequisites for placement in high-security ward**

A prisoner may be placed in a high-security ward, if there are reasonable grounds to suspect that the prisoner:

- 1) commits an offence referred to in chapter 50, section 1, 2 or 4 of the Criminal Code in the capacity of an offender or an accomplice;
- 2) commits some other offence for which the maximum sentence provided is imprisonment for at least 4 years;
- 3) escapes or attempts to escape; or
- 4) will be subject to a release attempt.

A prisoner may also be placed in a high-security ward if he or she has seriously endangered prison safety and security or if the placement is justified to ensure his or her own safety.

## **Section 7**

### **Duration of placement in high-security ward and notification of grounds**

Placement in a high-security ward must not be continued any longer than what is necessary. The decision on the placement of a prisoner in a high-security ward and the grounds for this shall be taken up for reconsideration at least every three months.

The prisoner shall be notified of the grounds for his or her placement in a high-security ward, unless this would pose a risk to the safety of someone or hamper the investigation of an offence.

## **Section 8**

### **Daily schedule of a ward**

Prison wards shall have a daily schedule.

## **Section 9 (735/2011)**

### **Power of decision**

The region director confirms the daily schedule of a high-security ward. The prison director confirms the daily schedules of other wards.

The public official in charge of activities or a public official in a senior guidance or supervisory position decides on the placement of a prisoner in a ward as provided in the prison rules. A decision on the placement of a prisoner in separate accommodation at the prisoner's own request is made by the public official in charge of activities or security or by a public official in a senior guidance or supervisory position. A decision to admit a prisoner to a hospital of the Health Care Services for Prisoners and a decision to discharge a prisoner from there is made by the chief physician in charge of the operations of the hospital or another physician appointed by him or her. (1640/2015)

The Central Administration of the Criminal Sanctions Agency decides on the placement of a prisoner in a high-security ward upon the proposal of the prison director or the director of the assessment centre or after consulting with them.

## **Chapter 6**

### **Transfer from one prison to another**

#### **Section 1**

##### **Transfer from a closed prison to an open prison**

Irrespective of the length of the sentence, a prisoner may be transferred from a closed prison to an open prison for a fixed period of time or to serve the remainder of his or her sentence, taking into consideration the provisions of chapter 4, section 8, if:

- 1) the transfer to an open prison promotes the implementation of the sentence plan;
- 2) the prisoner is suited for the activities organised in the open prison or for other activities approved by the open prison;
- 3) it can be deemed likely that the prisoner will comply with the order of the open prison, will not commit an offence and will not leave the open prison without authorisation; and

4) the prisoner undertakes to abstain from using intoxicating substances and doping substances referred to in chapter 44, section 16 of the Criminal Code and to submit to the substance control referred to in chapter 16, section 7, subsection 3.

## **Section 2**

### **Transfer from an open prison to a closed prison**

A prisoner may be transferred from an open prison to a closed prison, if:

- 1) the prisoner commits an offence which under chapter 2, section 13 of the Criminal Code cannot be handled in a disciplinary procedure or commits a disciplinary infraction referred to in chapter 15, section 3 of this Act;
- 2) the prisoner refuses to participate in the activities in accordance with the sentence plan or is not otherwise suited for the activities organised in or approved by the open prison;
- 3) the prisoner refuses to submit to the substance control referred to in chapter 16, section 7, subsection 3;
- 4) the prisoner is remanded for another offence or it is found that, prior to his or her entry into the open prison, he or she had committed an offence due to which the prerequisites referred to in section 1, paragraph 3 are no longer met;
- 5) the transfer is justified to ensure the safety of the prisoner or some other person or to prevent criminal activity;
- 6) a new sentence of imprisonment or a conversion sentence for unpaid fines is to be enforced and the prerequisites referred to in section 1 are therefore no longer met; or
- 7) the prisoner so requests.

A prisoner may immediately be transferred to a closed prison for the time needed to initiate a criminal investigation of an offence referred to in subsection 1, paragraph 1 or to investigate a disciplinary infraction referred to in the same paragraph. A prisoner may be transferred to a closed prison also in order for the prerequisites referred to in subsection 1, paragraph 6 to be established or to serve a solitary confinement referred to in chapter 15, section 4, subsection 1, paragraph 3. A prisoner may also be transferred to a closed prison if he or she is intoxicated when he or she arrives at an open prison pursuant to a placement decision referred to in chapter 4, section 9. (393/2015)

A prisoner who without a valid reason fails to arrive at an open prison at the time determined shall be taken to an assessment centre or a prison designated by the assessment centre. (735/2011)

### **Section 3**

#### **Transfer of a prisoner to another prison**

A prisoner may be transferred from a closed prison to another closed prison or from an open prison to another open prison, if this promotes the implementation of the sentence plan or is otherwise justifiable and it can be assumed that the prisoner will adapt to the conditions of the other prison. A prisoner may be transferred without his or her consent. (393/2015)

A prisoner shall be transferred to another prison if so required by the security of imprisonment, prison order, security of enforcement, safety of the prisoner or other person, prevention of criminal activity, or some other corresponding reason. A prisoner may be transferred to another prison also in order to balance out the occupancy rates of prisons.

Regardless of the transfer, the prisoner shall be able to continue his or her activities in accordance with the sentence plan, where possible, and he or she shall be able to receive the necessary medical treatment regardless of the transfer.

### **Section 3a (393/2015)**

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

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

### **Section 4**

#### **Notification of transfer**

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

### **Section 5**

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

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

If a prisoner is summoned to be heard personally before an authority other than a court, the prisoner may, for this reason, be released outside the prison for the time required by the hearing. This period must not exceed seven days, travel time included, unless there are very serious reasons for this arising from the grounds for hearing, segregation of the prisoner, or other corresponding grounds. (104/2018)

Sufficient supervision shall be arranged for a prisoner spending time outside the prison for a reason referred to in this section. The time that a prisoner spends outside the prison under this section is counted as part of the term of sentence.

## **Section 6 (393/2015)**

### **Decision on transfer**

A decision on the transfer of a prisoner within a criminal sanctions region is made by the director of the assessment centre or the public official substituting for the director of the assessment centre under the rules of procedure. The director of the assessment centre may delegate the power of decision in this matter also to the prison director designated in the sentence plan. If a prisoner is transferred to another criminal sanctions region, the transfer requires the consent of the director of the assessment centre of the receiving criminal sanctions region or the public official substituting for the director of the assessment centre under the rules of procedure.

A decision on the transfer of a prisoner to be carried out in order to balance out the occupancy rates of the criminal sanctions regions may also be made by the Central Administration of the Criminal Sanctions Agency.

The prison director or the public official in charge of security or activities decides on the release of a prisoner outside the prison referred to in section 5, subsection 2. If the stay outside the prison lasts longer than seven days, the decision is made by the director of the assessment centre or the public official substituting for the director under the rules of procedure.

A decision on a temporary transfer of a prisoner to another prison, referred to in section 3a, is made by the director of the receiving prison or the public official in charge of security in the receiving prison after consulting with the director of the placement prison.

## **Section 7 (735/2011)**

### **Further provisions**

Further provisions on the procedure related to the transfer of prisoners are issued by government decree. Further regulations on the transfer of prisoners are issued by the Central Administration of the Criminal Sanctions Agency.

## **Section 8**

### **Transport of prisoners**

Separate provisions apply to the transport of prisoners.

## **PART III**

### **CONTENTS OF ENFORCEMENT OF IMPRISONMENT**

## **Chapter 7**

### **Basic care and accommodation**

## **Section 1**

### **Accommodation premises of prisoners**

The prisoners shall have appropriate accommodation premises and washing facilities at their disposal. When building and renovating prisons, the actual accommodation premises shall be equipped so that they meet the requirements set for accommodation premises in the general building legislation. The prisoners shall have access to toilet facilities at all times of the day.  
(393/2015)

The closed premises of a prison, where prisoners are kept, shall have alarm equipment with which the staff may be contacted without delay.

## **Section 2 (393/2015)**

### **Clothing**

In an open prison, prisoners shall wear their own clothes.

In a closed prison, prisoners may wear their own clothes. The use of own clothes may be restricted in a prison or in a prison ward for a reason related to prison order, prison safety and security, or supervision.

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

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

Prisoners who do not have appropriate own clothing shall be supplied with clothing suitable for the prison and for appearing in court or for leaving the prison for some other reason.

### **Section 3**

#### **Maintenance of clothes**

Prisoners are responsible for maintaining their own clothes that are at their disposal. Prisoners shall keep the clothing provided by the prison in appropriate condition.

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

### **Section 4**

#### **Cleaning**

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

## **Section 5**

### **Catering**

Catering shall be arranged in a prison so that the prisoners receive healthy, diverse and adequate nutrition.

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

If a prison does not provide prisoners with all daily meals, prisoners are paid a food allowance for procuring foodstuffs or are supplied with foodstuffs so that they can prepare their own meals.  
(393/2015)

## **Section 6**

### **Outdoor exercise**

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

## **Section 6a (393/2015)**

### **Prohibition of smoking**

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

## **Section 7 (393/2015)**

### **Power of decision**

The prison director or the public official in charge of security decides on the denial of outdoor exercise.

A decision to restrict the use of own clothes under section 2, subsection 2 is made by the region director. A decision on the denial of possession of own clothes under section 2, subsection 3 is

made by the public official in charge of security or a public official in a senior guidance or supervisory position. A public official performing guidance or supervisory tasks may give such own clothes into the possession of a prisoner, the possession of which is permissible in the prison.

The public official in charge of activities or security decides on exceptions to be made to the basic diet. The public official in charge of activities or a public official in a senior guidance or supervisory position determined in the prison rules of procedure decides on the payment of the food allowance. (383/2017)

The Central Administration of the Criminal Sanctions Agency decides on the prohibition of smoking referred to in section 6a.

## **Section 8 (393/2015)**

### **Further provisions and regulations**

Further provisions on the grounds for determining the amount of the food allowance are issued by government decree.

Further regulations on the catering arrangements and basic care, arrangements for the preparation of own meals, accommodation and smoking arrangements, and possession of lighting devices are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 8**

### **Participation in activities**

#### **Section 1**

##### **Purpose and contents of activities**

The purpose of activities organised or approved by a prison is to promote the reintegration of prisoners in society:

- 1) by improving prisoners' readiness to lead a life without crime;
- 2) by maintaining and improving prisoners' occupational skills and competence and their working and functioning capacity; and
- 3) by supporting a substance-free lifestyle.

The activities include work, education and training, and other activities that enhance prisoners' skills.

## **Section 2**

### **Obligation to participate in activities**

Prisoners are obliged to participate in activities organised or approved by the prison during the confirmed working and activity hours (*obligation to participate in activities*).

A prisoner shall be exempted in full or in part from the obligation to participate in activities if his or her state of health, functioning capacity or age so requires.

## **Section 3**

### **Organisation of activities**

To fulfil their obligation to participate in activities, prisoners shall, during the confirmed working or activity hours, be given an opportunity to participate in activities that promote the implementation of their sentence plan.

To fulfil their obligation to participate in activities, prisoners placed in a high-security ward shall be given an opportunity to participate in activities that are suitable for a high-security ward.

