

**UNOFFICIAL TRANSLATION**

**Imprisonment Act**

(767/2005)

**PART I**

**GENERAL PROVISIONS**

**Chapter 1**

**General provisions on the enforcement of imprisonment**

1 §

*Scope of application*

This Act applies to the enforcement of unconditional imprisonment and a fine-conversion sentence (*imprisonment*).

2 §

*Goal of the enforcement of imprisonment*

The goal of the enforcement of imprisonment is to increase the readiness of the prisoner to live a life without crime, by promoting the prisoner's ability to manage his or her life and by promoting his or her adjustment to society as well as to prevent the commission of offences during the term of sentence.

3 §

*Requirements set on the content of the enforcement of imprisonment*

The content of imprisonment shall be loss or restriction of liberty. The enforcement of imprisonment may not restrict the rights or circumstances of a prisoner in any other manner than that provided in the law or necessary due to the punishment itself.

A sentence of imprisonment 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, during the imprisonment, no person unjustifiably violates the personal integrity of the prisoner. The conditions in a prison shall be arranged, to the extent possible, so that they correspond to the living conditions prevailing in society.

The possibilities of a prisoner to maintain his or her health and functional ability shall be supported. Efforts shall be made to prevent any detriment resulting from the loss of liberty.

## 4 §

*Regional prisons and prisons*

The Prison Service consists of regional prisons and a health-care unit. The task of a regional prison is to enforce imprisonment and remand imprisonment imposed by a court. A regional prison consists of a placement unit and prisons.

The Act on the Administration of Enforcement of Sentences (135/2001) applies to the Prison Service, the regional prisons and the arrangement of health care in the Prison Service.

## 5 §

*Treatment of prisoners*

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

No discrimination may be made, without a justifiable reason, among prisoners on the basis of 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 relating to the person.

When enforcing the imprisonment of 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.

## 6 §

*General principles relating to the use of authority*

An official of the Prison Service shall act appropriately and impartially as well as in a conciliatory manner.

An official of the Prison Service shall primarily through advice, requests and orders maintain prison order and security.

An official of the Prison Service shall attend to his or her official duties without any greater interference with the rights of any person or any greater detriment than is necessary and justifiable in order to perform the task.

## 7 §

*Hearing of a prisoner*

The prisoner shall be heard when a decision is being made on his or her accommodation, placement in a prison and in an activity, discipline as well as on another issue regarding him or her in compliance with the provisions of section 34 of the Administrative Procedure Act (434/2003).

## 8 §

*Determination of competency in a regional prison*

The decision-making power referred to in this Act shall, in a regional prison, be exercised by an official of the Prison Service. The officials of the Prison Service referred to in this Act are:

- 1) the director of a regional prison;
- 2) the director of a placement unit;
- 3) the prison director;
- 4) an official in charge of the enforcement of sentences (*official in charge of enforcement*);
- 5) an official in charge of the operations of the prison (*official in charge of operations*);
- 6) an official in charge of prison order and security (*official in charge of security*);
- 7) an official in a senior guidance or supervisory position;
- 8) an official in guidance or supervisory tasks; and
- 9) another official of the Prison Service.

The director of a regional prison has the right, in an individual case, to undertake to decide a matter in which this Act entrusts the decision-making power to an official referred to in subsection 1 (2)-(8). The prison director has the right, in an individual case, to undertake to decide a matter in which this Act entrusts the decision-making power to an official referred to in subsection 1 (4)-(8). An official in charge of security has the right, in an individual case, to undertake to decide a matter in which this Act entrusts the decision-making power to an official referred to in subsection 1 (7)-(8). An official in a senior supervisory position has the right, in an individual case, to undertake to decide a matter in which this Act entrusts the decision-making power to an official referred to in subsection 1 (8).

#### 9 §

##### *Competence outside office hours*

Where a matter cannot be postponed, the decision-making power belonging to the prison director may, outside office hours, be exercised also by the official on call in the regional prison in matters relating to:

- 1) denial of outdoor exercise;
- 2) sending a prisoner temporarily to an examination and to treatment outside the prison;
- 3) a permission of leave for a particularly important reason;
- 4) a special search;
- 5) a body cavity search of a prisoner;
- 6) detention; as well as
- 7) notifications referred to in chapter 19, sections 1, 2, 4, 5, and 8.

Only an official referred to in section 8, subsection 1 (1)-(6) or another official with sufficient training may act as an official on call.

#### 10 §

##### *Issues to be decided by the Criminal Sanctions Agency*

Notwithstanding the provisions of this Act, the Criminal Sanctions Agency may, in an individual case, undertake to decide an issue belonging to the decision-making power of an official of the Prison Service relating to the placement of a prisoner, his or her transfer, participation in an activity outside the prison and a permission of leave if there is reason to suspect that the prisoner participates in the activity of an organised criminal group, continues criminal activity during his or her imprisonment or endangers security or if this is justified in order to protect the safety of the prisoner.

#### 11 §

*Executive assistance*

An official of the Prison Service has the right to obtain executive assistance from the police in accordance with the Police Act (493/1995) for the performance of his or her official duties. The provisions of the Police Act apply to the giving of executive assistance to the police.

## 12 §

*Reference provision*

Separate provisions apply to the titles and qualification of the officials of the Prison Service.

**PART II****COMMENCEMENT OF ENFORCEMENT AND PLACEMENT IN PRISON****Chapter 2****Commencement of enforcement**

## 1 §

*Commencement of enforcement of a sentence of imprisonment*

A sentence shall be enforced without delay. When a judgment relating to a sentence of imprisonment has become final or when it is enforceable in the manner of a final sentence, the Criminal Sanctions Agency shall issue an enforcement order to the bailiff of the municipality in which the sentenced person is residing or staying. The bailiff shall contact the placement unit for a placement order. The bailiff shall order the sentenced person to report to the prison at the time ordered by the placement unit. If the sentenced person is not found, the Criminal Sanctions Agency shall have a warrant issued for his or her arrest.

The Act on the Enforcement of a Fine (672/2002) applies to the commencement of enforcement of a fine-conversion sentence.

In order to level out the occupancy rate and to ensure the proper enforcement of sentences, the Ministry of Justice may provide by a Decree that, during a certain period of time, the prisons do not take in any sentenced persons with a sentence of imprisonment of at most six months or a fine-conversion sentence. 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.

## 2 §

*Commencement of enforcement prior to a final judgment*

If a sentenced person who is imprisoned consents to the enforcement and does not appeal his or her sentence to the extent that he or she has been sentenced to imprisonment, the enforcement of the sentence of imprisonment may commence on the basis of the judgment passed by a District Court or the Court of Appeal as the first instance even before the

judgment has become final.

### 3 §

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

If the treatment of a serious illness or serious injury of a person sentenced to imprisonment or to a fine-conversion sentence would be endangered by sending him or her 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 that the enforcement could begin, the sentenced person is already in prison or being treated outside the prison under 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 delivery.

### 4 §

#### *Postponement of enforcement for other than health-related reasons*

A sentenced person may, on application or with his or her consent, be granted a postponement of the enforcement of imprisonment if the postponement could materially decrease the losses or difficulties resulting from immediate enforcement to the sentenced person, his or her close relative or another close person or to his or her employer or another party to whom the work input of the sentenced person is especially necessary.

The postponement may not exceed six months from the arrival of the enforcement order to the bailiff. A new postponement not exceeding six months may be granted only as an exception and on grounds where the date of termination is known.

The enforcement of a fine-conversion sentence may be postponed on the grounds referred to in subsection 1 with at most three months from the arrival of the enforcement order to the bailiff or, if the enforcement may not be started at that time, from the termination of the impediment to enforcement.

Postponement may not be granted if:

- 1) the sentenced person is imprisoned due to the matter or ordered to be imprisoned due to another matter; or if
- 2) there is a justifiable reason to assume that the sentenced person is evading enforcement or continues his or her criminal activity.

### 5 §

#### *Effect of the postponement application on enforcement*

The filing of the first postponement application referred to in section 4, subsection 1 postpones the enforcement of a sentence of imprisonment until a decision has been made regarding the application. The competent enforcement authority decides whether a new application relating to the same sentence has the same effect.

### 6 §

#### *Cancellation of a postponement*

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

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

7 §

*Granting a respite for payment in prison*

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

- 1) a conversion sentence is passed on a prisoner who is in prison; or
- 2) a prisoner entering prison is to serve also 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 on the granting of a respite applies also to a remand prisoner who is subject to the Remand Imprisonment Act (768/2005).

8 §

*Payment of a fine in prison*

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

9 §

*A stay on enforcement of a conversion sentence due to substance abuse prevention and child welfare*

A conversion sentence may not be enforced while the person fined is being treated in an institution for substance-abuse prevention or in a child welfare institution.

10 §

*Decision-making power*

The Criminal Sanctions Agency decides on postponement on health-related grounds. The bailiff decides on postponement on other grounds.

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

The authority that had granted a postponement decides on cancellation of the postponement.

11 §

*Right of apprehension and executive assistance*

The bailiff may apprehend any person who is evading enforcement of his or her sentence of imprisonment. The apprehended person shall be handed over to a police officer without delay.

In order to execute his or her enforcement duty, the bailiff has the right to obtain executive assistance from the police.

## 12 §

### *Further provisions*

Further provisions on the commencement and postponement of the enforcement of imprisonment as well as on the payment of a fine in prison shall be issued by a Decree of the Council of State.

## **Chapter 3**

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

## 1 §

### *Calculation of a fixed-term sentence of imprisonment*

When enforcing a fixed-term sentence of imprisonment, the years and months of a term of sentence is calculated on the basis of calendar dates. The days possibly included in the sentence are added to the term thus arrived at. A sentence of imprisonment passed in days shall be converted into months by counting thirty days as the equivalent of one month.

The deduction corresponding to a loss of liberty referred to in chapter 6, section 13 of the Criminal Code (39/1889) is taken into account in the enforcement of a sentence in the amount determined in the judgment of the court. A deduction relating to the same calendar days is taken into account only once. If the sentenced person has been serving a sentence of imprisonment or a conversion sentence during said calendar days, the deduction is not to be taken into account for this period of time. A sentence of imprisonment has been served in full when the entire sentence referred to in chapter 2 c, section 11 of the Criminal Code has been served or the probation period referred to in section 13 of the same chapter has expired.

The prisoner shall be notified without delay of the calculation of the term of sentence.

## 2 §

### *Calculation of a conversion sentence*

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

## 3 §

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

If the sentenced person has not been remanded due to the matter, the imprisonment commences on the day on which he or she loses his or her liberty due to the enforcement of imprisonment.

If the sentenced person has been remanded due to the matter, service of the imprisonment sentence commences on the day on which the judgment forming the basis for enforcement is

declared or passed. If a sentenced person loses his or her liberty later on on the basis of a remand order, the term of imprisonment commences on the day on which he or she has been taken into custody.

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

The same calendar period is calculated as term of sentence only once.

#### 4 §

##### *Combining a fixed-term sentence of imprisonment and a conversion sentence*

If conversion sentences are served in addition to imprisonment sentences or separately, the sentences are combined. In this case, the sentenced person first serves the conversion sentence.

The Non-Military Service Act (1723/1991) contains provisions on exemptions regarding non-military service offences.

#### 5 §

##### *Combining of sentences*

The combined term of conversion sentences during the same term of sentence may be at most 90 days.

Chapter 2 c, section 4 of the Criminal Code applies to the combining of imprisonment sentences.

#### 6 §

##### *A sentence lengthened due to appeal*

If the sentence being enforced, which previously has been enforced as a shorter term on the basis of an earlier judgment, is lengthened on the basis of a claim made in an appeal lodged by the opposing party of the sentenced person, the sentence to be enforced is the difference between the sentence being enforced and the sentence enforced earlier.

#### 7 §

##### *Calculation as 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 from treatment referred to in chapter 10, sections 2-4, the time 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 for purposes of return to prison is not calculated as term of sentence.

The time which a prisoner spends outside the prison under chapter 8, section 6 or section 9, subsection 1 or 3 or chapter 14, section 1 is calculated as term of sentence if the prisoner returns to the prison at the time set in the permission terms. If the prisoner does not return at the time set, the time 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 for purposes of return to prison is not calculated as term of sentence.

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

## 8 §

### *Decision-making power*

The calculation as term of sentence is decided by the official in charge of enforcement. The Criminal Sanctions Agency, however, decides on the calculation as term of sentence referred to in section 7, subsection 3.

## 9 §

### *Further provisions*

Further regulations on the calculation of the term of sentence shall be issued by the Criminal Sanctions Agency.

## **Chapter 4**

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

## 1 §

### *Prisons*

Prisons are closed prisons or open institutions. Prisons may be subject to different kinds of supervision.

Prisoners placed in open institutions may spend time and move within the area of the prison or its ward, in the work place or in another activity centre without immediate supervision.

## 2 §

### *Reception in a prison*

The reception of a prisoner in a prison is based on a written commitment order. The Act on Remand Imprisonment applies to the reception of a remand prisoner in a prison.

The prisoner shall be reserved an opportunity to notify his or her close relative or another close person of his or her reception in the prison.

Information on the reception of a prisoner in prison shall be entered into the enforcement register referred to in the Act on the Processing of Personal Data in the Enforcement of Sentences (422/2002).

## 3 §

### *Compensation of travel costs*

The travel costs in the territory of Finland of a prisoner arriving in a prison or released therefrom are paid from State funds.

Compensation 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 of the journey or the lack of funds of the prisoner. Chapter 14, section 10 applies to travel costs related to a permission of leave.

The travel costs of an escort ordered for a prisoner are paid from State funds.

#### 4 §

##### *Notification of provisions and prison conditions*

On the arrival of a prisoner in prison, he or she shall be informed without delay of its conditions as well as of the rights and obligations of prisoners. 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 possibility to contact the representation of his or her home country in accordance with chapter 13, section 9. A foreign prisoner shall also be provided with interpretation assistance, where possible. A prisoner who uses sign language or requires interpretation services due to a disability shall be provided the necessary interpretation and translation assistance.

A collection of the acts, decrees and other regulations on prisoners shall be available to the prisoners.

#### 5 §

##### *Arrival check*

A prisoner who has arrived in the prison shall be checked in the presence of a witness (*arrival check*). The arrival check shall include the establishment and recording of identity, the recording of personal distinguishing marks, as well as the listing and checking of the property brought by the prisoner. In a closed prison, the arrival check shall include the changing of clothes. Chapter 9, section 2 applies to the inventory. Chapter 16, section 3 applies to the security check of a prisoner.

The Prison Service authority may take the personal distinguishing marks of a prisoner referred to in the Act on Coercive Measures (450/1987).

#### 6 §

##### *Sentence plan*

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

The plan for the term of sentence includes a plan on the placement of the prisoner, his or her activities during the term of sentence, probationary liberty under supervision and conditional release as well as on granting a permission of leave. Well in advance of the probable release of the prisoner, the plan shall be supplemented with a release plan and a supervision plan. The preconditions 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. The provisions of the Act on the Supervision of Release on Parole (782/2005) apply to the supervision plan.

The length of the term of sentence of the prisoner and his or her previous imprisonment sentences, his or her working ability and functional ability and the information received on his or her person, criminality and circumstances are taken into account in the contents and extent

of the plan for the term of sentence.

## 7 §

### *Procedure for the drawing up of the plan*

The plan for the term of sentence is drawn up in the placement unit. More detail shall be added to the plan in the prison where the prisoner is placed.

The plan is drawn up in co-operation with the prisoner. The plan for the term of sentence is drawn up, to the extent necessary, in co-operation with the Probation Service as well as with the consent of the prisoner, with the authorities of his or her municipality of residence or of the municipality where he or she is staying, other authorities as well as private organisations and persons. The release plan is drawn up, where necessary and with the consent of the prisoner, also in co-operation with the social, health, housing and labour authorities of the municipality of residence of the prisoner or of the municipality where he or she is staying, in order to improve the placement of the prisoner in society.

The implementation of the plan shall be monitored. The plan shall be taken up for reconsideration at regular intervals and also if the plan is not complied with. The monitoring of the plan is the responsibility of the Prison Service official appointed to this task.

## 8 §

### *General principles of placement in prison*

When placing prisoners in prison, the municipality of residence of the prisoner, the maintenance of contacts with his or her close relatives or other close persons, his or her age, sex, state of health, the number of sentences passed, the earlier criminality of the prisoner and his or her own wish as well as the possibilities of his or her placement in the activity required in the plan for the term of sentence shall be taken into account in accordance with the plan for the term of sentence. When making the decision on placement, also the possibilities of the prisoner to attend to matters relating to the enforcement of imprisonment in his or her own language shall be observed. A prisoner may not be placed in a prison or prison ward that is more closed than what is required by prison order and security as well as the security of imprisonment. In addition, the provisions of section 9 shall be observed.

A prisoner under 18 years of age shall be placed in a prison where he or she can be kept separate from adult prisoners unless otherwise required by his or her best interests.

## 9 §

### *Placement in an open institution*

A sentenced person may be placed in an open institution directly on arrival from freedom if he or she has been sentenced to a fine-conversion sentence and to a sentence of imprisonment not exceeding one year, either combined or separately. A precondition for placement in an open institution is that the prisoner commits to abstinence from intoxicants and to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3.

The sentenced person shall, however, be placed in a closed prison if there is a justifiable reason to suspect that:

- 1) he or she is not suited for the activities arranged in or approved by an open institution;
- 2) he or she will not comply with the order of the open institution;
- 3) he or she will continue his or her criminal activity;
- 4) he or she will leave the open institution without authorisation; or that

5) he or she will not comply with intoxicant abstinence or consent to its control.

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

10 §

*Admission of a child of a prisoner in prison*

A small child of a prisoner may be admitted in the prison if this is in the best interests of the child and if the prisoner himself or herself so requests. The care of the child shall be arranged in the best interests of the child.

11 §

*Decision-making power*

The director of the placement unit decides on the plan for the term of sentence and the placement of a prisoner in prison.

The director of the placement unit decides on admission of a child in prison, after hearing the receiving prison director and the authority referred to in the Child Welfare Act (683/1983).

*[The Child Welfare Act was repealed by the Act of 417/2007.]*

12 §

*Further provisions*

Further provisions on the enforcement documents, the duties of the placement units, the sending of sentenced persons to prison, the recording of the arrival check as well as the contents and drawing up of the plan for the term of sentence shall be issued in a Decree of the Council of State.

The Criminal Sanctions Agency shall issue further regulations on the arrival check and the operations of the placement units.

**Chapter 5**

**Allocation in the prison**

1 §

*Prison wards*

A prison may have wards that are different with regard to their degree of supervision and operations.

In the placement in wards, consideration shall be taken of the plan for the term of sentence, the individual characteristics and age of the prisoner, the possibilities of the prisoner to fulfil his or her duty to participate, as well as the maintenance of prison order and security, the safety of the prisoner or another person and the prevention of criminal activity.

Men and women shall be housed in separate accommodation wards.

## 2 §

*Keeping a minor separate*

A prisoner under 18 years of age shall be held separate from adult prisoners unless otherwise required by his or her best interests.

## 3 §

*Segregated accommodation on own request*

A prisoner shall be reserved the right, on request, to be accommodated fully or partially segregated from other prisoners if the prisoner has a justifiable reason to believe that his or her personal safety is in danger or if there is another acceptable reason for segregated accommodation.

The rights of a person segregated on his or her own request may not be restricted more than is necessary due to the segregated accommodation.

## 4 §

*Contract ward*

A prisoner shall be reserved the right to live in a ward where the prisoners commit themselves to activities arranged for the prisoners in the ward as well as to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3 (*contract ward*).

## 5 §

*High-security ward*

Upon the decision 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*).

The rights of a prisoner placed in a high-security ward may not be restricted more than is necessarily required by 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.

## 6 §

*Preconditions for placement in a high-security ward*

A prisoner may be placed in a high-security ward if there is a justifiable reason to suspect that the prisoner:

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

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

## 7 §

*Duration of placement in a high-security ward and notifying of grounds*

Placement in a high-security ward may not be continued longer than necessary. The decision on the placement of a prisoner in a high-security ward and the grounds thereto shall be taken for reconsideration at intervals of a maximum of three months.

The prisoner shall be notified of the grounds for his or her placement in a high-security ward unless notification of these grounds endangers the safety of another person or hampers the clearing of an offence.

## 8 §

*Daily schedule of a ward*

The wards of a prison shall have daily schedules.

## 9 §

*Decision-making power*

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

The official in charge of operations or an official in a senior supervisory position decides on placement in a ward as provided for in the prison rules. The senior physician in charge of the operation of the hospital unit decides on reception in and discharge from a hospital unit of the Prison Service.

The Criminal Sanctions Agency decides on placement of a prisoner in a high-security ward on proposal of the prison director or the director of the placement unit or after hearing them.

**Chapter 6****Transfer from one prison to another**

## 1 §

*Transfer from a closed prison to an open institution*

Notwithstanding the length of the sentence, a prisoner may be transferred from a closed prison to an open institution 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 institution promotes the implementation of the plan for the term of sentence;
- 2) the prisoner is suited for the activities arranged in the open institution or to other activities approved by the open institution;
- 3) it may be deemed likely that the prisoner will comply with the order of the open institution, will not commit an offence and will not leave the open institution without authorisation; and if

4) the prisoner commits himself or herself to abstain from intoxicants and doping substances referred to in chapter 44, section 16 of the Criminal Code as well as to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3.

## 2 §

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

A prisoner may be transferred from an open institution 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 arranged in accordance with the plan for the term of sentence or is not otherwise suited for the activities arranged in or approved by the open institution;

3) the prisoner refuses to submit to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3;

4) the prisoner is remanded for trial for another offence or it is found that, prior to his or her entry in the open institution, he or she had committed an offence, due to which the preconditions referred to in section 1 (3) are no longer fulfilled;

5) the transfer is justified in order to ensure the safety of the prisoner or another person or in order to prevent criminal activity;

6) a new imprisonment sentence or a fine-conversion sentence is to be enforced and the preconditions referred to in section 1 are therefore no longer fulfilled; or if

7) the prisoner so requests.

A prisoner may be immediately transferred to a closed prison for the time period required to initiate the pre-trial investigation of the offence or to investigate the disciplinary infraction referred to in subsection 1 (1). A prisoner may be transferred to a closed prison also in order to establish the preconditions referred to in subsection 1 (6).

A prisoner who without a valid reason fails to arrive in an open institution at the time set, shall be taken to the placement unit.

## 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 institution to another open institution if this promotes the implementation of the plan for the term of sentence or is otherwise justifiable and if it can be assumed that the prisoner will adjust to the conditions of the other prison.

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

Notwithstanding the transfer, it shall be possible for the prisoner to continue his or her activities in accordance with the plan for the term of sentence, where possible, and he or she shall receive the necessary treatment notwithstanding the transfer.

## 4 §

### *Notification of transfer*

Upon arrival in another prison, a prisoner shall, without delay, be reserved the right to inform his or her close relative or another close person of the transfer.

## 5 §

*Presence in court and before another authority*

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.

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

## 6 §

*Decision on transfer*

The director of the placement unit decides on the transfer of a prisoner in a regional prison, unless he or she has delegated the decision-making power in the matter to the prison director indicated in the plan for the term of sentence. If a prisoner is transferred to another regional prison, the transfer requires the consent of the director of the placement unit of the receiving regional prison.

Also the Criminal Sanctions Agency may decide on the transfer of a prisoner implemented in order to level out the occupancy rates of regional prisons.