To fulfil their obligation to participate in activities, efforts shall be made to provide prisoners segregated due to a reason referred to in chapter 18, section 5 with an opportunity to participate in activities that are suitable for the daily schedule of the ward.

## **Section 4**

### **Placement in activities**

When placing a prisoner in an activity, the sentence plan, prison order, prison safety and security, and the safety of society shall be taken into consideration.

## **Section 5 (383/2017)**

*Section 5 was repealed by Act 383/2017.*

## **Section 6**

### **Civilian work**

A prisoner may be given permission to work or to participate in a traineeship outside the prison during the actual working hours (*civilian work*).

The wages and other terms of employment for the civilian work must not materially deviate from the terms generally complied with in the work in question. The civilian work shall be ordinary economic activity with regard to the financial and social factors relating to the workplace and the employer.

## **Section 7**

### **Own work**

To fulfil his or her obligation to participate in activities, a prisoner may be given permission in prison to carry out, on his or her own account, such acceptable work that is suitable to be carried out in prison (*own work*).

The prisoner may be allowed to use tools of the prison for his or her own work free of charge, unless this disturbs prison order, prison safety and security, or the arrangement of activities.

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

## **Section 8**

### **Education and training**

Prisoners may participate in education and training provided in the prison or outside it. The provisions of sections 9 and 10 apply to participation in education and training outside the prison. The criminal sanctions region or the prison agrees on the arrangement of education and training leading to a degree or qualification or other education and training to be provided in the prison with the education providers. Education and training provided in prison shall also comply with the general provisions on the education or training in question, as applicable. A prisoner who has not completed the basic education syllabus shall be given an opportunity to complete it. (735/2011)

Prisoners shall be provided with guidance and support in their studies, and the progress of their studies shall be monitored.

Any certificate issued for completed education or training must not indicate that the studies have taken place in prison.

## **Section 9**

### **Participation in activities outside prison**

A prisoner may be permitted to study outside the prison (*study permission*).

A prisoner who has a substance abuse problem or who is assessed to have special problems in coping in freedom may, for a fixed period of time, be placed in an outside institution or a corresponding unit (*institution*), where he or she participates in substance abuse rehabilitation or other goal-oriented activities improving his or her potential to cope (*placement in an outside institution*).

A prisoner may be given permission to participate, under sufficient supervision, in such activities outside the prison organised or approved by the prison that support the prisoner's rehabilitation, outside contacts and reintegration into society (*permission for supervised activities outside the prison*).

## **Section 10**

### **Prerequisites for permission**

Permission referred to in section 6 above may be granted or a decision referred to in section 9 may be made, if:

- 1) the placement or permission promotes the implementation of the sentence plan;
- 2) compliance with the conditions set for the permission referred to in subsection 3 may be deemed likely on the basis of the information received on the prisoner's behaviour during the term of sentence and on his or her personal characteristics and criminal history;
- 3) compliance with the conditions set for the placement or permission referred to in subsection 3 may be supervised in an appropriate manner with technical devices installed in the placement

institution, given into the possession of the prisoner or attached to the prisoner's wrist, ankle or waist or with a combination of such devices; and (631/2013)

4) the prisoner consents to the prison service authorities being in contact, when necessary, with other authorities and private organisations and persons in order to establish the prerequisites for the placement or permission or compliance with the conditions.

A prerequisite for placement in an outside institution is also that the prison, the institution and the prisoner have concluded a written placement agreement. A further prerequisite for placement is that the prisoner consents to the fact that the prison service authorities may submit information that is necessary for the placement to the institution in question and that the institution may notify the prison service authorities of a violation of the conditions.

The following conditions are also set for placement or permission:

1) the prisoner undertakes to abstain from using intoxicating substances and doping substances referred to in chapter 44, section 16 of the Criminal Code and to submit to the substance control referred to in chapter 16, section 7, subsection 3; and

2) the prisoner undertakes to comply with any other necessary conditions, issued in writing, related to movement and participation in the activity outside the prison.

## **Section 11**

### **Revocation of permission or placement**

If the prerequisites for placement or permission referred to in section 6 or 9 are no longer met after the decision has been made, the placement or permission may be revoked. If the prisoner does not comply with the conditions referred to in section 10, subsection 3, a disciplinary punishment referred to in chapter 15, section 4, subsection 1, paragraphs 1–3 may be imposed on the prisoner. If the disciplinary punishment is not deemed a sufficient or adequate sanction, permission may also be revoked. The provisions of chapter 3, section 7 apply to the time counted as part of the term of sentence. In addition, the provisions of chapter 6, section 2 apply to the transfer of a prisoner placed in an open prison.

If a prisoner commits an offence outside the prison, the provisions of chapter 2, section 13 of the Criminal Code apply.

## **Section 12**

### **Working hours and occupational health and safety**

When arranging prisoners' working and activity hours, the legislation on working hours is observed, as applicable.

The legislation on occupational safety applies to the occupational health and safety of prisoners.

## **Section 13**

### **Exemption from the obligation to participate in activities for a fixed period**

A prisoner who has regularly participated in activities may, while taking into consideration the implementation of the sentence plan, be exempted from the obligation to participate in activities for two weekdays per each calendar month during which he or she has regularly participated in the activities determined by the prison. The prisoner is not deemed to have participated in the activities regularly, if he or she has, due to refusal to participate or another corresponding reason attributable to the prisoner, participated in the activities on less than 14 days in a calendar month. Transfer of a prisoner to another prison does not affect the grounds for an exemption. An exemption from the obligation to participate in activities may be put into effect at a time appropriate for the arrangement of the prison activities. The days off shall be taken within one year from the end of the month when the prisoner participated in the activities. (393/2015)

A prisoner charged with an offence shall be granted a necessary exemption from the obligation to participate in activities so that he or she can prepare his or her defence. A prisoner may be exempted from the obligation to participate in activities also for some other important reason.

A prisoner shall also be exempted from the obligation to participate in activities if this is necessary due to a fixed-term incapacity for work.

## **Section 14 (393/2015)**

### **Power of decision**

The prison director or the public official in charge of activities or a public official in a senior guidance or supervisory position, appointed by the prison director, decides on placement referred

to in section 4, participation in an activity outside the prison referred to in sections 6 and 9, and on the revocation of placement or permission referred to in section 11. (383/2017)

The Central Administration of the Criminal Sanctions Agency decides, however, on permission for civilian work, study permission and placement in an outside institution of prisoners serving a life sentence and prisoners serving a combination sentence referred to in chapter 2c, section 11 of the Criminal Code. (804/2017)

Upon decision of the Central Administration of the Criminal Sanctions Agency, the power of decision referred to in subsection 2 may be delegated to a public official referred to in subsection 1.

The prison director or the public official in charge of activities or a public official in a senior guidance and supervisory position decides on an exemption from the obligation to participate in activities referred to in section 13 above.

## **Section 15 (735/2011)**

### **Further provisions**

Further provisions on the placement of prisoners in activities, the working and activity hours of prisoners, the conditions for, the duration of and the placement agreement related to permission and placement referred to in sections 6 and 9, and an exemption from the obligation to participate in activities for a fixed period are issued by government decree. Further regulations on the procedure and on the classification of work and other prerequisites for work are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 9**

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

#### **Section 1**

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

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

1) the object or substance poses a threat to the safety of a person;

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

(393/2015)

Prisoners are not allowed to have alcohol, other intoxicating substances, doping substances referred to in chapter 44, section 16 of the Criminal Code, or objects intended for narcotics use in their possession. In a closed prison, prisoners are not allowed to have in their possession property that they have received from another prisoner without permission of the prison service authority.

Any other property that a prisoner has with him or her upon entering the prison or which he or she receives during the term of sentence may be placed in storage in the prison until the release of the prisoner, if this is possible when taking into consideration the storage facilities of the prison.

If the property cannot be stored, it shall be returned or sent to a place specified by the prisoner at his or her expense. Spoiled goods may be destroyed in the presence of a witness. Provisions on the destruction of alcoholic beverages and other alcoholic substances are laid down in section 86 of the Alcohol Act (1102/2017). Provisions on the delivery of drugs for destruction are laid down in section 44 of the Narcotics Act (373/2008). (1108/2017)

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

## **Section 2 (393/2015)**

### **Inventory of property**

An inventory shall be drawn up of the property of a prisoner admitted to a closed prison. Property of minor value is not entered into the inventory, unless the prisoner separately requests it. In an open prison, an inventory shall be drawn up only of property placed in storage in the open prison and, at the request of the prisoner, of especially valuable property given into the possession of the prisoner. The prisoner shall sign the inventory of property. If the prisoner does not sign the

inventory, two public officials of the Criminal Sanctions Agency shall attest to the correctness of the inventory.

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

Property that a prisoner has received without permission of a public official of the Criminal Sanctions Agency and which has been entered into the inventory of another prisoner may be taken away from the prisoner.

### **Section 3 (383/2017)**

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

In closed prisons, prisoners do not have the right to have money or any other means of payment referred to in chapter 37, section 12 of the Criminal Code in their possession. A payment card approved by the Criminal Sanctions Agency may, however, be given into the possession of a prisoner. Any money and other means of payment in the possession of a prisoner are taken away and stored by the prison, deposited on a payment card approved by the Criminal Sanctions Agency, or deposited on the prisoner's bank account at his or her expense.

In open prisons, prisoners have the right to have money and other means of payment in their possession. A payment card approved by the Criminal Sanctions Agency may be given into the possession of a prisoner. The money and other means of payment in the possession of a prisoner may, at the prisoner's request, be stored by the prison, deposited on a payment card approved by the Criminal Sanctions Agency, or deposited on the prisoner's bank account at his or her expense.

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

### **Section 4**

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

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

Prisoners may, with the assistance of the prison, procure such utility articles and supplies, the possession of which is permissible under section 1, subsections 1–2.

In a closed prison, the right to spend money or use other means of payment received from outside the prison may be restricted, if this is justified with regard to the safety and security of a prison or a prison ward.

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

## **Section 5**

### **Return of property**

When a prisoner is released from prison, his or her money, other means of payment and property shall be returned to him or her against a signature of the inventory of property. Any monetary assets on the prisoner's payment card are deposited on a bank account specified by the prisoner. If depositing the assets on a bank account is not possible, they are given to the prisoner in cash or in some other appropriate manner. If the prisoner does not sign the inventory, two public officials of the Criminal Sanctions Agency shall attest to the correctness of the inventory. (383/2017)

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

## **Section 6 (383/2017)**

### **Expense allowance, activity allowance and wages**

Prisoners are paid an expense allowance for the time counted as part of the term of sentence referred to in chapter 3, sections 1, 3 and 7 with the exception of probationary liberty under supervision and the probationary period of conditional release. In addition to the expense allowance, a prisoner may be paid an activity allowance or wages.

Prisoners participating in work, studies or some other activity organised or approved by the prison are paid an activity allowance for the time they participate in the activity. The activity allowance is

paid in three categories based on the achievement of goals set in the prisoner's sentence plan and the regularity and duration of the participation. The two highest activity allowance categories are used in open prisons and the two lowest ones in closed prisons. In addition to the activity allowance, a prisoner participating in assembly or packaging work or some other comparable work may be paid a commission based on the quantity of work performed.

If a prisoner placed in an open prison participates in work performed for some other employer than the Criminal Sanctions Agency, wages are paid instead of the activity allowance. Wages are paid in two categories based on the degree of difficulty of the work and the prisoner's performance.