The prison director 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 director of the placement unit or an official in charge of enforcement appointed by him or her decides on the matter.

## 7 §

*Further provisions*

Further provisions on the procedure relating to the transfer of a prisoner shall be issued by a Decree of the Council of State. Further regulations on the transfer of a prisoner shall be issued by the Criminal Sanctions Agency.

## 8 §

*Transport of a prisoner*

Separate provisions apply to the transport of a prisoner.

**PART III****CONTENT OF ENFORCEMENT**



## Chapter 7

### Basic care and accommodation

#### 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 on accommodation premises in general building legislation.

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

#### 2 §

##### *Clothing*

In an open institution, a prisoner shall wear his or her own clothes.

In a closed prison, the prisoners may wear their own clothes. The right to wear one's own clothes may be restricted for a reason required by prison order or supervision or occupational safety.

A prisoner who is not allowed to wear his or her own clothes at work or who, due to the nature of the work, needs protective clothing, shall be supplied with suitable clothing.

A prisoner who does not have appropriate own clothing shall be supplied with clothing suitable for the prison as well as for appearing in court or for other departure from the prison.

#### 3 §

##### *Maintenance of clothes*

The prisoner is responsible for maintaining his or her own clothes that are at his or her disposal. The prisoner shall keep the clothing given by the prison in appropriate condition.

The prison shall provide the prisoner with a possibility to launder his or her own clothes or to have them laundered by the prison or, at the expense of the prisoner, have them sent by the prison for laundering outside the prison.

#### 4 §

##### *Sanitation*

The prisoner shall, in his or her free time, attend to the cleaning and sanitation of his or her accommodation room and the common living areas as well as to household chores.

#### 5 §

##### *Catering arrangements*

The catering for prisoners shall be arranged so that they receive healthy, well-rounded and adequate nutrition.

An exception may be made to the basic diet if this is justifiable with regard to the health of the prisoner or due to his or her religious or other well-founded conviction.

## 6 §

*Outdoor exercise*

A prisoner shall be given an opportunity to exercise outdoors for at least one hour daily unless prevented by the state of health of the prisoner or an especially weighty reason relating to prison order or security.

## 7 §

*Decision-making power*

The prison director or an official in charge of security appointed by him or her decides on denial of the right of the prisoner to outdoor exercise or restricting his or her right to wear his or her own clothes. The prison director or an official in charge of operations appointed by him or her decides on an exception to the basic diet due to a religious or other justifiable conviction.

## 8 §

*Further provisions*

Further provisions on catering and basic care as well as on accommodation shall be issued by the Criminal Sanctions Agency.

**Chapter 8****Participation in activities**

## 1 §

*Purpose and content of activities*

The purpose of activities arranged or approved by the prison is to promote the placement of the prisoner in society:

- 1) by strengthening the readiness of the prisoner to lead a life without crime;
- 2) by maintaining and improving the occupational skills and know-how of the prisoner as well as his or her working ability and functional ability, and
- 3) by supporting the intoxicant-free way of life of the prisoner.

The activities include work, training or other activities promoting the readiness of the prisoner.

## 2 §

*Duty to participate*

The prisoner is obliged to participate in activities arranged or approved by the prison at the

confirmed working and activity hours (*duty to participate*).

A prisoner shall be relieved in full or in part from the duty to participate if so required by his or her state of health, functional ability or age.

### 3 §

#### *Arrangement of activities*

A prisoner shall, at the confirmed working or activity hours, be given the possibility to fulfil his or her duty to participate in an activity promoting the implementation of the plan for the term of sentence.

A prisoner placed in a high-security ward shall be given a possibility to fulfil his or her duty to participate in activities suitable for a high-security ward.

Effort shall be made to provide a prisoner segregated due to a reason referred to in chapter 18, section 5 of the Act with the possibility to fulfil his or her duty to participate in activities suitable for the daily schedule of the ward.

### 4 §

#### *Placement in activities*

A prisoner shall be placed in an activity taking into account the plan for the term of sentence, prison order and security as well as the safety of society.

### 5 §

#### *Occupational work and rehabilitative work*

The work performed during the term of sentence is:

- 1) work maintaining the working skills of the prisoner and promoting his or her employment (*occupational work*); or
- 2) rehabilitative work improving the working ability and readiness of the prisoner (*rehabilitative work*).

In the arrangement of occupational work, the technical development in the field in question shall be followed and up-to-date work approaches and methods shall be used. In addition, in the arrangement of rehabilitative work, methods commonly used in vocational rehabilitation shall be observed.

### 6 §

#### *Civilian work*

A prisoner may be permitted to work or to participate in work training outside the prison during the actual working hours (*civilian work*).

The wages and other work-related terms of civilian work may not materially derogate from the terms generally complied with in the work in question. The civilian work shall be ordinary economic activity with regard to financial and social factors relating to the work place and the employer.

### 7 §

#### *Own work*

In order to fulfil his or her duty to participate, a prisoner may be permitted in prison to carry out, on his or her own account, acceptable work that is suitable to be carried out in prison (*own work*).

The prisoner may be allowed to use tools of the prison without compensation for his or her own work unless this causes detriment to prison order or security or to the arrangement of activities.

The permission for own work may be cancelled if the preconditions referred to in subsection 1 are no longer fulfilled or if the carrying out of own work endangers prison order or security.

## 8 §

### *Training*

A prisoner may participate in training arranged in the prison or outside it. The provisions of section 9 and 10 apply to participation in training outside the prison. The regional prison or the prison shall agree on training leading to a degree or other training to be implemented in the prison with the arranger of the training. Training arranged in prison shall also comply with general provisions on the training in question, where applicable. A prisoner who has not completed the syllabus of basic studies shall be offered a possibility for its completion.

The studies of a prisoner shall be guided and supported and the success of his or her studies shall be monitored.

The certificate issued for the studies may not indicate that the studies have taken place in prison.

## 9 §

### *Participation in activities outside the prison*

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

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 intoxicant rehabilitation or in other goal-oriented activities improving his or her potential to cope (*placement in an outside institution*).

A prisoner may be permitted, under sufficient supervision, to participate in activities outside the prison arranged or approved by the prison and supporting the prisoner's rehabilitation, contacts and placement in society (*permission for supervised outside activities*).

## 10 §

### *Preconditions for the permit*

A permit referred to above in section 6 may be issued or a decision in accordance with section 9 may be made on condition that:

- 1) the permit or placement promotes the implementation of the plan for the term of sentence;
- 2) on the basis of information received on the behaviour of the prisoner during the term of sentence as well as on his or her person and criminality, compliance with the terms of the permit referred to in subsection 3 may be deemed likely;
- 3) compliance with the terms of the permit or placement referred to in subsection 3 may be supervised in a suitable manner, and that

4) with the consent of the prisoner, the Prison Service authorities shall, where necessary, be in contact with the authorities as well as private organisations and persons in order to clarify the preconditions for the permit or placement or compliance with the terms.

A precondition for placement in an outside institution is also that the prison, the institution and the prisoner have concluded a written placement agreement. A further precondition for placement is that the Prison Service authorities may, with the consent of the prisoner, submit to the institution information necessary with regard to the placement and that the institution may notify the Prison Service authorities of a breach of the terms.

A precondition for a permit or placement is also that:

1) the prisoner commits himself or herself to abstain from intoxicants and the doping substances referred to in chapter 44, section 16 of the Criminal Code as well as to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3; and that

2) the prisoner commits himself or herself to comply with the other necessary terms, issued in writing, relating to movement and participation in an activity outside the prison.

## 11 §

### *Cancellation of a permit or placement*

If the preconditions of a permit or placement referred to in section 6 or 9 are no longer fulfilled after the decision was made, the permit or placement may be cancelled. If the prisoner does not comply with the terms referred to in section 10, subsection 3, the disciplinary punishment referred to in chapter 15, section 4, subsection 1 (1)-(3) may be imposed on the prisoner. If the disciplinary punishment is not deemed a sufficient or appropriate sanction, the permit may also be cancelled. The provisions of chapter 3, section 7 apply to counting as part of the term of sentence. Also the provisions of chapter 6, section 2 apply to the transfer of a prisoner placed in an open institution.

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

## 12 §

### *Working hours and occupational safety*

The legislation on working hours shall, where applicable, be complied with in the arrangement of the working and activity hours of prisoners.

The legislation on occupational safety applies to occupational protection and safety of a prisoner.

## 13 §

### *Exemption for a fixed period from the duty to participate*

A prisoner who has regularly participated in activities may, taking into account the implementation of the plan for the term of sentence, be exempted from the duty to participate for a fixed period, at most for four weeks annually.

A prisoner charged with an offence shall be granted the necessary exemption from the duty to participate in order for him or her to prepare his or her defence. A prisoner may be exempted from the duty to participate also for another important reason.

A prisoner shall also be exempted from the duty to participate if this is necessary due to a fixed-term incapability for work.

## 14 §

*Decision-making power*

The prison director or an official in charge of operations appointed by him or her decides on a placement in accordance with section 4, participation in an activity outside the prison in accordance with sections 6 and 9 as well as on the cancellation of a permit or placement referred to in section 11.

The Criminal Sanctions Agency, however, decides on permission for civilian work, a study permit and placement in an outside institution of a prisoner serving a life sentence and a prisoner serving a full sentence referred to in chapter 2 c, section 11 of the Criminal Code.

Upon the decision of the Criminal Sanctions Agency, the decision-making power referred to in subsection 2 may be transferred to the official referred to in subsection 1.

The prison director or the official in charge of operations appointed by him or her decides on an exemption from the duty to participate referred to above in section 13.

## 15 §

*Further provisions*

Further provisions on the placement of prisoners in an activity, the working and activity hours of prisoners as well as on the terms, length and placement agreement relating to a placement and permit referred to in sections 6 and 9 as well as on an exemption from the duty to participate for a fixed period shall be issued by a Decree of the Council of State. The Criminal Sanctions Agency shall issue further regulations on the procedure as well as on the classification of work and other preconditions of work.

**Chapter 9****Property and income of a prisoner**

## 1 §

*Possession of property*

A prisoner may possess a reasonable amount of private property in prison. The possession of an article or substance may be denied if:

- 1) the article or substance endangers the safety of a person;
- 2) the article or substance is especially suited for damaging property; or
- 3) the possession of the article or substance, with a view to the conditions and the degree of supervision of the prison or a prison ward, causes a special detriment to the general order of the prison.

A prisoner may not possess alcohol, other intoxicants, doping substances referred to in chapter 44, section 16 of the Criminal Code or articles intended for narcotics use. In a closed prison, a prisoner may not possess property that he or she has received from another prisoner without the permission of the Prison Service authority.

Any other property that the 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 custody in the prison until the release of the prisoner if this is possible taking into consideration the storage facilities of the prison.

If the property cannot be kept in custody, it shall be returned or sent, at the expense of the prisoner, to a place indicated by him or her. Spoiled goods may be destroyed in the presence of a witness. Section 60 of the Alcohol Act (1143/1994) applies to the destruction of alcoholic beverages or other alcoholic substances. Section 10 of the Narcotics Act (1289/1993) applies to the delivery of drugs for destruction.

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

## 2 §

### *Inventory of property*

An inventory shall be drawn up of the property of a prisoner received in a closed prison. In an open institution, an inventory shall be drawn up only of property placed in custody in the open institution and, on the request of the prisoner, of especially valuable property given into the possession of the prisoner. The prisoner and a witness present shall sign the inventory. If the prisoner does not sign the inventory, two Prison Service officials shall attest to the correctness of the inventory.

Property given into the possession of the prisoner in a closed prison shall be noted in the inventory. The prisoner shall, on his or her own request, be given a copy of the inventory.

Property that has been received without the permission of the Prison Service authority and which has been entered in the inventory of another prisoner may be taken from the prisoner.