The expense allowance, activity allowance and wages are paid on the prisoner's payment card or bank account at least once a month.

### **Section 6a (383/2017)**

#### **Reimbursement of commuting costs**

A prisoner placed in an open prison who participates in work performed for some other employer than the Criminal Sanctions Agency outside the prison is paid reimbursement for his or her commuting costs. The reimbursement is calculated based on costs incurred using the cheapest mode of public transportation.

### **Section 7 (383/2017)**

#### **Deductions to be made from wages**

Prepayment of tax and distraint are performed in accordance with the relevant legislation.

### **Section 8 (383/2017)**

#### **Non-payment**

The activity allowance may be left unpaid in full or in part, if payment is not necessary in view of the support that the prisoner receives for the activity in question from some other authority or for some other comparable reason.

## **Section 8a (383/2017)**

### **Adjustment of activity allowance or wages**

The payment of an activity allowance or wages may be discontinued or the category of the allowance or wages may be changed, if the prisoner's participation in the activity changes in such a manner that the conditions laid down in section 6 are no longer met.

## **Section 9**

### **Power of decision**

A public official in a senior guidance or supervisory position makes the decision not to give property into the possession of a prisoner. A public official performing guidance or supervisory tasks may give such objects and substances into the possession of a prisoner, the possession of which is permissible in the prison. (393/2015)

The prison director or the public official in charge of security appointed by him or her decides on the remittance of money or means of payment outside the prison or to another prisoner as referred to in section 4, subsection 4 above. The prison director or the public official in charge of activities appointed by him or her or a public official in a senior guidance or supervisory position decides on the payment of expense allowance, activity allowance, wages and reimbursement for commuting costs, on the non-payment of the activity allowance, and on the adjustment of the activity allowance and wages. (383/2017)

The region director decides on the restriction of the use of money or other means of payment received from outside the prison referred to in section 4, subsection 3 in a closed prison. (735/2011)

## **Section 10 (383/2017)**

### **Further provisions and regulations**

Further provisions on the property in the possession of prisoners, the use of money and other means of payment, and the amount and grounds for determination of wages, activity allowance and expense allowance are issued by government decree.

Further regulations on the features of the payment card to be given into the possession of a prisoner and the giving and use of the card, on the storage, sending and destruction of property, on the inventory of property and property to be entered into the inventory, on the payment and amount of the commission referred to in section 6, and on the non-payment of the activity allowance are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 10**

### **Healthcare and social welfare**

#### **Section 1 (1640/2015)**

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

The Health Care Services for Prisoners is responsible for providing healthcare services, medical treatment and medical rehabilitation in accordance with the medical needs of prisoners. The Health Care Services for Prisoners has hospitals and outpatient clinics with branch clinics in the different units of the Criminal Sanctions Agency.

This Act applies to prisoners who are being treated at a unit of the Health Care Services for Prisoners, and the Criminal Sanctions Agency is responsible for the enforcement of sentences at the units. The Criminal Sanctions Agency shall ensure that prisoners have access to treatment and rehabilitation referred to in subsection 1.

The provisions of the Act on the Status and Rights of Patients (785/1992), the Act on Health Care Professionals (559/1994), the Mental Health Act (1116/1990), the Communicable Diseases Act (1227/2016) and the Occupational Health Care Act (1383/2001) apply to the provision of healthcare services and medical treatment. (1236/2016)

#### **Section 2**

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

If an ill or injured prisoner cannot be appropriately treated or examined at a unit of the Health Care Services for Prisoners, he or she shall be temporarily transferred outside the prison for treatment or examination under necessary supervision. (1640/2015)

The term of sentence continues to elapse during the treatment.

### **Section 3**

#### **Release from prison for treatment**

If a prisoner's life is constantly in danger or a prisoner is constantly in a condition requiring special treatment due to a grave illness or a serious injury, and if his or her treatment at a unit of the Health Care Services for Prisoners or in a facility referred to in section 2 is particularly difficult, he or she may be released from prison for treatment. (1640/2015)

When a prisoner is released from prison for treatment outside the prison, the term of sentence continues to elapse during the treatment.

If the released prisoner recovers prior to the end of his or her term of sentence so that the prerequisites determined in subsection 1 no longer exist, he or she shall be returned to prison to serve the remainder of his or her sentence.

### **Section 4**

#### **Childbirth**

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

The term of sentence continues to elapse during the time referred to in subsection 1.

### **Section 5**

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

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

### **Section 6**

#### **Social rehabilitation**

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

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

### **Section 6a (393/2015)**

#### **Notification of illness**

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

### **Section 7 (1640/2015)**

#### **Healthcare costs**

Healthcare services, medical treatment and medical rehabilitation in accordance with the medical needs of prisoners are paid from state funds. A prerequisite for the payment obligation of the state is that the examination arranged or treatment provided outside the prison is prescribed or approved by a physician of the Health Care Services for Prisoners.

### **Section 8 (1640/2015)**

#### **Treatment provided at prisoner's own expense**

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

### **Section 9**

#### **Death of a prisoner**

Upon the death of a prisoner, the deceased shall, at the expense of the state, be taken to the municipality in Finland specified by his or her close relatives. If the relatives are unable to deal with the deceased prisoner, the burial is carried out at the expense of the state.

## **Section 10 (1640/2015)**

### **Power of decision**

A physician of the Health Care Services for Prisoners decides on the medication, possession of medicines, examination and other healthcare of prisoners in prison. A dentist decides on the dental care.

The prison director decides on a referral to treatment or examination referred to in section 2 after consulting with a physician, where possible. The Central Administration of the Criminal Sanctions Agency decides on the release from prison referred to in section 3 upon proposal of the prison and after consulting with the physician acting as the director of the Health Care Services for Prisoners.

## **Section 11 (1640/2015)**

### **Further regulations**

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

## **Chapter 11**

### **Free time**

#### **Section 1**

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

Free time activities suitable for prison conditions shall be arranged in prisons.

Persons, organisations and foundations from outside the prison may be permitted to arrange free time activities suitable for prison conditions.

Prisoners shall be provided with an opportunity to participate in the planning and arrangement of free time activities. Prisoners shall be provided with guidance and advice on recreational activities.

## **Section 2**

### **Participation in free time activities**

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

Participation may be denied or restricted, if a prisoner:

- 1) is placed in a contract ward or a high-security ward;
- 2) is in solitary confinement referred to in chapter 15, section 4, subsection 1 paragraph 3; or
- 3) is subject to a measure referred to in chapter 15, section 14 or chapter 18, section 1, subsection 1. (393/2015)

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

## **Section 3**

### **Religious practice**

Where possible, church services, devotional services and other religious events shall be arranged in a prison in accordance with the prisoners' needs. Prisoners shall be given a possibility to meet a pastoral counsellor or another representative of their own religion. Prisons shall have premises suitable for the practice of religion.

A prisoner has the right to attend religious events, unless:

- 1) the prisoner is placed in a high-security ward or he or she is in solitary confinement referred to in chapter 15, section 4, subsection 1, paragraph 3; or
- 2) the prisoner is subject to a measure referred to in chapter 15, section 14 or chapter 18, section 1, subsection 1. (393/2015)

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

## **Section 4**

### **Library**

A prison shall have a library or prisoners shall be provided with an opportunity to use public library services. A prison library shall cooperate with public libraries and its operations shall be in line with the operational practices of public libraries.

Prisoners shall be provided with an opportunity to visit the prison library often enough and they shall be provided with guidance in the use of the library. Prisoners referred to in section 3, subsection 2, paragraphs 1–2 above and prisoners placed in separate accommodation at their own request shall be provided with an opportunity to make use of library services in some other manner.

A prisoner who is intoxicated or disturbs the order of the library or endangers prison order or prison safety and security may be denied the right to access the prison library. (393/2015)

## **Section 5**

### **Free time work**

A prisoner may, in his or her free time and on his or her own account, carry out work that is suitable to be carried out in prison and that does not disturb prison order or prison safety and security or pose a risk to the safety of any person (*free time work*).

The prisoner may be allowed to use tools of the prison free of charge for his or her free time work, unless this disturbs prison order, prison safety and security, or the arrangement of activities.

## **Section 6**

### **Literature and media**

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

The provisions of chapter 9, section 1 apply to the possession of magazines and literature.

## **Section 7**

### **Assembly in prison**

Prisoners may be permitted to assemble in the prison under necessary supervision in order to plan free time activities or to deal with other common issues.

## **Section 8**

### **Power of decision**

A public official in a senior guidance or supervisory position or, if the matter cannot be delayed, a public official performing guidance or supervisory tasks decides on the denial of the right to participate in a free time activity and in a church service, devotional service or another religious event referred to in section 3 or to access library, and on the denial or restriction of participation referred to in section 2, subsection 2. The organiser of the event shall be consulted before making a decision on denial. (393/2015)

The prison director or the public official in charge of activities or security appointed by him or her grants permission for a free time activity referred to in section 1, subsection 2 and for assembly referred to in section 7.

## **Section 9 (393/2015)**

### **Further regulations**

The Central Administration of the Criminal Sanctions Agency issues further regulations on the provision of library services in situations where a prisoner cannot access the prison library.

## **PART IV**

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

#### **Chapter 12**

#### **Correspondence, telephone calls and electronic communication (393/2015)**

##### **Section 1 (393/2015)**

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

Prisoners have the right to correspondence by post. A sealed letter or another postal item addressed to a prisoner or sent by him or her may be inspected by scanning it or in some other corresponding manner without opening it in order to check whether it contains any prohibited substances or objects referred to in chapter 9, section 1, subsection 1 or 2.

A letter or another postal item addressed to a prisoner or sent by him or her may be opened and its contents inspected without reading the message contained in the item, if it may be deduced from the form or size of the item that it also contains something else besides a confidential message, or if there otherwise are reasonable grounds to suspect that it contains prohibited substances or objects referred to in subsection 1. Notwithstanding the provisions of this subsection, a letter or another postal item addressed to a prisoner in a closed prison or in a unit of the Health Care Services for Prisoners may, however, be opened and its contents inspected without reading the message contained in the item in order to establish whether it contains the said substances or objects. (1640/2015)

If any substances or objects that a prisoner is not allowed to have in his or her possession are found in connection with the inspection, they shall be removed and stored by the prison. Monetary assets shall be entered into the prisoner's account. Provisions on the notification to be filed when the lawfulness of the origin of property is being questioned are laid down in chapter 19, section 1.

##### **Section 2 (393/2015)**

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

A letter, another postal item or a message addressed to a prisoner or sent by him or her may be read for the purpose of preventing or investigating an offence, averting a threat to prison order, or protecting the safety of the prisoner or some other person, if this is considered justified and

necessary because of the criminal background of the prisoner, his or her behaviour during the imprisonment, or the item or its sender or addressee. A decision that authorises the reading can be made for a maximum period of two weeks at a time.

A prisoner shall write his or her name on a letter, another postal item or a message addressed to someone else than to a supervisory authority referred to in section 3, unless the prisoner hands the item directly to the prison staff. A letter, another postal item or a message sent by a prisoner in a closed prison may be opened in order to determine the sender, if the sender cannot be determined without opening the letter, postal item or message. In that case, the letter or message must not be read any further than what is necessary in order to determine the sender.