## 3 §

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

In a closed prison, a prisoner does not have the right to possess money or other means of payment referred to in chapter 37, section 12 of the Criminal Code. The money and other means of payment in the possession of the prisoner shall be taken into custody by the prison or deposited at the expense of the prisoner in his or her bank account.

A prisoner in an open institution has the right to possess money and other means of payment. These may, on his or her request, be taken into custody by the prison or deposited in his or her bank account.

A prisoner shall be issued a monthly extract from the account of his or her monetary assets.

## 4 §

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

The prison shall provide the prisoner with a possibility to procure food products and other goods suitable for personal use.

A prisoner may, via the prison, procure utility goods and supplies the possession of which is allowed under section 1, subsections 1 and 2.

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

A prisoner may, for a justifiable reason, remit money and other means of payment via the prison outside the prison or to another prisoner.

## 5 §

### *Return of property*

On the release of a prisoner, his or her money, other means of payment and property shall be returned to him or her against a receipt. If the prisoner does not sign the inventory, two Prison Service officials shall attest to the correctness of the inventory.

Any property left in prison shall be 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 three months after the return of the property to the prison. If the released person cannot be reached, the property may be destroyed three months after the release of the prisoner.

#### 6 §

##### *Wages, activity allowance and expense allowance*

Current wages shall be paid for vocational work in open institutions and an activity allowance shall be paid in a closed prison.

A prisoner participating in rehabilitative work, training or other activity arranged or approved by the prison shall be paid an activity allowance. The activity allowance is paid in three categories in accordance with the demands, regularity of participation and duration of the work, training or other activity as well as in accordance with the personal performance of the prisoner.

An expense allowance shall be paid to a prisoner who is exempted from the duty to participate. An expense allowance shall be paid for working or activity hours for which no wages or activity allowance is paid.

The wages as well as the activity and expense allowance shall be entered at least once a month in the account of the prisoner kept in the prison.

#### 7 §

##### *Withdrawals to be made from the wages*

Deduction of taxes and distraint are executed in accordance with the relevant legislation.

Compensation shall be paid out of the wages to the prison for food and maintenance costs.

A withdrawal shall be made from the wages for the payment of a confirmed maintenance allowance. No more than half of the wages shall be withdrawn after the withdrawals referred to in subsections 1 and 2 have been made. If the wages are subject to distraint, the withdrawal to be made for maintenance shall be calculated on the basis of the part of the wages remaining after the distraint.

A prisoner engaged in productive own work or in civilian work other than work training shall pay compensation to the prison for food and maintenance costs. If the prisoner does not pay the compensation within the time set, the permit may be cancelled.

#### 8 §

##### *Non-payment*

An activity or expense allowance may be left unpaid in full or in part if the payment is not necessary taking into account support received by the prisoner for said activity from another authority or for other special reasons. In these cases, compensation for maintenance and food costs may also be collected.

#### 9 §

##### *Decision-making power*



An official in a senior supervisory position decides on possession of property.

The prison director or an official in charge of security appointed by him or her decides on 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 an official in charge of operations appointed by him or her decides on the non-payment of an activity or expense.

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

## 10 §

### *Further provisions*

Further provisions on property possessed by a prisoner, the spending of money and the use of other means of payment as well as on the grounds for the determination and amount of wages, activity and expense allowance as well as on withdrawals shall be issued by a Decree of the Council of State.

Further regulations on the custody, sending and destruction of property and on the inventory as well as the non-payment of the activity and expense allowance shall be issued by the Criminal Sanctions Agency.

## **Chapter 10**

### **Social and health care**

## 1 §

### *Health care and medical treatment of a prisoner*

The Prison Service shall arrange or otherwise ensure health care and medical treatment as well as medical rehabilitation in accordance with the medical needs of the prisoner.

The provisions of the Act on the Legal Status and Rights of a Patient (785/1992), the Health Care Professionals Act (559/1994), the Mental Health Act (1116/1990), the Contagious Diseases Act (583/1986) and the Occupational Health Act (1383/2001) apply to the arrangement of health care and medical treatment.

## 2 §

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

If an ill or injured prisoner cannot be appropriately treated or examined in the prison, he or she shall be temporarily transferred outside the prison for treatment or examination under the necessary supervision.

The term of sentence continues to elapse during the treatment.

## 3 §

### *Release from the prison for treatment*

If a prisoner is constantly in a danger to his or her life or in a condition requiring special

treatment due to a grave illness or a serious injury and if his or her treatment in a prison or in treatment in accordance with section 2 is especially difficult, he or she may be released from prison for treatment.

Even if the 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 preconditions in accordance with subsection 1 no longer exist, he or she shall be sent to prison to serve the remainder of his or her sentence.

#### 4 §

##### *Childbirth*

A pregnant prisoner shall, under the necessary supervision, be transferred to a hospital or another operational health-care unit outside the prison in sufficient time for the confinement.

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

#### 5 §

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

A prisoner shall, where possible, be reserved an opportunity for counselling, support and treatment given by a psychologist and for other corresponding counselling, support and treatment.

#### 6 §

##### *Social rehabilitation*

A prisoner shall receive support in social rehabilitation and in the maintenance of contacts with his or her close relatives and other close persons as well as counselling in attending to matters relating to accommodation, work, subsistence, social benefits and social services.

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

#### 7 §

##### *Health-care costs*

Health care, medical treatment and medical rehabilitation in accordance with the medical needs of the prisoner shall be paid from State funds. A condition for the payment obligation of the State is that an examination arranged or treatment given outside the prison is ordered or approved by a physician of the Prison Service.

#### 8 §

##### *Treatment arranged at the own expense of a prisoner*

By permission of a physician of the Prison Service, a prisoner has the right to acquire medication, examinations and other health-care in the prison at his or her own expense.

#### 9 §

*Death of a prisoner*

Upon the death of a prisoner, the deceased shall be taken at the expense of the State to the municipality in Finland requested by his or her close relatives. A deceased prisoner who cannot be submitted to the care of relatives shall be buried at the expense of the State.

## 10 §

*Decision-making power*

A physician of the Prison Service decides on the medication, possession of medicines, examination and other health care of a prisoner in prison. A dentist decides on dental care.

The prison director decides on transfer to treatment or examination referred to in section 2 after hearing the physician, where possible. The Criminal Sanctions Agency, on proposal by the prison and after hearing the senior physician of the Prison Service, decides on release from the prison referred to in section 3.

## 11 §

*Further provisions*

The Criminal Sanctions Agency shall issue further regulations on the arrangement of the examination of the state of health and the arrangement of the health care of prisoners in the prison.

**Chapter 11****Free time**

## 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 activity suitable for prison conditions.

The prisoners shall be provided a possibility to participate in the planning and arrangement of free-time activities. The prisoners shall be guided and advised in hobbies.

## 2 §

*Participation in free-time activities*

A prisoner may participate in free-time activities and spend free time together with other prisoners.

The right to participate may be denied or restricted if the prisoner:

- 1) is placed in a contract ward or a high-security ward;
- 2) is serving a solitary confinement punishment referred to in chapter 15, section 4, subsection 1 (3) or if

3) he or she is subject to a measure referred to in chapter 15, section 15 or chapter 18, section 1, subsection 1.

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

### 3 §

#### *Religious practice*

Where possible, church services, prayer meetings and other religious events shall be arranged in the prison in accordance with the needs of the prisoners. Prisoners shall be provided the possibility to meet the spiritual representative or other representative of their own religion. A prison 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 unless he or she is serving a solitary confinement punishment referred to in chapter 15, section 4, subsection 1 (3) or

2) the prisoner is subject to a measure referred to in chapter 15, section 15 or chapter 18, section 1, subsection 1.

A prisoner who is intoxicated or who disturbs an event referred to in subsection 1 or endangers prison order or safety may be denied the right to participate in the event. If a prisoner is not allowed to participate in common events, his or her possibility of engaging in religious practices shall be attended to in another manner.

### 4 §

#### *Library*

A prison shall have a library or the prisoners shall be provided the possibility of using public library services. The library of the prison shall co-operate with public libraries and its operations shall correspond to the operational practices of public libraries.

The prisoners shall be reserved access to the prison library sufficiently often and they shall receive guidance in the use of the library. The library services of prisoners referred to in section 3, subsection 2 (1) and (2) above and of those segregated on their own request shall be arranged in another manner

### 5 §

#### *Free-time work*

A prisoner may, in his or her free time, on his or her own account, carry out work which is suitable to be carried out in the prison and which does not cause a detriment to prison order or security or a danger to the safety of a person (*free-time work*).

The prisoner may be allowed to use tools of the prison without compensation for his or her free-time work unless this causes detriment to prison order or security or the arrangement of activities.

### 6 §

#### *Literature and following of the media*

A prisoner shall be reserved the possibility to follow television and radio programmes and newspapers as well as, at his or her own cost, to acquire periodicals and literature.

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

7 §

*Gathering in prison*

Prisoners may be permitted to gather in the prison under the necessary supervision in order to plan free-time activities or to handle other common issues.

8 §

*Decision-making power*

An official in a senior supervisory position or, if the matter cannot be postponed, an official in guidance or supervisory tasks decides on denial of the right to participate in a free-time activity and in a church service, a prayer meeting or other religious event referred to in section 3 as well as on denial or restriction of the right to participate referred to in section 2, subsection 2. The arranger of the event shall be heard prior to making the decision on denial.

The prison director or an official in charge of operations or security appointed by him or her grants permission for a free-time activity referred to in section 1, subsection 2 and for a gathering referred to in section 7.

**PART IV**

**CONTACTS OF THE PRISONER WITH THE OUTSIDE WORLD**

**Chapter 12**

**Correspondence and telephone calls**

1 § (265/2007)

*Correspondence and the inspection of postal items*

A prisoner has the right to correspondence. A sealed letter or other postal item addressed to a prisoner or sent by him or her may be inspected by radioscope or in another corresponding manner without opening it in order to check whether it contains any unlawful substances or articles referred to in chapter 9, section 1, subsection 1 or 2.

A letter or other postal item addressed to a prisoner or sent by him or her may be opened and its contents may be inspected without reading the message contained in the item if it may be concluded from the form or size of the item that it contains also something other than a confidential message or if there otherwise is reason to suspect that it contains unlawful substances or articles referred to in subsection 1. Notwithstanding the provisions of this subsection, a letter or other postal item addressed to a prisoner in a closed prison may, however, be opened and its contents may be inspected without reading the message contained in the item in order to establish whether it contains the said substances or articles.

If any substances or articles which the prisoner may not possess are found in connection with the inspection, they shall be taken into the custody of the prison. Monetary assets shall be entered into the account of the prisoner. Chapter 19, section 1 applies to the notification to be filed when suspecting the legal origin of the property.

## 2 §

*Reading a message and taking a copy (265/2007)*

A letter, other postal item or message addressed to a prisoner or sent by him or her may be read if this is necessary for a justifiable reason relating to the criminal background of said prisoner, his or her behaviour during imprisonment, or the item or its sender in order to prevent or clear an offence, to deter a threat to prison order or to protect the safety of the prisoner or another person. (265/2007)

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

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

Chapter 19, section 2 applies to submission of the information and a copy to the police or to another pre-trial investigation authority. The Act on the Processing of Personal Data in the Enforcement of Sentences applies to the keeping and destruction of the copies.

## 3 §

*Correspondence with supervisory authorities*

Correspondence between a prisoner and an authority in charge of the supervision of the operations of the prison or its staff or a body supervising the implementation of human rights, to which under international treaties the prisoner is entitled to appeal or file complaints, may not be inspected or read.

Chapter 13, section 9 applies to communication between a foreign prisoner and a diplomatic or consular representation.

## 4 §

*Correspondence with counsel*

A letter or other postal item addressed by a prisoner to his or her attorney or other trial counsel referred to in chapter 15, section 2, subsection 1 or 2 of the Code of Judicial Procedure may not be inspected or read.