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

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

## **Section 2a (393/2015)**

### **Notification of reading**

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

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

### **Section 3**

#### **Correspondence with supervisory authorities**

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

Provisions on the communications between a foreign prisoner and a diplomatic or consular mission are laid down in chapter 13, section 15. (1070/2015)

### **Section 4**

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

A letter or another postal item addressed by a prisoner to his or her advocate or another legal counsel referred to in chapter 15, section 2, subsection 1 or section 2, subsection 5 of the Code of Judicial Procedure must not be inspected or read. (724/2011)

A letter or another postal item addressed to a prisoner, which according to the sender information appearing on the item is sent by a legal counsel referred to in subsection 1, may be opened and its contents inspected without reading the message contained in the item in the presence of the prisoner, if there is reason to suspect that the letter contains substances or objects referred to in chapter 9, section 1, subsection 1 or 2. In all other respects, the provisions of section 1, subsection 3 apply to the inspection. (393/2015)

### **Section 5**

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

A letter, another postal item or a message sent by or addressed to a prisoner may be withheld, if the withholding is necessary to prevent or investigate an offence, to avert a threat to prison order, or to protect the safety of the prisoner or some other person.

The recipient or the sender shall without delay be notified of the withholding of a letter, another postal item or a message and the reason for this, unless the provisions of subsection 1 give reason to act otherwise. A letter, another postal item or a message not delivered to the recipient due to a

reason referred to in subsection 1 shall be returned to the sender or given to the prisoner upon his or her release.

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

## **Section 6**

### **Use of telephone**

Prisoners shall be given an opportunity to communicate with those outside prison by telephone at their own expense. Prisoners may be allowed to use the telephone free of charge in order to attend to necessary matters or for some other special reason.

The prison rules may contain regulations on the access times to telephones, if this is necessary with regard to the operations and order of the prison. The use of the telephone may be made conditional on the prisoner stating whom he or she intends to contact.

The use of the telephone may be suspended or denied if this is necessary to prevent an offence or to maintain prison order.

## **Section 6a (393/2015)**

### **Use of mobile phone**

Prisoners placed in an open prison may be given permission to use a mobile phone. The conditions of permission may include further rules on the use of the mobile phone.

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

## **Section 7 (393/2015)**

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

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

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

A telephone call between a prisoner and a supervisory authority referred to in section 3 or a legal counsel referred to in section 4 must not be listened to or recorded. If, upon listening to a call, it becomes evident that it involves communication between a prisoner and a person referred to above, the listening shall be terminated and the recording destroyed.

## **Section 8 (393/2015)**

### **Correspondence, telephone calls and electronic communication in a high-security ward**

A letter, another postal item or a message other than one referred to in sections 3 and 4 addressed to a prisoner placed in a high-security ward or sent by him or her may be read for the purpose of preventing or investigating an offence, averting a threat to prison order, or protecting the safety of the prisoner or some other person, if this is necessary for a reason relating to the criminal background of the prisoner, his or her behaviour during the imprisonment, or the item or its sender or addressee. In all other respects, the provisions of section 1, section 2, subsections 2–3, and sections 2a, 3–5, 10 and 11 apply to the correspondence of such prisoners.

A prerequisite for the use of the telephone by a prisoner placed in a high-security ward is that the prisoner consents to the fact that his or her calls may be recorded in addition to being listened to. In other respects, the provisions of section 7, subsections 2–3 apply to the listening of telephone calls.

A prisoner placed in a high-security ward cannot be granted permission to use email as referred to in section 9.

## **Section 9 (393/2015)**

### **Use of email**

A prisoner may be given permission to send and receive email messages for an important reason related to the maintenance of outside contacts, subsistence, or attendance to work-related, educational, judicial, social or housing matters or for another corresponding important reason.

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

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

## **Section 9a (393/2015)**

### **Use of internet**

A prisoner may be given permission to use the internet for an important reason related to his or her subsistence or attendance to work-related, educational, judicial, social or housing matters or for another corresponding important reason. A prerequisite for granting permission in a closed prison is that the prisoner's access to other websites than those determined in the permission is appropriately blocked.

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

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

## **Section 9b (393/2015)**

### **Monitoring of electronic communication**

In addition to what is provided in the Information Society Code (917/2014), a prison has the right, where necessary, to retrieve data on the sending and reception of a telephone call or message

either from the device used by a prisoner for communication or the devices and systems administered by the prison for the transmission and processing of communications.

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

The sending of email messages and the use of the internet may be monitored by means of electronic monitoring and by having a public official of the Criminal Sanctions Agency present.

### **Section 10 (393/2015)**

#### **Inspection and withholding procedure**

A decision on the reading, copying and withholding of a letter, another postal item, message, email message or mobile phone text message as well as on the listening to and recording of a telephone call shall be made in writing.

### **Section 11 (393/2015)**

#### **Power of decision**

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

The public official in charge of security or a public official in a senior guidance or supervisory position separately assigned to such a task by the former decides on the reading of a letter, another postal item or a message under section 2, subsection 1, section 8, subsection 1 or section 9b, determination of the sender in accordance with section 2, subsection 2, copying referred to in section 2, subsection 3, notification of reading in accordance with section 2a, subsection 1, and withholding of a postal item or message as referred to in section 5. However, a message may also be forwarded to and read by such a public official of the Criminal Sanctions Agency who has the right to process information contained in the security data register. The public official in charge of security decides on the listening to and recording of a telephone call. (383/2017)

A decision to grant and revoke permission to use a mobile phone and a decision to give a mobile phone into the possession of a prisoner are made by the prison director or the public official in charge of security or activities.

A decision to grant and revoke permission to use email and the internet and a decision to give a computer into the possession of a prisoner are made by the prison director or the public official in charge of security or activities.

### **Section 11a (265/2007)**

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

A public official performing duties determined in this chapter must not unlawfully disclose any information he or she has learned in the course of his or her duties on the contents of a message sent by or addressed to a prisoner or on the identification information of such message.

Furthermore, this information must not be made use of to one's own benefit or to the benefit or loss of someone else. The information must not be disclosed or used in the said manner even after the termination of the duty.

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

### **Section 12 (393/2015)**

#### **Further provisions and regulations**

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

The Central Administration of the Criminal Sanctions Agency issues further regulations on the features of a mobile phone referred to in section 6a, on the giving of such a phone into the possession of a prisoner, and on the use of such a phone.

## **Chapter 13 (393/2015)**

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

#### **Section 1 (393/2015)**

##### **Visits**

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

The right of a prisoner placed in a high-security ward to meet persons other than his or her close relatives or other close persons referred to in chapter 1, section 5a or a legal counsel referred to in chapter 12, section 4 may be restricted, if there are reasonable grounds to suspect that the provisions of this Act or provisions or regulations issued under it would be violated during the visit.

Provisions on the checks and searches of persons visiting prisoners are laid down in chapter 17.

#### **Section 2 (393/2015)**

##### **Visiting premises and supervision of visits**

A prison shall have appropriate premises for supervised visits and visits by legal counsels. Furthermore, closed prisons shall have appropriate premises for unsupervised visits and visits by a child referred to in section 5. A prison may also have appropriate premises for communication via video connection.

Visits to prisoners shall be supervised in the necessary manner. Other visits than unsupervised visits may be supervised by means of technical monitoring and by having a public official of the Criminal Sanctions Agency present in the meeting. Technical monitoring means the viewing and recording of image by means of technical devices. Provisions on the supervision of a visit by a legal counsel are laid down in section 6. The prisoner and the visitor shall be notified of the use of technical monitoring in an appropriate manner.

During a supervised visit referred to in section 3 below, a conversation between a prisoner and a visitor may be listened to and recorded with a technical device for the purpose of preventing or

investigating an offence, averting a threat to prison order, or protecting the safety of the prisoner or some other person, if this is considered justified and necessary because of the criminal background of the prisoner, his or her behaviour during the term of imprisonment, or the visitor. Prior to commencing the listening to and recording of a conversation, the prisoner and the visitor shall be informed of their conversation being listened to and recorded. A conversation conducted by a prisoner placed in a high-security ward during a supervised visit may be listened to and recorded.

### **Section 3 (393/2015)**

#### **Supervised visits**

In a closed prison, visits are arranged in supervised visiting premises that contain structural barriers between the prisoner and the visitor, the purpose of which is to maintain prison order and prison safety and security and to prevent prohibited substances and objects from being brought to the prison. In an open prison, visits are arranged in premises where the prisoner and the visitor can touch each other.

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

### **Section 4 (393/2015)**

#### **Unsupervised visits**

A prisoner may be granted permission for an unsupervised visit by a close relative or other close person or, if there is reason for it, also by some other person important to the prisoner, if this is justified in order for the prisoner to be able to maintain outside contacts or for another corresponding reason. A prerequisite for granting permission for an unsupervised visit is that the visit does not pose a risk to prison order, prison safety and security, or the safety of the prisoner or some other person, and that it does not disturb the operations of the prison.

## **Section 5 (393/2015)**

### **Visits by a child**

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

## **Section 6 (393/2015)**

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

A prisoner has the right to receive a visit from a legal counsel referred to in chapter 12, section 4 without other persons being present.

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

Provisions on arranging a meeting via video connection are laid down in section 13.

## **Section 7 (393/2015)**

### **Supervised meetings between prisoners**

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

## **Section 8 (393/2015)**

### **Termination of a visit**

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

## **Section 9 (393/2015)**

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

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

A visit may be denied if:

- 1) the visitor cannot prove his or her identity in a reliable manner;
- 2) the visitor refuses to submit to a security check referred to in chapter 17, section 2 or to a non-intimate body search referred to in chapter 17, section 3;
- 3) the visitor is, judging from external signs, intoxicated;
- 4) there are reasonable grounds to suspect that the visit could endanger prison order, prison safety and security, or the safety of the prisoner or some other person.

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

## **Section 10 (393/2015)**

### **Prohibition to visit**

If a visitor has been found to have brought or attempted to bring narcotics or substances or objects referred to in chapter 9, section 1, subsection 1, paragraph 1 or 2 or subsection 2 to the prison or to have endangered prison safety and security or seriously disturbed prison order, the visitor may be issued a prohibition to visit the prison of a reasonable length, a maximum of six months. A prohibition to visit may be extended, if this continues to be necessary in order to prevent the activity that the prohibition was based on.

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

A prohibition to visit must not be issued to a close relative or other close person referred to in chapter 1, section 5a or to a legal counsel referred to in chapter 12, section 4.

*Subsection 4 was repealed by Act 383/2017.*

## **Section 11 (393/2015)**

### **Entry of a minor visitor to prison**

Entry of a minor visitor to a prison to visit someone else than a parent of the minor requires a consent of the person who has custody of the minor person. A visitor who has attained the age of 15 may, however, visit his or her close relative without the consent of the person having custody of him or her, if the person having custody of the minor has not expressly stated that he or she opposes the visit. If a minor visitor has been taken into care, the child welfare authority decides on the consent.

A visitor under 15 years of age is not allowed to enter a prison without an escort, unless the presence of an escort is deemed unnecessary considering the stage of development of the child or his or her earlier visits, or for some other corresponding justifiable reason.

## **Section 12 (393/2015)**

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

In connection with a visit, a minor amount of such goods or objects, the possession of which is permissible in prison under chapter 9, section 1, subsections 1–2, may be received in the prison. Further provisions on the property and the amount of property that may be received and the procedure for the reception are issued in the prison rules referred to in chapter 15, section 1.

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

### **Section 13 (393/2015)**

#### **Communications via video connection**

A prisoner may be given permission to communicate with his or her close relatives or other close persons via video connection or other suitable technical means of communication where the participants have an audio and visual connection with each other. In order to maintain outside contacts or for another important reason, the prisoner may also be allowed to communicate with some other important person in this manner.

The provisions of section 2, subsection 2 and sections 8 and 9 apply to the monitoring, termination and cancellation of communication.

A meeting with a legal counsel may also be arranged via video connection at the request of the prisoner or the counsel. The provisions of section 6 apply to the supervision of such a meeting.

### **Section 14 (393/2015)**

#### **Contacts with media**

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

### **Section 15 (393/2015)**

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

A foreign prisoner has the right to be in contact with the diplomatic or consular mission representing his or her home country.

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

## **Section 16 (393/2015)**

### **Private conversations**

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

## **Section 17 (393/2015)**

### **Power of decision**

A decision on an unsupervised visit, a visit by a legal counsel, a visit by a child, a meeting between prisoners, a supervised visit referred to in section 3, subsection 2, communications via video connection, and the cancellation of these is made by the public official in charge of activities or security or a public official in a senior guidance or supervisory position. A decision on listening to and recording of a supervised meeting with a technical device under section 2, subsection 3 is made by the public official in charge of security. The prison director or the public official in charge of activities or security decides on the issue of a prohibition to visit.

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

## **Section 18 (393/2015)**

### **Reference provision**

Provisions on the substance control that is a prerequisite for a visit referred to in sections 4 and 5 above are laid down in chapter 16, section 7, subsection 3. The provisions of chapter 16, section 4 apply to a search of a prisoner in connection with such visits.

## **Section 19 (393/2015)**

### **Further provisions and regulations**

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

The Central Administration of the Criminal Sanctions Agency issues further regulations on the arrangement of visits.

## **Chapter 14**

### **Prison leave**

#### **Section 1**

##### **Purpose of prison leave**

A prisoner may, upon application, be granted permission to leave the prison for a short period of time (*prison leave*).

The purpose of prison leave is to support the prisoner in maintaining his or her outside contacts, to support the prisoner's reintegration into society, and to reduce the harmful effects caused by the loss of liberty.

#### **Section 2**

##### **Prison leave based on the length of the term of sentence**

Prison leave may be granted, upon application, on the basis of the length of the term of sentence if:

- 1) the granting of prison leave promotes the implementation of the sentence plan;
- 2) compliance with the conditions of prison leave may be deemed likely on the basis of the information received on the behaviour of the prisoner during the term of sentence and on his or her personal characteristics and criminal history; and
- 3) the prisoner undertakes to submit to the substance control referred to in chapter 16, section 7, subsection 3 and to other supervision necessary to monitor compliance with the conditions of prison leave.

#### **Section 3**

##### **Earliest date for prison leave based on the length of the term of sentence**

Upon application, prison leave may be granted on the basis of the length of the term of sentence when two-thirds of the term of sentence before the conditional release referred to in chapter 2c of

the Criminal Code or two-thirds of the prison term that is part of a combination sentence (*period to be served in prison*) has been served; however, this period shall be at least two months. (804/2017)

The possibility of a prisoner serving a life sentence to be granted prison leave is determined as if the period to be served in prison was 12 years. Prison leave of a prisoner sentenced to life imprisonment for an offence committed when under 21 years of age is determined as if the period to be served in prison was ten years.

If the prerequisites referred to in section 2 are met, prison leave may be granted even before the time limit referred to in subsection 1 to a prisoner who has carefully complied with the sentence plan, if this is necessary for the implementation of the plan or, in an individual case, for the maintenance of outside contacts or functioning capability of the prisoner or for another corresponding reason. Prison leave must not, however, be granted on these grounds until at least half of the period to be served in prison has been served.

## **Section 4**

### **Prison leave for an important reason**

Upon application, prison leave for an important reason or for the purpose of participating in an outside event may be granted, if the prerequisites referred to in section 2, paragraphs 2–3 are met and the granting of leave is important to enable the prisoner to attend to a matter related to his or her work, education, social welfare or housing, or for a reason related to the prisoner's family, healthcare or subsistence, or for another corresponding reason.

If a prisoner applies for prison leave for a healthcare-related reason, the opinion of a physician or, in his or her absence, of another public official belonging to the healthcare staff shall be requested on the leave.

If compliance with the conditions of the leave cannot be deemed sufficiently likely, the prisoner may be granted prison leave under necessary supervision.

## **Section 5**

### **Prison leave for a particularly important reason**

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

Prison leave may be denied, if the denial is necessary in order to prevent an escape, a release attempt or a new offence or for some other corresponding serious reason.

## **Section 6**

### **Prison leave under escort**

Notwithstanding the provisions of sections 2 and 3, a prisoner may be granted prison leave under escort or under necessary supervision in order to participate in an outside event or for another corresponding reason for at most 12 hours.

A prisoner placed in a high-security ward referred to in chapter 5, section 5 of this Act may be granted prison leave for a reason referred to in section 4 or 5 only under escort.

If a prisoner serving a life sentence is not granted prison leave at the time referred to in section 3, he or she shall be granted prison leave under escort at least once a year.

## **Section 7**

### **Duration of prison leave**

On the basis of the length of the term of sentence, prison leave of at most three days per each two-month period may be granted as of the date referred to in section 3.

Prison leave referred to in sections 4 and 5 above is granted for a period necessary to attend to the matters forming the grounds for the leave.

Reasonable travel time is added to the overall duration of prison leave.

## **Section 8**

### **Conditions of prison leave**

Conditions concerning movement outside the prison, grounds for prison leave, abstinence from using intoxicating substances, supervision, behaviour of the prisoner and his or her return to the prison may be attached to prison leave.

A decision on prison leave shall be issued in writing. The decision shall mention the conditions of prison leave and the possible consequences for violating the conditions.

When on prison leave, a prisoner may be supervised with a technical device given into the possession of the prisoner or attached to his or her wrist, ankle or waist or with a combination of such devices. (393/2015)

## **Section 9**

### **Revocation of prison leave and violation of conditions**

If the prerequisites for granting prison leave are no longer met after a decision on leave has been made, the leave may be revoked. A disciplinary punishment referred to in chapter 15, section 4, paragraphs 1–3 may be imposed on a prisoner who violates the conditions of prison leave. Provisions on the time counted as part of the term of sentence are laid down in chapter 3, section 7.

If a prisoner commits an offence outside the prison, the provisions of chapter 2, section 13 of the Criminal Code apply.

## **Section 10**

### **Costs**

The prisoner pays the travel costs related to prison leave.

Travel costs related to prison leave granted for reasons referred to in sections 5 and 6 above are paid from state funds. Travel costs related to some other prison leave may also be paid from state funds, if this is justifiable due to the lack of means of the prisoner or the reason for the leave.

## **Section 11 (735/2011)**

### **Power of decision**

The prison director or the public official in charge of security or activities appointed by him or her decides on prison leave, its revocation, advancing of the earliest date for prison leave referred to in section 3, subsection 3, and payment of travel costs related to prison leave referred to in section 10, subsection 2. (804/2017)

However, the Central Administration of the Criminal Sanctions Agency decides on prison leave and payment of travel costs related to prison leave, if:

- 1) leave is applied for under sections 2–5 by a prisoner serving a life sentence or a combination sentence; or
- 2) leave is applied for in order to travel outside Finland. (804/2017)

By its decision, the Central Administration of the Criminal Sanctions Agency may delegate the power of decision referred to in subsection 2 to the prison director.

## **Section 12 (735/2011)**

### **Further provisions**

Further provisions on the travel time, reimbursement of travel costs related to prison leave and the procedure for granting prison leave are issued by government decree. Further regulations on determining the number of times prison leave can be granted and the duration of prison leave are issued by the Central Administration of the Criminal Sanctions Agency.

**PART V**  
**DISCIPLINE, SUPERVISION AND INSPECTION**

**Chapter 15**  
**Prison order and discipline**

**Section 1**  
**Prison rules**

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

**Section 2**  
**Behaviour of prisoners**

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

**Section 3 (735/2011)**  
**Disciplinary infractions**

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

- 1) commitment of an offence in prison or otherwise under the supervision of a public official of the Criminal Sanctions Agency, for which the maximum expected punishment is a fine;
- 2) unauthorised leave from an open prison or a healthcare institution;
- 3) violation of the provisions of this Act, a government decree issued under this Act or a regulation specifying these issued by the Central Administration of the Criminal Sanctions Agency;
- 4) violation of the prison rules referred to in section 1, provided that the prison rules expressly state that a violation of a specific rule may be punishable by a disciplinary punishment;

5) violation of conditions set for placement or permission referred to in chapter 8, section 6 or 9 or for permission referred to in chapter 12, section 6a, 9 or 9a, or for prison leave referred to in chapter 14; (393/2015)

6) failure to comply with a request or order issued by a public official of the Criminal Sanctions Agency within his or her authority in order to maintain prison order or prison safety and security.

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

#### **Section 4 (393/2015)**

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

Where a reprimand is not deemed a sufficient sanction, the following disciplinary punishments may be imposed on a prisoner:

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

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

#### **Section 5**

##### **Joint disciplinary punishment**

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

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

## **Section 6**

### **Conditional disciplinary punishment**

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

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

## **Section 7**

### **Determination of disciplinary punishment**

When deciding on the imposition, determination and conditional nature of a disciplinary punishment, the following shall be taken into account: the nature, seriousness, intent and premeditation of the disciplinary infraction, the previous disciplinary infractions of the prisoner, the reasons for the disciplinary infraction, a considerably long period of time elapsed since the disciplinary infraction, the prisoner's efforts to prevent or eliminate the adverse effects of the disciplinary infraction, the prisoner's efforts to promote the investigation of his or her disciplinary infraction, the state of the prisoner's health, and the precautionary measures imposed on the prisoner for the infraction and any other consequences of the act.

## **Section 8 (393/2015)**

### **Solitary confinement**

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

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

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

## **Section 9**

### **Investigation of disciplinary infraction**

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

The parties involved in the matter and, where necessary, also other persons shall be heard. The investigation shall be carried out so that no person is placed under suspicion without due cause. In connection with the investigation of a disciplinary infraction, a prisoner's well-founded claim of the guilt or involvement of a staff member in the offence shall be referred to the police for investigation.

## **Section 10**

### **Consideration of disciplinary matter and enforcement of disciplinary punishment**

A disciplinary matter concerning a prisoner shall be dealt with and a disciplinary punishment imposed on a prisoner shall be enforced without delay and without attracting unnecessary attention.

A disciplinary infraction is dealt with in the prison where the prisoner is placed or where the prisoner committed the disciplinary infraction. A disciplinary infraction committed by a prisoner during transport shall, however, be dealt with in the prison at which the prisoner arrives.