A letter or other postal item addressed to a prisoner which by its envelope or otherwise reliably indicates that the sender of the letter is the counsel referred to in subsection 1 may be opened and the contents thereof be inspected without reading the message contained in the item only in the presence of the prisoner, if there is reason to suspect that the letter contains substances or articles referred to in chapter 9, section 1, subsection 1 or 2. The provisions of section 1, subsection 3 apply otherwise to the inspection. (265/2007)

## 5 §

*Withholding of a letter or postal item*

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

The recipient or the sender shall be immediately notified of the withholding of a letter, other

postal item or a message and the reason for the withholding unless otherwise provided due to a reason referred to in subsection 1. A letter, other postal item or message which is 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 cost-on-delivery order or another order against 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 consent of the prisoner.

#### 6 §

##### *Use of the telephone*

A prisoner shall be given the possibility to communicate with the outside world by telephone at his or her own cost. The use of the telephone may be allowed without charge in order to attend to essential matters or for another special reason.

The prison rules may contain regulations on the times of use of the telephone necessary with regard to the operations of the prison and prison order. 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 interrupted or denied if this is necessary to prevent an offence or to maintain prison order.

#### 7 §

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

The telephone call of a prisoner may be listened to if this, in an individual case, is necessary for a justifiable reason to prevent or clear an offence, to ensure prison order or to protect the safety of a prisoner or another person.

A call may be recorded if, upon listening to the call, it becomes evident that the call is likely to include plans or information relating to:

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

Prior to commencing the listening, the prisoner and the party with whom he or she is in contact by telephone shall be notified that the call shall be listened to and that it may be recorded. Chapter 19, section 2 provides for submission of information, a recording or a tape relating to the content of the call to the police or another pre-trial investigation authority. The recording or tape thus made shall be destroyed without delay unless it is submitted to the police or another pre-trial investigation authority under said section.

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

#### 8 §

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

A letter and a postal item other than one referred to in sections 3 and 4 sent by or addressed to a prisoner in a high-security ward may be read if this is necessary for a reason relating to the criminal background of said prisoner, his or her behaviour during imprisonment or the item or its sender to prevent or clear an offence, to deter a threat to prison order or to protect

the safety of a prisoner or another person. Otherwise the provisions of section 1, section 2, subsections 2 and 3, sections 3 - 5 as well as sections 10 and 11 apply to the correspondence of a prisoner. (265/2007)

A prisoner in a high-security ward may use the telephone on condition that the prisoner consents to having his or her calls recorded, in addition to being listened to. The provisions of section 7, subsections 3 and 4 apply otherwise to listening to the call.

#### 9 §

##### *Electronic communication*

A prisoner may, for a special reason, be granted permission to maintain contacts with the outside world by using electronic communication, telecommunications or other such technical connection unless the contacts endanger the security of the prison. The provisions of sections 2 - 5, 7, 10 and 11 apply, where appropriate, to the supervision of these connections.

#### 10 §

##### *Inspection and withholding procedure*

The decision on the reading, copying and withholding of a letter or other postal item or message as well as on the listening to and recording of a telephone call shall be made in writing.

#### 11 §

##### *Decision-making power*

An official in a guidance or supervisory position appointed in the prison rules of the district prison decides on the inspection of a letter and another postal item under section 1, subsection 1 of this chapter as well as the opening of such item and the inspection of its contents under section 1, subsection 2 and section 4, subsection 2. (265/2007)

The official in charge of security or an official in a senior supervisory position separately appointed to such position by the former decides on the reading of a letter, other postal item or message under section 2, subsection 1, section 8, subsection 1 or section 9, the copying referred to in section 2, subsection 2 as well as the withholding of an item or message referred to in section 5. A message may, however, be forwarded to be read by an official of the Prison Service who, under the Act on the Processing of Personal Data in the Enforcement of Sentences, has the right to process the information in the security data register. The official in charge of security decides on listening to and recording of a telephone call. (265/2007)

The prison director grants permission for electronic communication referred to in section 9.

#### 11 a § (265/2007)

##### *Secrecy obligation and ban on use*

An official attending to duties in accordance with this chapter may not unlawfully disclose any information he or she has learned while in service on the contents of a message sent by or addressed to a prisoner or on the identification information of such message. This information may also not be made use of to one's own benefit or to the benefit or loss of another. The information may not be disclosed or used in the said manner even after the termination of the



duty.

In addition to the provisions elsewhere in the law, the information referred to in subsection 1 may, however, be conveyed also to an official for whom it is absolutely necessary for attending to the duties in accordance with this Act.

## 12 §

### *Further provisions*

Further provisions on the procedure on inspecting, reading, copying and withholding letters as well as on the listening to and recording of a telephone call and on the supervision of electronic communication shall be issued by a Decree of the Council of State.

## **Chapter 13**

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

## 1 §

### *Visit*

A prisoner has the right to accept visitors under necessary supervision at times reserved for visits as often as this is possible without causing detriment to the order and operations of the prison. A visit may be allowed also at times other than those reserved for visits if this is necessary with a view to the contacts of the prisoner or for another special reason. Chapter 17 contains provisions on the search of a person who has come to visit a prisoner (*a visitor*).

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 or counsel referred to in chapter 12, section 4 may be restricted if there is a justifiable reason to suspect that this Act or the provisions or orders issued thereunder would be violated during the visit.

## 2 §

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

A prison shall have premises suitable for visits.

A visit to a prisoner shall be supervised in the necessary manner. The visit may be supervised also through video surveillance equipment. The prisoner and the visitor shall be notified of supervision through video surveillance equipment in an appropriate manner. The provisions on visitor registers of the Act on the Processing of Personal Data in the Enforcement of Sentences apply to the keeping and destruction of recordings made in the course of the supervision.

## 3 §

### *Unsupervised visit*

The visit of a close relative, another close person and counsel referred to in chapter 12, section 4 of the prisoner and, where necessary, also of another person may be allowed

unsupervised (*unsupervised visit*) if this is justifiable in order for the prisoner to maintain his or her contacts or to handle his or her legal affairs or for another corresponding reason and if the visit does not cause detriment to prison order or operation. The visit of a person other than a supervisory authority referred to in chapter 12, section 3 and the counsel referred to in chapter 12, section 4 may be made conditional on the prisoner consenting to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3.

The provisions of chapter 16, section 4 apply to a search of a prisoner in connection with an unsupervised visit.

#### 4 §

##### *Denial of a visit and a visit under special supervision*

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 a body search referred to in chapter 17, section 3; or if
- 3) there is a justifiable reason to suspect that the visit may endanger prison order or security or the safety of the prisoner or of another person.

The visit may, however, be arranged under specially supervised conditions (*visit under special supervision*) if the danger referred to in subsection 1 can be averted in this manner.

#### 5 §

##### *Receipt and inspection of goods*

In connection with a visit, the prisoner may be permitted to receive a reasonable amount of goods or items the possession of which is allowed in prison under chapter 9, section 1, subsections 1 and 2. Further regulations on the amount of property to be received shall be issued in the prison rules referred to in chapter 15, section 1.

Goods brought by a visitor shall be inspected before their delivery to the prisoner.

#### 6 §

##### *Prohibition to visit*

If a visitor has been found to have transported or attempted to transport to the prison narcotics or substances or articles referred to in chapter 9, section 1, subsection 1 (1) or (2) or subsection 2 or to have endangered security or seriously disturbed prison order, the visitor may be issued a prohibition to visit the prison (*prohibition to visit*) of a reasonable length, at most six months. The prohibition to visit may be extended if this continues to be necessary in order to prevent the activity forming the basis for the prohibition.

The prohibition to visit may include a prohibition to visit a particular prisoner or prisoners or to enter a particular prison or prisons.

A prohibition to visit may not be issued to a close relative, another close person or the counsel of a prisoner referred to in chapter 12, section 4. A prohibition to visit may also not be issued if the visit can be arranged without endangering prison order in the manner referred to in section 4, subsection 2.

A decision on a prohibition to visit shall be made in writing. Before issuing a prohibition to visit, the visitor and the prisoner shall be heard, where possible.

#### 7 §

*Register of prohibitions to visit*

The Criminal Sanctions Agency shall keep a register of prohibitions to visit provided for in the Act on the Processing of Personal Data in the Enforcement of Sentences.

8 §

*Contacts with the mass media*

If a prisoner is interviewed or photographed in prison, the provisions of this chapter on a visit and a visitor shall apply, where appropriate. If a representative of the mass media wishes to interview a prisoner, the prisoner shall be asked whether he or she consents to the interview.

9 §

*Contacts with a diplomatic representation*

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

Consignments from the prisoner addressed to a diplomatic or consular representation shall be forwarded without delay.

10 §

*Private conversations*

A prisoner shall, where possible, be reserved a possibility to conduct private conversations relating to his or her personal matters with a representative of a church, an organisation engaged in prison work or another corresponding body.

11 §

*Decision-making power*

The prison director decides on a prohibition to visit. An official in a senior supervisory position decides on a visit under special supervision and the denial of a visit. The prison director or an official in charge of operations or security appointed by him or her decides on an unsupervised visit.

12 §

*Further provisions*

Further provisions on a prohibition to visit and its contents shall be issued by a Decree of the Council of State. Further provisions on the arrangement of visits shall be issued by the Criminal Sanctions Agency.

## **Chapter 14**

### **Permission of leave**

## 1 §

*The purpose of a permission of leave*

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

The purpose of the permission of leave is to support the maintenance of contacts of the prisoner and his or her placement in society as well as to decrease the detriment resulting from the loss of liberty.

## 2 §

*Permission of leave on the basis of the length of the term of sentence*

A permission of leave may be granted, on application, on the basis of the length of the term of sentence if:

- 1) the granting of the permission promotes the implementation of the plan for the term of sentence;
- 2) if, on the basis of information received on the behaviour of the prisoner during the term of sentence as well as on his or her person and criminality, compliance with the conditions of the permission may be deemed likely; and if
- 3) the prisoner commits himself or herself to the intoxicant control referred to in chapter 16, section 7, subsection 3 and to other supervision necessary with regard to compliance with the conditions of the permission.

## 3 §

*The earliest date for a permission of leave on the basis of the length of the term of sentence*

A permission of leave may be granted, on application, on the basis of the length of the term of sentence when two-thirds of the term of sentence before the release on parole referred to in chapter 2 c of the Criminal Code or of the entire sentence before release (*term of imprisonment*), however, not less than two months, have been served.

The possibility of a prisoner serving a life sentence of imprisonment to receive a permission of leave shall be determined as if the term of imprisonment of the prisoner were 12 years. The permission of leave of a prisoner sentenced to life imprisonment for an offence committed while under 21 years of age is determined as if the term of imprisonment of the prisoner were ten years.

Upon the fulfilment of the preconditions referred to in section 2, permissions of leave may be granted to a prisoner who has carefully complied with the plan for the term of sentence before the time limit referred in subsection 1 if this is necessary for the implementation of the plan or, in an individual case, for the maintenance of contacts or functional ability of the prisoner or for another corresponding reason. A permission of leave may, however, not be granted on these grounds until half of the term of imprisonment has been served.

## 4 §

*Permission of leave for an important reason*

A permission of leave may be granted, on application, for an important reason or to attend an outside event if the preconditions referred to in section 2 (2) and (3) are fulfilled and the

granting of the permission is important with regard to attending to the family, health care, subsistence, work, training, social or housing issues of the prisoner or for another corresponding reason.

If the prisoner applies for a permission of leave for a reason relating to health care, a statement of a physician or, in his or her absence, of another official belonging to the health-care staff shall be requested on the permission of leave.

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

#### 5 §

##### *Leave for a particularly important reason*

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

Permission may be denied if denial is necessary in order to prevent an escape, a release attempt or a new offence or for another corresponding weighty reason.

#### 6 §

##### *Permission of leave under escort*

Notwithstanding the provisions of sections 2 and 3, a prisoner may be granted a permission of leave under escort or under the necessary supervision to attend 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 the Act may be granted a permission of leave for a reason referred to in section 4 or 5 only under escort.