(393/2015)

If a prisoner is transferred from an open prison to a closed prison due to a disciplinary infraction, the disciplinary infraction may be dealt with and the disciplinary punishment imposed also in the assessment centre or in the receiving prison. (735/2011)

## **Section 11**

### **Hearing of a prisoner**

The prisoner shall have the right to be heard when a disciplinary infraction is being investigated. The prisoner shall be given an opportunity to prepare his or her defence and to present evidence to support his or her statement. Provisions on interpretation are laid down in chapter 4, section 4, subsection 2.

## **Section 12**

### **Drawing up of a record**

A record shall be drawn up of the investigation of a disciplinary infraction and the imposition of a disciplinary punishment.

## **Section 13**

### **Lapsing of disciplinary punishment**

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

## **Section 14 (393/2015)**

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

During an investigation of a prisoner's disciplinary infraction and while waiting for a decision on the imposition of a disciplinary punishment, the prisoner may be segregated from other prisoners, if this is necessary to maintain prison order or for some other special reason. Segregation must not continue any longer than what is necessary and not more than seven days. A healthcare professional shall be notified of the segregation of a prisoner as soon as possible.

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

## **Section 15 (393/2015)**

### **Imposition of disciplinary punishment**

A matter concerning a disciplinary punishment is considered in oral procedure in the presence of the prison director, the public official in charge of security, the prisoner and a competent witness. The prisoner, the witness and other persons may be heard via video connection or another corresponding means of communication, if this is appropriate due to a long distance or for some other corresponding reason.

The prisoner shall be given an opportunity to present his or her own account and evidence to support it.

## **Section 16**

### **Power of decision**

The prison rules are confirmed by the region director. (735/2011)

The prison director or, if the matter cannot be delayed, the public official in charge of security or a public official in a senior guidance or supervisory position, decides on the supervision and locking of prison premises. (393/2015)

The prison director decides on the imposition of a disciplinary punishment. The director also decides whether an offence is referred to the police for investigation instead of imposing a disciplinary punishment.

The public official in charge of security decides on the giving of a warning and the investigation of a disciplinary infraction. The public official in charge of security or, if the matter cannot be delayed, a public official in a senior supervisory position decides on the segregation of a prisoner referred to in section 14.

The provisions of chapter 2, sections 7 and 8 of the Criminal Investigation Act (805/2011) apply to disqualification. (809/2011)

## **Section 17**

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

Provisions on the right of a prisoner to request a review of a disciplinary punishment imposed on him or her and on the effects of a request for a review on the enforcement of the disciplinary punishment are laid down in chapter 20.

## **Section 18**

### **Further provisions**

Further provisions on the investigation of a disciplinary infraction and on the drawing up of a record of a disciplinary infraction are issued by government decree.

Further regulations on the enforcement of a disciplinary punishment are issued by the Central Administration of the Criminal Sanctions Agency. (735/2011)

## **Chapter 16**

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

#### **Section 1**

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

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

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

#### **Section 2**

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

The accommodation premises of prisoners and the property in their possession or located in the prison area may be inspected in order to maintain prison order and prison safety and security or to

investigate a suspected disciplinary infraction. Provisions on the possession of utility articles, money and other means of payment and other property are laid down in chapter 9.

## **Section 2a (507/2019)**

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

To maintain prison order or prison safety and security or to protect property, the Criminal Sanctions Agency has the right to take temporary possession of an unmanned vehicle, prevent it from being operated or otherwise interfere with its path, if such a vehicle enters the prison area or the airspace above the prison area.

In situations referred to in subsection 1, the Criminal Sanctions Agency may use a technical device that affects the path of the unmanned vehicle. The technical device must not cause more than minor interference to radio or other communications or to the public communications network. Such a device may be used, if the use is justified considering the importance and urgency of the task, the dangerousness of the operation of the unmanned vehicle, the resources available, and other circumstances influencing the overall assessment of the situation. The device may only be used for as long as this is necessary for performing the measure. Only public officials who have received relevant training may use the device.

The Criminal Sanctions Agency has the right to handle radio communications, traffic data and location data in order to interfere with the path of an unmanned vehicle or to identify a vehicle or a part of it and to define its location. Radio communication data, traffic data and location data shall be destroyed without delay once the measure has been performed, unless otherwise provided by law.

## **Section 3**

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

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

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

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

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

#### **Section 4 (393/2015)**

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

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

- 1) the prisoner is suspected of having prohibited objects or substances referred to in chapter 9, section 1, subsection 1 or 2 in his or her possession; or
- 2) the non-intimate body search is necessary to prevent an escape or unauthorised leave from an open prison, to avert a threat to prison order or prison safety and security, to investigate a suspected disciplinary infraction, upon entering or returning to prison, or in connection with an unsupervised visit and a visit by a child.

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

#### **Section 5**

##### **Special inspection**

A special inspection may be conducted in a prison or in a ward or other premises of a prison, if this is necessary to avert a serious threat to prison order or prison safety and security or to search for prohibited objects or substances referred to in chapter 9, section 1, subsection 1 or 2.

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

## **Section 6**

### **Intimate body search**

An intimate body search may be conducted on a prisoner in order to investigate an offence, if the prisoner is with probable cause suspected of unlawful use of narcotics or of an offence for which the most severe punishment provided is imprisonment for more than six months.

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

A procedure requiring medical expertise may be conducted only by a physician.

## **Section 6a (393/2015)**

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

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

## **Section 7**

### **Substance control**

If there is reason to suspect that a prisoner is under the influence of alcohol, some other intoxicating substance or a doping substance referred to in chapter 44, section 16 of the Criminal Code, the prisoner may be obliged to provide a urine or saliva sample or to take a breath test.

If the intoxication is evident on the basis of external signs, a sample is not required, unless the prisoner requests it.

Unsupervised visits, visits by a child, placement in a contract ward, prison leave, study permission, permission for civilian work, permission for supervised activities outside the prison and placement in an open prison or an outside institution are subject to the condition that the prisoner consents to provide a urine or saliva sample or to take a breath test whenever requested. (393/2015)

A prisoner who, without a valid reason, refuses to provide a urine or saliva sample or to take a breath test may be ordered to provide a blood sample.

## **Section 7a (393/2015)**

### **Handing over a narcotics detection dog for the use of another authority**

The police, the Finnish Customs and the Finnish Border Guard may, temporarily and upon request, hand over a narcotics detection dog and its handler for the use of the Criminal Sanctions Agency to assist in tasks related to necessary official duties.

The Criminal Sanctions Agency may, temporarily and upon request, hand over a narcotics detection dog and its handler for the use of the police, the Finnish Customs, the Finnish Defence Forces and the Finnish Border Guard to assist in tasks related to necessary official duties.

Each authority is responsible for the costs incurred to it when providing this assistance.

## **Section 8**

### **Separate storage of property**

If a prison service authority has reason to question the lawfulness of the origin of money and other means of payment or other property, the property may be stored separately until the police makes a decision on the matter due to a notification referred to in chapter 19, section 1.

## **Section 8a (507/2019)**

### **Handling an unmanned vehicle taken into possession**

An unmanned vehicle that the Criminal Sanctions Agency has taken into its possession shall be returned to its owner, if the owner is known.

Notwithstanding subsection 1, the Criminal Sanctions Agency may hand over the vehicle to a competent authority that has legitimate grounds for handling it.

## **Section 9**

### **Procedure and recording of decisions**

A non-intimate body search is conducted in the presence of a witness. If a non-intimate body search requires undressing, the person conducting the search and the witness shall be of the same

gender as the person subject to the search. When a prisoner is outside the prison under the direct supervision of a public official of the Criminal Sanctions Agency, a non-intimate body search may, however, be conducted without the presence of a witness, if the matter cannot be delayed. (735/2011)

If an intimate body search is conducted by a person who is not a member of the healthcare staff, a witness shall be present. In other respects, the provisions of chapter 8, section 33, subsections 3–4 of the Coercive Measures Act apply to the conduct of an intimate body search. (809/2011)

The decision on an intimate body search and a special inspection shall be made in writing. The prisoner shall be notified of the grounds for the measure.

A record shall be drawn up of interference with the path of an unmanned vehicle, a non-intimate body search, an intimate body search and a special inspection. Further provisions on the contents of the record are issued by government decree. Observations concerning intoxication and the conduct of a security check during transport shall be recorded on a form, the template of which has been confirmed by the Central Administration of the Criminal Sanctions Agency. (507/2019)

## **Section 10 (393/2015)**

### **Power of decision**

A public official in a senior guidance or supervisory position or a public official performing guidance and supervisory tasks decides on a security check of a prisoner. A public official in a senior guidance or supervisory position or, if the matter cannot be delayed, a public official performing guidance or supervisory tasks decides on interference with the path of an unmanned vehicle, a non-intimate body search and substance control of a prisoner. (507/2019)

The prison director or the public official in charge of security appointed by him or her decides on a special inspection. In an individual case, the Central Administration of the Criminal Sanctions Agency has the right to decide on the conduct of a special inspection.

The prison director decides on an intimate body search.

A decision to hand over a narcotics detection dog and its handler for the use of another authority is made by the prison director or the public official in charge of security.

## **Chapter 17**

### **Inspection of other persons**

#### **Section 1**

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

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

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

A person may be denied entry into the prison or prohibited from moving in the prison area if he or she does not comply with an order issued to him or her or a condition imposed on him or her under subsection 2, or if he or she refuses to submit to a security check referred to in section 2. No person who may pose a risk to prison order or prison safety and security due to intoxication, threatening behaviour or another corresponding reason may be allowed to enter the prison. In addition, the provisions of chapter 13, section 9 apply to the denial of entry of a visitor.

(1070/2015)

Provisions on the entry of a minor visitor into the prison are laid down in chapter 13, section 11.

(393/2015)

#### **Section 2**

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

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

During a security check, a person entering the prison or moving in the prison or in its area, goods in his or her possession or a vehicle used by him or her and located in the prison area may be

inspected by using a metal detector, another technical device or a trained dog, by means of a pat-down, or in some other corresponding manner in order to ensure that the person is not carrying an object or substance:

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

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

### **Section 3**

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

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

The provisions of chapter 13, section 9 apply if the visitor refuses to submit to a non-intimate body search. (1070/2015)

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

### **Section 4**

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

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

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

## **Section 5**

### **Removal from prison area**

Anyone who refuses to undergo a security check or does not comply with an order to leave the prison issued to him or her under section 1, subsection 3 of this chapter or chapter 13, section 9 may be removed from the prison or its area. (1070/2015)

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

## **Section 6**

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

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

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

A decision to keep a person in custody shall be made in writing. The person shall be informed of the grounds for the apprehension and keeping in custody.

## **Section 7**

### **Procedure and recording of decisions**

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

The person subject to a check or search shall be informed of the grounds for the check or search. A witness shall be present in a non-intimate body search. If a non-intimate body search requires the person subject to the search to undress himself or herself, it shall be conducted in separate

premises and the person conducting the search and the witness shall be of the same gender as the person subject to the search.

A record shall be drawn up of a non-intimate body search.

## **Section 8**

### **Power of decision**

A public official in a senior supervisory position or, if the matter cannot be delayed, a public official performing prisoner guidance or supervisory tasks decides on a security check and denial of entry into the prison.

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

## **Section 9**

### **Further provisions**

Further provisions on the record to be drawn up of a non-intimate body search and the recording of a decision on removal from the prison area, apprehension and keeping in custody are issued by government decree.

## **Chapter 18**

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

#### **Section 1**

##### **Precautionary measures**

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

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

## **Section 2**

### **Physical restraint**

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

- 1) to prevent an escape during transport;
- 2) to control violent behaviour that cannot be prevented by any other means and that may endanger the safety of the prisoner or another person or cause serious damage to property;
- 3) to avert imminent violence; or
- 4) to secure an intimate body search. (507/2019)

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

## **Section 3**

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

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

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

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

be examined by a physician or another healthcare professional. The prisoner shall be closely monitored with technical monitoring systems and otherwise. (735/2011)

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

#### **Section 4 (393/2015)**

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

If there are reasonable grounds to suspect that, while in prison or upon entering it, a prisoner has inside his or her body prohibited substances or objects referred to in chapter 9, section 1, subsection 1 or 2, the prisoner may be placed in a room or cell where he or she and the exit of the prohibited substances or objects from his or her body can be monitored 24 hours a day with technical monitoring systems or otherwise. In this case, the prisoner may also be required to wear special clothing designed for observation purposes. A prisoner wearing such clothing shall be given access to a toilet at his or her request without delay.

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

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

## **Section 5**

### **Segregation**

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

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

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

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

## **Section 6**

### **Use of force**

While performing his or her official duties, a public official of the Criminal Sanctions Agency has the right to use force in the prison, in its area and immediate vicinity, during a transport of a prisoner, and during activities supervised by the Criminal Sanctions Agency: (735/2011)

- 1) to prevent a prisoner from escaping or leaving the prison without authorisation, to overcome resistance, and to perform a supervisory, inspection and precautionary measure referred to in this chapter or in chapter 16;
- 2) to prevent entry into the prison referred to in chapter 17, to take possession of objects or goods, to remove a person from the prison area, and to apprehend a person or to keep a person in custody; and
- 3) to prevent an unauthorised entry, to remove an obstacle or to stop a vehicle at the threat of an offence directed at life or health or another act or event endangering the health of a person.

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

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

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

Provisions on the excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code.

## **Section 7**

### **Procedural provisions**

A decision on the placement of a prisoner in isolation under observation for the purposes of detecting prohibited substances and segregation of a prisoner shall be made in writing. When making a decision on segregation, the prisoner shall have the right to be heard. The prisoner shall be informed of the grounds for the measure.

When deciding on physical restraint referred to in section 2, subsection 1, paragraph 2 or 3, on the use of instruments of force, or on placement in isolation under observation for the purposes of detecting prohibited substances, the reason for and duration of the measure shall always be recorded.

## **Section 8**

### **Power of decision**

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

## **Section 9 (393/2015)**

### **Further provisions and regulations**

Further provisions on the enforcement and circumstances of isolation under observation for safety purposes, isolation under observation for the purposes of detecting prohibited substances and segregation, and on the instruments of force, the instruments to be used for physical restraint and the recording of decisions referred to in section 8 are issued by government decree.

Further regulations on the use of force and on the training required for the use of precautionary measures, use of force and use of instruments of force are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 19**

### **Notifications and submission of information**

#### **Section 1**

##### **Notification concerning property, money, other means of payment and social benefits**

If there is reason, on the basis of circumstances discovered in connection with supervision of prisoners or other attendance to the duties of the Criminal Sanctions Agency, to question the lawfulness of the origin of money and other means of payment or other property, the police shall be notified of the matter. (735/2011)

If there is reason, on the basis of circumstances discovered in connection with the duties referred to in subsection 1, to suspect that a prisoner has been unjustifiably paid an unemployment allowance, national pension or another corresponding social benefit, the authority that has granted the benefit shall be notified of this so that the matter can be investigated.

#### **Section 2 (393/2015)**

##### **Notification concerning contents of a letter, telephone call or another message**

The police, another criminal investigation authority or the prosecutor may be notified of the contents of a letter, another postal item or a message sent or received by a prisoner, of a telephone call of a prisoner, or of another electronic message of a prisoner, if this is necessary in

order to prevent or investigate an offence. Under the same conditions, a copy of a message or a recording may be submitted. A prerequisite for submitting the information is that the authority receiving the information has the right to obtain the information.

### **Section 2a (507/2019)**

#### **Notification concerning interference with the path of an unmanned vehicle**

A notification concerning interference with the path of an unmanned vehicle by using a technical device referred to in chapter 16, section 2a shall be submitted to the Finnish Transport and Communications Agency.

### **Section 3**

#### **Notification concerning the state of health and death of a prisoner**

The provisions of the Act on the Status and Rights of Patients shall be complied with when notifying someone of the state of health of a prisoner.

The competent authorities and a close relative, another close person or a person specified by a prisoner shall be notified of the death of a prisoner.

### **Section 4 (14/2016)**

#### **Notification concerning release and absence from prison**

The injured party or some other person may be notified of a prisoner's release and absence from prison if, on the basis of the behaviour of the prisoner or the threats made by him or her, there are reasonable grounds to suspect that the prisoner will commit an offence directed at the life, health or liberty of the person or a person close to the person. A notification may also be given to a person with regard to whom a restraining order has been imposed on the prisoner under the Act on Restraining Orders (898/1998) or with regard to whom a protective measure has been entered into the police data system under section 4 of the Act on the Application of the Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (227/2015).

The injured party shall, without undue delay, also be notified of the release, escape, unauthorised leave, failure to return to prison at the time determined in a decision on prison leave or in a

decision on some other permission, and of prison leave without supervision granted before the date specified in chapter 14, section 3 or prison leave under such supervision as specified in section 8, subsection 3 of the said chapter, if the prisoner has been sentenced to imprisonment for rape, aggravated rape, coercion into a sexual act, sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, aggravated rape of a child, manslaughter, murder, killing, aggravated assault, preparation of an aggravated offence directed against life or health, aggravated invasion of domestic premises, aggravated deprivation of personal liberty, trafficking in human beings, aggravated trafficking in human beings, hostage taking, preparation of hostage taking, stalking, aggravated robbery, preparation of aggravated robbery, or an attempt of such an offence or complicity in such an offence, provided that the injured party has, in the manner specified in chapter 4, section 19 of the Criminal Investigation Act, requested to receive such a notification and the Criminal Sanctions Agency has been informed of the injured party's request in compliance with chapter 2, section 1a of this Act or chapter 2, section 2 of the Remand Imprisonment Act. The injured party shall also be notified of the earliest date for prison leave on the basis of the length of the term of sentence, mentioned above and referred to in chapter 14, section 3 of this Act, and of the first prison leave granted on this basis, and of a transfer of enforcement of a prison sentence to another country. A prerequisite for making the aforementioned notifications is that they are not assessed to pose a threat to the life or health of the prisoner. (491/2019)

A notification referred to in this section shall be made with discretion. The notification may not be made against the will expressed by the injured party or another threatened person referred to in this section.

## **Section 5 (393/2015)**

### **Notifications to the police**

The Criminal Sanctions Agency may notify the police of:

- 1) reception of a prisoner in a prison,
- 2) transfer of a prisoner to another prison,
- 3) participation of a prisoner in an activity outside prison,
- 4) withholding of a letter, another postal item or a message,
- 5) a visit to the prisoner, denial of a visit and a prohibition to visit,
- 6) prison leave of a prisoner,
- 7) a disciplinary punishment imposed on a prisoner,

- 8) a security check of a prisoner or some other person,
- 9) apprehension and keeping in custody,
- 10) segregation of a prisoner,
- 11) escape or unauthorised leave of a prisoner,
- 12) release of a prisoner.

The police shall be notified of the release of a prisoner sentenced for murder, manslaughter, killing, aggravated assault, aggravated rape, aggravated sexual abuse of a child and aggravated rape of a child, and of the release of a prisoner sentenced to a combination sentence. (491/2019)

## **Section 6 (393/2015)**

### **Notification to the prosecutor**

If a prisoner is charged in court with an offence for which he or she has served a disciplinary punishment in full or in part or with an offence for which a disciplinary punishment has been imposed on the prisoner in prison, the prosecutor shall be notified of the disciplinary punishment and its enforcement.

The prosecutor shall be notified of a situation referred to in chapter 2c, section 7, subsection 3 of the Criminal Code, where the provision concerning the maximum combined length of fixed term prison sentences becomes applicable.

## **Section 7**

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

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

## **Section 8**

### **Submission of information to a unit conducting a mental examination**

Prison service authorities have the right to submit information on a prisoner to a unit conducting a mental examination, to the extent that the information is necessary for the conduct of the examination.

## **Section 8a (1640/2015)**

### **Notification to the Health Care Services for Prisoners**

If there is reason to suspect, based on circumstances discovered in the course of supervising prisoners or other official duties of the Criminal Sanctions Agency, that a prisoner may pose a risk to the order, safety or security of a unit of the Health Care Services for Prisoners or to the safety of a prisoner or some other person, the Criminal Sanctions Agency has the right to notify the Health Care Services for Prisoners of this.

## **Section 9**

### **Notification concerning bodily injury or property damage**

A public official of the Criminal Sanctions Agency shall, without delay, notify the prison director or his or her other superior of a bodily injury or property damage caused in the course of his or her official duties. In connection with a bodily injury, it shall be ensured that the injured person receives the necessary first aid and treatment without delay. A person who reports that he or she has been injured due to a measure performed by a public official of the Criminal Sanctions Agency shall, without undue delay, be given an opportunity to be examined by a physician or another member of the healthcare staff. (735/2011)

The costs incurred for measures referred to in subsection 1 are paid from state funds.

## **Section 10 (740/2015)**

### **Right to remain silent**

A public official of the Criminal Sanctions Agency performing tasks related to the enforcement of prison sentences has the right not to disclose the identity of a prisoner who has given him or her a confidential tip in the course of the official duties, if the tip concerns an offence for which the most severe punishment provided is imprisonment for at least four years or to a narcotics offence referred to in chapter 50, sections 1–4 of the Criminal Code. However, there is no right to remain silent if the person who has submitted the tip consents to the disclosure of his or her identity or if it is evident that the disclosure of this information does not endanger the person's safety or the safety of the person's close relative or other close person.

Provisions on the obligation of a public official of the Criminal Sanctions Agency to testify in a trial regardless of the right to remain silent referred to in subsection 1 are laid down in chapter 17, section 12, subsection 3 of the Code of Judicial Procedure.

## **Section 11 (383/2017)**

### **Power of decision**

The prison director or the public official in charge of security or activities determined in the rules of procedure decides on the submission of a notification or information referred to in sections 1, 2, 4, 8 and 8a.

The prison director, the public official in charge of security or activities determined in the rules of procedure or a public official in a senior guidance or supervisory position decides on the submission of a notification referred to in section 5, subsection 1. The public official in charge of enforcement or another public official of the Enforcement Unit appointed by the enforcement director decides on the submission of a notification referred to in section 5, subsection 2.

## **Section 12**

### **Further provisions**

Further provisions on the notifications and submission of information are issued by government decree.