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

#### 7 §

##### *Length of the permission of leave*

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

The permissions of leave referred to in sections 4 and 5 above shall be granted for a period necessarily required to attend to the issues forming the basis of the permission.

Reasonable travel time shall be added to the overall duration of the permission of leave.

#### 8 §

##### *Conditions relating to a permission of leave*

Conditions may be attached to a permission of leave relating to moving outside the prison, the grounds for the permission of leave, intoxicant abstinence, supervision, the behaviour of the prisoner and his or her return to the prison.

The permission of leave shall be issued in writing. The decision shall note the conditions of

the permission of leave as well as the possible consequences for a breach of the conditions.

9 §

*Withdrawal of a permission of leave and breach of the conditions*

If the preconditions for the granting of a permission of leave are no longer fulfilled after a decision has been made thereon, the permission may be withdrawn. A disciplinary punishment referred to in chapter 15, section 4 (1)-(3) may be imposed on a prisoner who breaches the conditions of the permission of leave. Chapter 3, section 7 applies to calculation as term of sentence.

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

10 §

*Costs*

The prisoner pays the travel costs of the permission of leave.

The travel costs of a permission of leave granted on the grounds referred to in sections 5 and 6 above shall be paid from State funds. Also the travel costs of another permission of leave may be paid from State funds if this is justifiable due to the lack of means of the prisoner or to the reason for the permission of leave.

11 §

*Decision-making power*

The prison director or an official in charge of security or operations appointed by him or her decides on permission of leave, its withdrawal and the bringing forward of the date referred to in section 3, subsection 3.

The Criminal Sanctions Agency, however, decides on the permission of leave if the permission:

- 1) is applied for on the basis of sections 2-5 by a prisoner serving a life sentence or a full sentence; or if
- 2) the permission is applied for for a country other than Finland.

By its decision, the Criminal Sanctions Agency may transfer the decision-making power referred to in subsection 2 to the prison director.

12 §

*Further provisions*

Further provisions on the travel time, the compensation for the travel costs of permissions of leave and the procedure for permissions of leave shall be issued by a Decree of the Council of State. The Criminal Sanctions Agency shall issue further regulations on the calculation of the number and duration of permissions of leave.

**PART V**

## DISCIPLINE, SUPERVISION AND INSPECTION

### Chapter 15

#### Prison order and discipline

##### 1 §

##### *Prison rules*

A prison shall have prison rules which contain more specific regulations than the provisions of this Act and the provisions and orders issued thereunder on movement within the area of the prison and on the keeping of the premises locked, on wards, the arrangement of visits and the use of the telephone as well as of free-time activities, the possession of property as well as on other corresponding individual issues relating to the maintenance of prison order and the arrangement of operations.

##### 2 §

##### *Behaviour of a prisoner*

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

##### 3 §

##### *Disciplinary infractions*

A disciplinary punishment may be imposed on a prisoner if the prisoner makes himself or herself guilty of a *disciplinary infraction*. Disciplinary infractions include:

- 1) commitment of an offence in prison or otherwise under the supervision of an official of the Prison Service, for which the maximum expected punishment is a fine;
- 2) unauthorised exit from an open institution or a health-care institution;
- 3) breach of the provisions of this Act or a Decree of the Council of State issued thereunder or of a regulation issued by the Criminal Sanctions Agency specifying them;
- 4) breach of the prison rules referred to in section 1 provided that the prison rules expressly state that the infraction may be punishable by a disciplinary punishment;
- 5) breach of the conditions set on a permit or placement referred to in chapter 8, sections 6 or 9 or on a permission of leave referred to in chapter 14; and
- 6) failure to obey a request or order issued by an official of the Prison Service within his or her authority to maintain prison order and security.

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

##### 4 §

##### *Disciplinary punishments to be imposed on a prisoner*

Unless a reprimand is deemed a sufficient sanction, the following may be imposed on a prisoner as a disciplinary punishment:

- 1) a caution;
- 2) a restriction of the right to participate in free-time activities, the use of money or other means of payment or the possession of property for a maximum period of thirty days (*loss of rights*); or
- 3) placement in solitary confinement for a maximum period of 14 days (*solitary confinement*).

The loss of rights may not prevent the prisoner from maintaining contacts with the outside world.

#### 5 §

##### *Joint disciplinary punishment*

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

If, after the imposition of the disciplinary punishment, it becomes evident that the prisoner has committed another disciplinary infraction prior to the imposition of the disciplinary punishment, a disciplinary punishment shall be imposed separately for this infraction unless the disciplinary punishment imposed for the infraction detected earlier is deemed a sufficient sanction.

#### 6 §

##### *A conditional disciplinary punishment*

A disciplinary punishment other than a caution may be ordered conditional with a trial period of a minimum of one month and a maximum of three months. Unless the prisoner commits a new infraction during the trial period, the disciplinary punishment lapses.

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

#### 7 §

##### *Measuring of a disciplinary punishment*

When deciding on the imposition, measuring and conditional nature of a disciplinary punishment, consideration shall be taken of the nature, seriousness, wilfulness and planned nature of the disciplinary infraction, the previous disciplinary infractions of the prisoner, the causes for the disciplinary infraction, a considerably long period of time since the disciplinary infraction, the aim of the prisoner to prevent or eliminate the effects of the disciplinary infraction, his or her efforts in promoting the investigation of his or her disciplinary infraction, the state of health of the prisoner as well as the precautionary measures imposed on the prisoner for the infraction and the other consequences of the act.

#### 8 §

##### *Solitary confinement*

Solitary confinement involves a restriction of the possession of property and



contacts, the use of the library, the following of radio and television programmes as well as of hobbies and free-time activities. Exceptions may be made to the restrictions if there is reason thereto considering the circumstances of the prisoner. The right of a prisoner to visits and to outdoor exercise may be restricted only if the visit or outdoor exercise endangers the safety of the prisoner or of others.

If a prisoner has been in solitary confinement continuously for 14 days, a new solitary confinement may not be enforced until seven days have elapsed from the end of the previous sanction.

The physician or another official belonging to the health-care staff shall be notified of placement in solitary confinement as soon as possible. If solitary confinement of over seven days is imposed on a prisoner, the health-care staff shall be heard on the matter. If the enforcement endangers the health of the prisoner, it shall be deferred or enforcement already commenced shall be interrupted.

## 9 §

### *Investigation of a 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, in which the infraction shall be investigated in the manner required by its nature and degree of seriousness.

The parties to 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 cause.

In connection with the investigation of the disciplinary infraction, a well-founded claim of a prisoner regarding the guilt or involvement of the staff in the offence shall be referred to the police for investigation.

## 10 §

### *Hearing of a disciplinary matter and enforcement of a disciplinary punishment*

A disciplinary matter of a prisoner shall be handled and a disciplinary punishment imposed on a prisoner shall be enforced without delay and without arousing unnecessary attention.

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

If a prisoner is transferred from an open institution to a closed prison due to a disciplinary infraction, the disciplinary infraction may be handled and the disciplinary punishment imposed also in the placement unit or in the receiving prison.

## 11 §

### *Hearing of a prisoner*

The prisoner shall be heard when investigating a disciplinary infraction. The prisoner shall be reserved an opportunity to prepare his or her defence and to present evidence to support his or her account. Chapter 4, section 4, subsection 2 applies to interpretation.

## 12 §

### *Recording*

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

## 13 §

*Lapsing of a disciplinary punishment*

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

## 14 §

*Segregation of a prisoner during the investigation*

When investigating a disciplinary infraction of a prisoner and waiting for the decision on the imposition of a disciplinary punishment, the prisoner may be segregated from other prisoners if this is necessary in order to maintain order or for another special reason. The segregation may not exceed seven days.

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

## 15 §

*Imposition of a disciplinary punishment*

A matter concerning a disciplinary punishment shall be handled in oral procedure in the presence of the prison director, the official in charge of security, the prisoner and an impartial witness.

The prisoner shall be reserved an opportunity to present his or her own account as well as evidence to support it.

## 16 §

*Decision-making power*

The director of the regional prison confirms the prison rules.

The prison director decides on supervision and keeping of the prison premises locked.

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

The official in charge of security decides on imposition of a caution and the investigation of a disciplinary infraction. The official in charge of security or, if the matter cannot be postponed, an official in a senior supervisory position decides on segregation of a prisoner referred to in section 14.

The provisions of section 16 of the Criminal Investigations Act (449/1987) apply to disqualification.

## 17 §

*Appeal and ban on enforcement*

Chapter 20 applies to the right of a prisoner to appeal against a disciplinary punishment imposed on him or her and the effects of an appeal on the enforcement of the disciplinary punishment.

18 §

*Further provisions*

Further provisions on the investigation and recording of a disciplinary infraction shall be issued by a Decree of the Council of State.

Further regulations on the enforcement of a disciplinary punishment shall be issued by the Criminal Sanctions Agency.

**Chapter 16**

**Inspection of prison premises and a prisoner**

1 §

*Supervision in prison*

Prisoners and the premises used by prisoners shall be supervised in the manner required by prison order, the security of imprisonment, the safety of prisoners and other persons as well as by the prevention of escape or unauthorised exit from an open institution and the prevention of an offence.

A prison shall have the alarm systems and other technical security systems required by security.

2 §

*Inspection of accommodation premises and property*

The accommodation premises of prisoners and the property in their possession and in the area of the prison may be inspected in order to maintain prison order and security or to investigate a suspected disciplinary infraction. Chapter 9 applies to the possession of utility articles, money and other means of payment as well as of other property.

3 §

*Security check of a prisoner*

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

The security check of a prisoner may be implemented by using a metal detector, another technical device or a trained dog, by a pat-down search or in another corresponding manner in order to ensure that the prisoner does not carry on his or her person an article or substance:

- 1) which may be used to endanger the safety of a person or to cause a serious threat to prison order;
- 2) which is especially suitable for damaging property, or
- 3) the possession of which is otherwise forbidden 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.

## 4 §

*Body search*

A prisoner may be subjected to a body search if:

- 1) the prisoner is suspected of possessing unlawful articles or substances referred to in chapter 9, section 1, subsection 1 or 2 or if
- 2) the body search is necessary in order to prevent an escape or unauthorised exit from an open institution, to deter a threat to prison order or security, to investigate a suspected disciplinary infraction or in connection with entering or returning to prison or with an unsupervised visit.

A body search covers a search of what the prisoner has in his or her clothes or otherwise on his or her person.

## 5 §

*Special search*

A special search may be carried out in the prison or in a ward or other premises thereof if this is necessary in order to combat a serious threat endangering prison order or security or to find unlawful articles or substances referred to in chapter 9, section 1, subsection 1 or 2.

When a special search is carried out in a ward or other premises of the prison, all prisoners placed in the ward or staying in the premises searched may be subjected to a body search.

## 6 §

*Body cavity search*

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

A body cavity search includes a search of body cavities, the taking of a sample or another examination of the body.

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

## 7 §

*Intoxicant abstinence control*

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

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

An unsupervised visit, placement in a contract ward, a permission of leave, a study permit and a permission to civilian work, a permission for supervised activities outside as well as placement in an open institution or an outside institution may be made conditional on the prisoner, on request, giving a urine or saliva sample or taking a breath analyser test.

A prisoner who, without justifiable reason, refuses to give a urine or saliva sample or to take

a breath analyser test may be subjected to a blood test.

8 §

*Keeping property separate*

If a Prison Service authority has reason to suspect the legal origin of money and other means of payment or of other property, the property may be kept separate until the police makes a decision on the matter on the basis of a notification referred to in chapter 19, section 1.

9 §

*Procedure and recording of decisions*

A body search shall be conducted in the presence of a witness. If the body search requires undressing, the person conducting the body search and the witness shall be of the same sex as the person subject to the search. When a prisoner is outside the prison under the direct supervision of a Prison Service official, a body search may, however, be conducted without the presence of a witness if the matter cannot be postponed.