## **PART VI**

### **OTHER PROVISIONS**

## **Chapter 20 (393/2015)**

### **Request for review**

## **Section 1 (393/2015)**

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

A prisoner or a sentenced person has the right to request an administrative review or a judicial review, by appeal, of a decision of the Criminal Sanctions Agency that concerns:

1) postponement of conditional release referred to in chapter 2c, section 9 of the Criminal Code;

- 2) postponement of enforcement on medical grounds referred to in chapter 2, section 3, postponement of enforcement on other than medical grounds referred to in chapter 2, section 4, cancellation of postponement referred to in chapter 2, section 6, and granting of respite for payment referred to in chapter 2, section 7;
- 3) a decision on the term of sentence referred to in chapter 3, section 7a;
- 4) reimbursement of travel costs referred to in chapter 4, section 3, subsections 1–2;
- 5) placement in separate accommodation at own request referred to in chapter 5, section 3, placement in a high-security ward referred to in chapter 5, section 6, and continuation of placement in a high-security ward referred to in chapter 5, section 7;
- 6) transfer from an open prison to a closed prison referred to in chapter 6, section 2, subsection 1;
- 7) denial of the use of own clothes referred to in chapter 7, section 2, subsection 3, an exception to be made to the basic diet referred to in chapter 7, section 5, subsection 2, and payment of food allowance referred to in chapter 7, section 5, subsection 3; (383/2017)
- 8) exemption from the obligation to participate in activities referred to in chapter 8, section 2, subsection 2, permission for civilian work referred to in chapter 8, section 6, permission for activities outside the prison referred to in chapter 8, section 9, subsections 1–2, revocation of permission or placement referred to in chapter 8, section 11, and exemption from the obligation to participate in activities for a fixed period referred to in chapter 8, section 13;
- 9) denial of possession of property referred to in chapter 9, section 1, use of money referred to in chapter 9, section 4, subsections 1, 2 and 4, payment of expense allowance, activity allowance and wages referred to in chapter 9, section 6, payment of reimbursement for commuting costs referred to in chapter 9, section 6a, non-payment of activity allowance referred to in chapter 9, section 8, and adjustment of activity allowance or wages referred to in chapter 9, section 8a; (383/2017)
- 10) transfer of a prisoner to a temporary examination and treatment outside the prison as referred to in chapter 10, section 2, and release from the prison for treatment as referred to in section 3 of the same chapter;
- 11) withholding of a letter or another postal item as referred to in chapter 12, section 5;
- 12) prohibition to visit referred to in chapter 13, section 10;
- 13) prison leave for a particularly important reason referred to in chapter 14, section 5, revocation of such leave referred to in chapter 14, section 9, and reimbursement of travel costs related to prison leave referred to in chapter 14, section 10;
- 14) a warning, loss of rights and solitary confinement referred to in chapter 15, section 4;

15) placement in isolation under observation for safety purposes referred to in chapter 18, section 3, isolation under observation for the purposes of detecting prohibited substances referred to in chapter 18, section 4, and segregation referred to in chapter 18, section 5;

16) some other decision referred to in section 6 of the Administrative Judicial Procedure Act (808/2019) and issued by virtue of this Act, unless requesting a review is prohibited under section 2 of this chapter. (819/2019)

A visitor to a prisoner may request an administrative review of or appeal against a decision of the Criminal Sanctions Agency concerning a prohibition to visit referred to in chapter 13, section 10.

A person who has sent a letter to a prisoner and a person to whom a letter sent by a prisoner has been addressed may request an administrative review of and appeal against a decision of the Criminal Sanctions Agency concerning withholding of the letter or another postal item as referred to in chapter 12, section 5.

## **Section 2 (393/2015)**

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

A prisoner or a sentenced person may not request an administrative review of or appeal against a decision of the Criminal Sanctions Agency that concerns:

- 1) arrival time and the prison where the sentenced person is ordered to arrive at as referred to in chapter 2, section 1;
- 2) a sentence plan referred to in chapter 4, section 6, reimbursement of travel costs of an escort referred to in chapter 4, section 3, subsection 3, and placement in prison referred to in chapter 4, sections 8 and 9;
- 3) placement in a ward referred to in chapter 5, sections 1 and 2, and placement in a contract ward referred to in section 4 of the same chapter,
- 4) transfer of a prisoner from a closed prison to an open prison referred to in chapter 6, section 1, transfer of a prisoner from a closed prison to another closed prison or from an open prison to another open prison referred to in chapter 6, section 3, temporary transfer of a prisoner to another prison referred to in chapter 6, section 3a, and release of a prisoner for the purpose of being heard by an authority other than a court referred to in chapter 6, section 5;
- 5) restriction of the use of own clothes referred to in chapter 7, section 2, subsection 2;

- 6) placement in an activity referred to in chapter 8, section 4, permission for own work referred to in chapter 8, section 7, and permission for supervised activities outside the prison referred to in chapter 8, section 9, subsection 3;
- 7) use of money referred to in chapter 9, section 4, subsection 3;
- 8) reading and copying of a letter, another postal item or a message referred to in chapter 12, section 2, listening to and recording of a telephone call referred to in chapter 12, section 7, permission to use a mobile phone referred to in chapter 12, section 6a, permission to use email referred to in chapter 12, section 9, or permission to use the internet referred to in chapter 12, section 9a;
- 9) visits and meetings referred to in chapter 13, sections 4, 5, 7 and 13, and reception of goods in connection with a visit referred to in section 12 of the same chapter;
- 10) prison leave on the basis of the length of the term of sentence as referred to in chapter 14, section 2, advancing the first possible date for prison leave referred to in chapter 14, section 3, subsection 3, prison leave for an important reason referred to in chapter 14, section 4, granting of prison leave under escort referred to in chapter 14, section 6, and revocation of such leave referred to in chapter 14, section 9.

### **Section 3 (393/2015)**

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

The region director decides on a request for an administrative review in matters referred to in section 1. However, if the request concerns a decision on the term of sentence referred to in section 1, subsection 1, paragraph 3, the enforcement director decides on the request.

A written request for an administrative review shall be submitted within seven days from the date of service of the decision. The request shall be submitted to the region director or the prison director. However, if the request concerns a decision on the term of sentence referred to in section 1, subsection 1, paragraph 3, the request shall be submitted to the enforcement director or the prison director. A request for an administrative review shall be considered urgently.

If the case concerns a decision made by the Central Administration of the Criminal Sanctions Agency on the postponement of conditional release referred to in section 1, subsection 1, paragraph 1; placement in a high-security ward referred to in section 1, subsection 1, paragraph 5; permission for civilian work, study permission or placement in an outside institution referred to in section 1, subsection 1, paragraph 8 or revocation of such permission; prison leave for a

particularly important reason referred to in section 1, subsection 1, paragraph 13 or revocation of such leave; or reimbursement of travel costs related to prison leave referred to in chapter 14, section 10, or if the case concerns a decision made by the enforcement director on the term of sentence as referred to in section 1, subsection 1, paragraph 3, the decision may be appealed against as provided in section 4. The same applies where a review of a decision made by the Central Administration of the Criminal Sanction Agency, the region director or the enforcement director within their power of arrest referred to in chapter 1, section 8 or 10 is being requested. (383/2017)

#### **Section 4 (393/2015)**

##### **Appeal to administrative court**

A decision made by the region director or the enforcement director due to a request for an administrative review and a decision referred to in section 3, subsection 3 may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act. The appeal shall be lodged with the administrative court of the judicial district where the decision was made by the region director. An appeal against a decision of the Central Administration of the Criminal Sanctions Agency or the enforcement director shall be lodged with the Helsinki Administrative Court. (819/2019)

An appeal shall be lodged within 14 days from the date of service of the decision.

#### **Section 5 (393/2015)**

##### **Consideration of appeal in administrative court**

When considering an appeal, the administrative court has a quorum with one member present. Matters of appeal shall be considered urgently.

#### **Section 6 (393/2015)**

##### **Appeal to the Supreme Administrative Court**

Decisions of administrative courts may be appealed against only if the Supreme Administrative Court grants leave to appeal.

## **Section 7 (393/2015)**

### **Effect of request for administrative review and appeal on the enforcement**

Submission of a request for an administrative review or an appeal does not interrupt the enforcement of a decision referred to in section 1, unless the region director or the enforcement director considering the request or the administrative court considering the appeal decides otherwise.

A decision of the administrative court in a matter concerning prohibition or interruption of enforcement may not be appealed against separately. (383/2017)

## **Section 8 (393/2015)**

### **Legal aid**

A prisoner or a sentenced person may be granted legal aid in a matter referred to in section 1 as provided in the Legal Aid Act (257/2002). Information on the financial circumstances referred to in section 10, subsection 1 of the Legal Aid Act need not be presented. The court decides on the granting of legal aid, if the matter is being considered by the court.

## **Section 9 (393/2015)**

### **Further provisions**

Further provisions on requesting an administrative review and considering such a request are issued by government decree.

## **Chapter 21**

### **Release**

#### **Section 1**

##### **Determination of the date of release of a prisoner**

A prisoner is released on the last day of the period to be served in prison determined in accordance with the provisions of chapter 3, sections 1–7 and the provisions on conditional release of chapter 2c of the Criminal Code.

Notwithstanding the provisions of subsection 1, a prisoner serving a sentence other than a conversion sentence for unpaid fines may be placed in probationary liberty under supervision referred to in chapter 2c, section 8 of the Criminal Code prior to the date of release referred to in subsection 1.

Provisions on conditional release and probationary liberty under supervision are laid down in chapter 2c of the Criminal Code. Provisions on the pardon of a prisoner are laid down in the Constitution of Finland (731/1999).

## **Section 2 (403/2015)**

### **Power of decision**

The prison director decides on the postponement of conditional release referred to in chapter 2c, section 9, subsection 1 of the Criminal Code. The prison director or the public official substituting for the prison director under the rules of procedure decides on placement under supervision referred to in section 70 of the Act on the Enforcement of Community Sanctions. The Central Administration of the Criminal Sanctions Agency decides on the postponement of conditional release without the consent of the prisoner referred to in chapter 2c, section 9, subsection 2 of the Criminal Code.

The Criminal Sanctions Agency is responsible for drawing up a sentence plan referred to in section 71 of the Act on the Enforcement of Community Sanctions.

## **Section 3 (631/2013)**

### **Further provisions**

Further provisions on the supervision and implementation of conditional release and on the determination of the period to be served in prison and the date of release are issued by government decree. Further regulations on the release of prisoners are issued by the Central Administration of the Criminal Sanctions Agency.

## **Chapter 22**

### **Entry into force and transitional provisions**

#### **Section 1**

##### **Further provisions on implementation**

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

#### **Section 2**

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

This Act enters into force on 1 October 2006.

This Act repeals the Enforcement of Sentences Act of 19 December 1889 (39/1889) as amended.

#### **Section 3**

##### **Transitional provisions**

The provisions in force at the time of making a decision concerning treatment of a prisoner apply to the enforcement of the decision. The provisions of this Act apply, however, if the matter is taken up for reconsideration due to a violation of conditions, change in circumstances, time limit set in the law or for another corresponding reason. The provisions in force at the time of entry into force of this Act apply to a disciplinary punishment imposed and to a postponement application submitted before the entry into force of this Act.

The provisions of this Act on a sentence plan apply to the enforcement of a prison sentence that becomes enforceable after the entry into force of this Act. The provisions on the request for a review apply to requesting a review of a decision made after the entry into force of this Act. The provisions of an act or a decree on a penal institution apply to a prison after the entry into force of this Act.

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