If a body cavity search is conducted by a person who is not a member of the health-care staff, a witness shall be present. Otherwise the provisions of chapter 5, section 12, subsections 3 and 4 of the Coercive Measures Act apply to the conduct of a body cavity search.

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

A record shall be drawn up of a body search, a body cavity search and a special search, the more specific contents of which shall be provided for by a Decree of the Council of State. Observations regarding intoxication and the conducting of a security check during transport shall be entered on a form complying with the lay-out confirmed by the Criminal Sanctions Agency.

10 §

*Decision-making power*

An official in a senior supervisory position or, in case the matter cannot be postponed, an official in guidance or supervisory tasks decides on a security check, body search and intoxicant abstinence control of a remand prisoner.

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

The prison director decides on a body cavity search.

## **Chapter 17**

### **Inspection of another person**

1 §

*Entry to the prison*

No one may be permitted to enter a prison without an appropriate permit or reason.

Entry into the prison may be made conditional on leaving 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 moving in the area of the prison may also be made conditional on proving one's identity. A person moving in the area of the prison may also be subjected to other conditions necessary for the maintenance of order or security.

Entry into the prison or moving in the area of the prison may be denied to any person who does not comply with an order issued to him or her or a condition imposed on him or her under subsection 2 or who refuses to submit to the security check referred to in section 2. No person who, due to intoxication, threatening behaviour or another corresponding reason, may endanger prison order or security may be allowed entry into the prison. In addition, the provisions of chapter 13, section 4 apply to refusal of entry to a visitor.

## 2 §

### *Security check in the area of the prison*

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

In the security check, a person entering the prison or moving in the prison or in its area, the goods in his or her possession or a vehicle used by him or her and located in the area of the prison may be inspected by using a metal detector, another technical device or a trained dog, by a pat-down search or in another corresponding manner in order to ensure that the person does not carry on his or her person an article or substance

- 1) which may be used to endanger the safety of a person or prison order;
- 2) which is especially suitable for damaging property, or
- 3) the possession of which is otherwise forbidden 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 an inspection if the inspection cannot be conducted in the manner referred to in subsection 2.

## 3 §

### *Body search of a visitor*

If there is a justifiable reason to suspect that the intention is to hand over substances or articles referred to in section 2, subsection 2 during the visit, the visit to the prisoner may be made conditional on the visitor consenting to a body search.

The provisions of chapter 13, section 4 apply if the visitor refuses to undergo a body search.

A body search covers a search of what the visitor has in his or her clothes or otherwise on his or her person.

## 4 §

### *Removal of articles and substances*

An official in guidance or supervisory tasks conducting a security check or a body search has the right to remove an article or substance referred to in section 2, subsection 2 found in the check or search or otherwise.

The removed articles and substances shall be handed over to the police or, unless there is an impediment thereto under the law, returned to the person checked or searched upon his or her exit from the prison.

## 5 §

*Removal from the area of the prison*

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 or chapter 13, section 4 may be removed from the prison or from its area.

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

## 6 §

*Apprehension and detention*

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

If the apprehended person cannot be handed over to the police without delay, he or she may be kept in detention in accordance with instructions issued by the police until the arrival of the police, however, at most for four hours.

The decision on detention shall be made in writing. The person shall be notified of the grounds for the apprehension and detention.

## 7 §

*Procedure and recording of decisions*

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

The person subject to the check or search shall be notified of the grounds for the check or search. A witness shall be present in a body search. If the body search requires undressing, it shall be conducted in separate premises and the person conducting the body search and the witness shall be of the same sex as the person subject to the search.

A record shall be drawn up of a body search.

## 8 §

*Decision-making power*

An official in a senior supervisory position or, in case the matter cannot be postponed, by official in prisoner guidance or supervisory tasks decides on a security check and refusal of entry into the prison.

An official in a senior supervisory position decides on a body search and removal from the prison of a visitor. The prison director decides on detention of an apprehended person.

## 9 §

*Further provisions*

Further provisions on the record of a body search as well as on the record of a decision on removal from the area, apprehension and detention shall be issued by a Decree of the Council

of State.

## Chapter 18

### Precautionary measures and the use of force

#### 1 §

##### *Precautionary measures*

Precautionary measures include restraint, observation, isolation under observation as well as segregation as provided for in this chapter.

Instead of precautionary measures, the aim shall be primarily to use other means than those that restrict liberty to calm down a prisoner or to prevent an offence or an endangering event.

#### 2 §

##### *Restraint*

The immediate freedom of action of a prisoner may be restricted by handcuffing, by using a plastic cuff or in another 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 which may endanger the safety of the prisoner or another person or cause serious damage to property;
- 3) to deter threatening violence; or to
- 4) secure a body cavity search.

The restraint may not continue longer than necessary. If a prisoner is restrained under subsection 1 (2), a physician shall be heard, where possible. When a prisoner is heard in court, the restraining shall be terminated unless the chairman orders otherwise for a special reason. The restraining shall also be terminated if this is necessary in order to perform a medical procedure.

#### 3 §

##### *Observation*

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

- 1) in order to monitor the state of health of an intoxicated prisoner or a prisoner suffering from withdrawal symptoms resulting from the use of intoxicants and to ensure his or her safety;
- 2) to prevent suicide or suicidal behaviour; or to
- 3) 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.

An official belonging to the health-care staff shall be notified of the placement under observation without delay. The state of health of the prisoner shall, as soon as possible, be examined by a physician or another official belonging to the health-care staff. The prisoner shall be monitored closely with technical monitoring systems and otherwise.

Placement under observation may not continue longer than necessary and not over seven days. The placement under observation may, however, be continued if this is necessary for a



reason referred to in subsection 1 (1). The placement under observation shall be reconsidered at intervals, the length of which may not exceed seven days.

#### 4 §

##### *Isolation under observation*

If there is a justifiable reason to suspect that, while in prison or upon entering it, a prisoner has in his or her body unlawful substances or articles referred to in chapter 9, section 1, subsection 1 or 2, he or she may be placed in a room or cell where he or she and the departure of the unlawful substances or articles from his or her body can be monitored 24 hours a day with technical monitoring systems or otherwise.

The isolation under observation may be continued until the unlawful substances or articles have departed from his or her body or until there otherwise no longer is a reason for the isolation. The isolation under observation may, however, not last over seven days. Should isolation under observation endanger the health of the prisoner, the isolation shall be interrupted. If substances or articles referred to in subsection 1 have been detected in the body of the prisoner in a body cavity search, the isolation under observation may be continued even after the maximum period of seven days, however, for a maximum of seven days.

An official belonging to the health-care staff shall be notified of placement in isolation under observation without delay. The state of health of the prisoner shall, as soon as possible, be examined by a physician or another official belonging to the health-care staff. The prisoner shall be monitored closely with technical monitoring systems and otherwise.

#### 5 §

##### *Segregation*

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

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

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

Segregation may not be continued longer than necessary. A decision on segregation shall be taken for reconsideration at intervals, the length of which may not exceed 30 days.

#### 6 §

##### *Use of force*

While performing his or her official duties, an official of the Prison Service has the right to use force in the prison, in its area or immediate vicinity, during the transport of a prisoner as well as in activities supervised by the Prison Service:

- 1) in order to prevent a prisoner from escaping or exiting unauthorised, to break resistance and to perform a supervisory, inspection and precautionary measure referred to in this chapter or in chapter 16;

2) to prevent an entry into the prison referred to in chapter 17, to take possession of articles or goods, to remove from the area as well as to carry out apprehension and detention as well as

3) at the threat of an offence directed at life or health or at the threat of another act or event endangering the health of a person, in order to prevent unauthorised entry, to remove an obstacle or to stop a vehicle.

The force shall be necessary and justifiable with regard to the circumstances. In assessing the justifiability, consideration shall be taken of the importance and urgency of the task, the dangerousness of the resistance, the resources available as well as any other issues with an effect on the overall assessment. Instruments of force may be used only by an official who has received the relevant training.

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

The provisions of chapter 4, section 6, subsection 3 and section 7 of the Criminal Code apply to excessive use of force.

## 7 §

### *Provisions on procedure*

A decision on placement in isolation under observation and segregation of a prisoner shall be made in writing. When making a decision on segregation, the prisoner shall be heard. The prisoner shall be notified of the grounds for the measure.

When deciding on restraint referred to in section 2, subsection 1 (2) or (3), the use of instruments of force or placement in isolation under observation, the reason for and duration of the measure shall be recorded.

## 8 §

### *Decision-making power*

An official in a senior supervisory position or, if the matter cannot be postponed, an official in guidance or supervisory tasks decides on restraint. An official in charge of security or, if the matter cannot be postponed, an official in a senior supervisory position decides on placement in observation and isolation under observation. The prison director decides on segregation of a prisoner.

## 9 §

### *Further provisions*

Further provisions on the enforcement of observation, isolation under observation and segregation as well as on the instruments of force, the instruments of restraint and the recording of decisions referred to in section 8 shall be issued by a Decree of the Council of State. The Criminal Sanctions Agency shall issue further regulations on training in the use of precautionary measures as well as in the use of force and the instruments of force.

## **Chapter 19**

## **Notifications and submission of information**

### 1 §

#### *Notification of property, money, other means of payment and a social benefit*

If, on the basis of circumstances discovered in connection with the supervision of prisoners or other attendance to the tasks of the Prison Service, there is reason to suspect the legal origin of money and other means of payment or of other property, the matter shall be reported to the police.

If, on the basis of circumstances discovered in connection with the tasks referred to in subsection 1, there is reason to suspect that a prisoner has been unjustifiably paid an unemployment benefit, a national pension-insurance benefit or another corresponding social benefit, the authority that has granted the benefit shall be notified thereof for investigation of the matter.

### 2 §

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

The police, other pre-trial investigation authority or the prosecutor may be notified of the contents of a letter, another postal item or message sent or received by a prisoner or of a telephone call of a prisoner if this is necessary in order to prevent or clear an offence. Under the same preconditions, a copy referred to in chapter 12, section 2 or a recording referred to in section 7 of the same chapter may be submitted.

### 3 §

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

The provisions of the Act on the Status and Rights of a Patient shall be complied with in notifying of the state of health of a prisoner.

The competent authorities as well as a close relative, another close person or a person indicated by a prisoner shall be notified of the death of the prisoner.

### 4 §

#### *Notification of a permission of leave and release*

The injured party or another person may be notified of the release and the exit of a prisoner if, on the basis of the behaviour of the prisoner or the threats made by him or her, there is a justifiable reason to suspect that the prisoner will commit an offence directed at the life, health or liberty of the said person or a person close to the said person. Notification may be made also to persons with regard to whom a restraining order has been imposed on the prisoner in accordance with the Act on the Restraining Order (898/1998).

The notification 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 subsection 1.

### 5 §

#### *Notifications to the police*

The Prison Service authorities may notify the police of:

- 1) the reception of a prisoner in a prison;
- 2) the transfer of a prisoner to another prison;
- 3) the participation of a prisoner in an activity outside the prison;
- 4) the withholding of a letter, another postal item or a message;
- 5) a visit to the prisoner, denial of a visit, a visit under special supervision and a prohibition to visit;
- 6) a permission of leave of a prisoner;
- 7) a disciplinary punishment imposed on a prisoner;
- 8) a security check of a prisoner or of another person;
- 9) apprehension and detention;
- 10) segregation of a prisoner;
- 11) an escape or unauthorised exit of a prisoner; as well as of
- 12) the release of a prisoner.

#### 6 §

##### *Notification to the prosecutor*

If a prisoner is charged in court with an offence, the disciplinary punishment for which he or she has served in full or in part or with an offence for which a disciplinary punishment has been imposed on the prisoner in the 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 2 c, section 4, subsection 3 of the Criminal Code relating to the application of the provision on the maximum aggregate term of imprisonment of a fixed term sentence.

#### 7 §

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

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

#### 8 §

##### *Submission of information to a unit carrying out a mental examination*

The Prison Service authorities ha the right to submit to a unit carrying out a mental examination information on the prisoner thaet is necessary for the implementation of the mental examination.

#### 9 §

##### *Notification of a bodily injury or property damage*

An official of the Prison Service shall, without delay, notify the prison director or his or her other superior of a bodily injury or of property damage caused in connection with attending to an official duty. In connection with a bodily injury care shall be taken that the injured party 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 an official of the Prison Service shall, without delay, be arranged a possibility to be examined by a physician or another person

belonging to the health-care staff.

The costs arisen from the measures referred to in subsection 1 shall be paid from State funds.

10 §

*Right to secrecy*

As a witness in a trial or in pre-trial investigation, an official of the Prison Service does not have an obligation to disclose the identity of a prisoner who has submitted to him or her, while he or she was performing his or her official duty, a confidential tip-off, if the tip-off relates to an offence, the maximum sentence for which 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 secrecy if the person who has submitted the tip-off consents to the disclosure of his or her identity or if it is evident that the disclosure of this information does not endanger his or her safety or the safety of his or her close relative or another close person.

The court may, however, order that the identity of the prisoner who has given the tip-off be disclosed when the prosecutor is proceeding with a charge for an offence, the punishment for which may be six years of imprisonment or a more severe punishment, provided that the clearing of the offence necessarily requires it and that the disclosure of the information cannot justifiably be presumed to cause a serious danger to the safety of the person who has submitted the information, his or her close relative or another close person.

11 §

*Decision-making power*

The prison director or an official in charge of security appointed by him or her decides on the submission of the notification or information referred to in sections 1, 2, 4, 5 and 8.

12 §

*Further provisions*

Further provisions on notifications and the submission of information shall be issued by a Decree of the Council of State.

**PART VI**

**OTHER PROVISIONS**

**Chapter 20**

**Appeal**

*Appeal to the District Court*

1 §

*Right to appeal to the District Court*

A prisoner has the right to appeal to the District Court against a decision whereby conditional release has been postponed under chapter 2 c, section 9 of the Criminal Code.

Section 9 of this chapter contains provisions on a claim for rectification to the director of a regional prison and section 12 contains provisions on the right to appeal to the Administrative Court.

2 §

*Competent court*

The competent court is the District Court of the municipality, within the judicial district of which the decision referred to in section 1, subsection 1 has been made. The District Court where an appeal is pending may reassign the issue to the District Court of the place where the disciplinary infraction was committed or where the prisoner is located or to another District Court which is deemed suitable on the basis of the clarification presented, the costs arising from the proceedings or of other circumstances.

The District Court has a quorum when consisting of the Chairman alone. The session may be held at another time and in another place than that provided for on a session of a general lower court.

3 §

*Lodging of an appeal*

The appeal shall be lodged in writing within one week from the date on which the prisoner is served notice of the decision with appeal instructions. The letter of appeal shall be submitted to the prison director.

The prison director shall, without delay, submit the letter of appeal to the registry of the District Court as well as append it with copies of the documents on the case and his or her own account. When the Criminal Sanctions Agency decides on the postponement of conditional release, the documents on the case and the account shall be submitted by the Criminal Sanctions Agency. When submitting the documents to the District Court, the date of arrival of the letter of appeal shall be indicated.

The appeal becomes pending in the District Court when the documents referred to in subsection 2 arrive in the registry of the District Court. The court shall, without delay, notify the appellant and the party who has made the decision of the date and place of the hearing as well as of the consequences of the absence of the appellant.

If the prisoner has submitted the letter of appeal directly to the competent court within the time set, he or she shall not forfeit his or her right to speak.

4 §

*Setting a new time limit*

If, due to a legal impediment or for another acceptable reason, a party to the matter cannot lodge the appeal within the time set, the District Court shall, on application, set a new time limit for lodging of appeal.

A request for a new time limit shall be made to the District Court by a written application, which shall be submitted to the prison director within one week from the termination of the impediment. The application shall be appended with an account of the impediment or other

reason forming the basis for the application.

If the prisoner has submitted the letter of appeal directly to the competent court within the new time limit set, he or she shall not forfeit his or her right to speak.

#### 5 §

##### *Effects of the appeal on enforcement*

The appeal does not interrupt the enforcement of a decision referred to in section 1, subsection 1 unless the court orders otherwise.

#### 6 §

##### *Duties of the decision-maker*

When a decision referred to in section 1, subsection 1 is made, the prisoner shall simultaneously be issued written appeal instructions indicating the appellate court and the date set for the lodging of the appeal as well as explaining the procedure to be complied with when lodging the appeal.

The prison director shall ensure that the prisoner has a possibility to draw up a letter of appeal and that he or she can participate in the hearing of the appeal in court.

#### 7 §

##### *Main hearing in a District Court*

The decision-maker or an official representing him or her shall be present in the District Court in the hearing of the appeal. The appellant has the right to be present in the District Court. The appeal may be heard notwithstanding the absence of the appellant unless the District Court deems that his or her hearing in person is necessary.

The District Court shall ensure that the matter is heard thoroughly. An appeal shall be heard as an urgent matter.

The provisions on criminal procedure shall apply otherwise to the hearing of the matter, where applicable.

#### 8 §

##### *Prohibition of appeal*

The decision of the District Court is not subject to appeal.

##### *Claim for rectification to the director of the regional prison and appeal to the Administrative Court*

#### 9 §

##### *Matters subject to appeal*

A claim for rectification to the director of the regional prison and an appeal to the Administrative Court may be made against the following decisions:

1) postponement of enforcement on health-related grounds referred to in chapter 2, section 3, postponement of enforcement for other than health-related grounds referred to in section 4, cancellation of a postponement referred to in section 6 and granting of respite referred to in section 7 of the chapter;

2) admission of a child of a prisoner in prison referred to in chapter 4, section 10;

3) segregated accommodation on own request referred to in chapter 5, section 3 and placement in a high-security ward referred to in section 6 of the chapter,

4) transfer from an open institution to a closed prison referred to in chapter 6, section 2, subsection 1 (1)-(3);

5) the possession of property referred to in chapter 9, section 1 and the use of money referred to in section 4, subsections 1, 2 and 4 of the chapter;

6) the withholding of a letter or postal item referred to in chapter 12, section 5;

7) prohibition to visit referred to in chapter 13, section 6;

8) permission of leave for a particularly important reason referred to in chapter 14, section 5;

9) a caution, loss of rights and solitary confinement sanction referred to in chapter 15, section 4 (1)-(3);

10) segregation referred to in chapter 18, section 5; and

11) revocation of the probationary liberty referred to in chapter 2 c, section 8 of the Criminal Code.

A visitor to a prisoner has the right to claim rectification and to appeal against the decision referred to in subsection 1 (7).

#### 10 §

##### *Claim for rectification*

The claim for rectification shall be lodged in writing within one week from the date on which the prisoner has been served notice of the decision with instructions regarding rectification claims. The claim for rectification shall be submitted to the authority that made the decision.

#### 11 §

##### *Deciding on a claim for rectification*

The claim for rectification shall be decided by the director of the regional prison.

The claim for rectification shall be heard as an urgent matter.

The provisions of the Administrative Procedure Act apply otherwise to the hearing of the matter.

#### 12 §

##### *Lodging of an appeal*

A decision by the director of a regional prison may be appealed to the Administrative Court. The appeal shall be made to the Administrative Court of the judicial district where the decision was made by the director of the regional prison.

When the decision subject to appeal is made by the director of a regional prison or the Criminal Sanctions Agency, the appeal shall be made to the Helsinki Administrative Court without the rectification claim procedure referred to in sections 10 and 11.

The appeal shall be made within 14 days from receipt of the notification of the decision.



## 13 §

*Effect of a rectification claim and an appeal on enforcement*

The lodging of a rectification claim or an appeal does not interrupt the enforcement of a decision referred to in section 9 unless the director of the regional prison hearing the rectification claim or the Administrative Court hearing the appeal decides otherwise.

## 14 §

*Hearing of the appeal in the Administrative Court*

When hearing an appeal, one member of the Administrative Court constitutes a quorum. The appeal does not interrupt the enforcement of the decision unless the Administrative Court decides otherwise. An appeal shall be handled as an urgent matter.

The decision of the Administrative Court is not subject to appeal.

The provisions of the Administrative Judicial Procedure Act (586/1996) apply otherwise to the hearing of the matter.

## 15 §

*Legal aid*

A prisoner may be granted legal aid in a matter referred to in sections 1 and 9 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.

## 16 §

*Further provisions*

Further provisions on the lodging of a claim for rectification shall be issued by a Decree of the Council of State.

**Chapter 21****Release**

## 1 §

*Determination of the date of release of a prisoner*

A prisoner shall be released on the last day of the term of imprisonment determined in accordance with the provisions of chapter 3, sections 1-7 as well as with the provisions on conditional release of chapter 2 c of the Criminal Code.

Notwithstanding the provisions of subsection 1, a prisoner serving a sentence other than a fine-conversion sentence may be released to probationary liberty under supervision referred to in chapter 2 c, section 8 of the Criminal Code prior to the date of release referred to in subsection 1.

Chapter 2 c of the Criminal Code applies to conditional release and probationary liberty. The Constitution of Finland (731/1999) applies to the pardon of a prisoner.

## 2 §

### *Decision-making power*

The prison director decides on a conditional release in accordance with chapter 2 c, section 5 of the Criminal Code, on the postponement of conditional release in accordance with section 9, subsection 1 and on the ordering of supervision referred to in section 4 of the Act on Supervision of Conditional Release as well as on the consequences of a violation of probationary liberty under supervision.

The director of the placement unit decides on placement in probationary liberty under supervision referred to in chapter 2 c, section 8 of the Criminal Code and on its cancellation.

The Criminal Sanctions Agency decides on the postponement of a conditional release without the consent of the prisoner referred to in chapter 2 c, section 9, subsection 2 of the Criminal Code. The Criminal Sanctions Agency decides also on ordering to probationary liberty under supervision referred to in section 8 of the same chapter as well as on the cancellation of probationary liberty under supervision and the other consequences of a violation of probationary liberty under supervision in the case of a life sentence referred to in section 10, subsection 3 of the same chapter or the serving of a full sentence referred to in sections 11 and 12 of the same chapter.

The Probation Service shall be liable to draw up the supervision plan referred to in section 5 of the Act on the Supervision of Conditionally Released Prisoners.

## 3 §

### *Further provisions*

Further provisions on the supervision and implementation of probationary liberty under supervision and conditional release referred to in chapter 2 c of the Criminal Code as well as on the determination of the term of imprisonment and the date of release shall be issued by a Decree of the Council of State. The Criminal Sanctions Agency shall issue further regulations on the release of a prisoner.

## **Chapter 22**

### **Provisions on entry into force and transitional provisions**

## 1 §

### *Further provisions on implementation*

Further provisions on the implementation of this Act may be issued by a Decree of the Council of State.

## 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 subsequently amended.

### 3 §

#### *Transitional provisions*

The provisions in force at the time that a decision is made on the treatment of a prisoner and on the prohibition to visit apply to the enforcement of the decision. The provisions of this Act apply, however, if the matter is brought to reconsideration due to a breach of conditions, a change in preconditions, a time limit set in the law or for another corresponding reason. The provisions in force at the time this Act enters into force apply to a disciplinary punishment imposed and to a postponement application pending before the Act enters into force.

The provisions of this Act on a plan for the term of sentence apply to the enforcement of an imprisonment sentence enforced after the Act enters into force. The provisions on appeal apply when lodging an appeal against a decision made after the Act enters into force.

The provisions of an Act or a Decree on a penal institution apply, after this Act enters into force, to a prison.

Measures necessary for the implementation of this Act may be taken prior to its entry into force.