

Response

of the Finnish Government to paragraph 26 of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Finland

from 22 September to 2 October 2014

The Finnish Government has requested the publication of this response. The CPT's report on the September/October 2014 visit to Finland is set out in document CPT/Inf (2015) 25.

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European Committee for the Prevention of Torture
Council of Europe
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Reply of Finland

Ref.: CPT's report to the Finnish Government, paragraph 26.

The Committee calls upon the Finnish authorities to take swift and decisive action to stop holding remand prisoners in police prisons. The CPT requests to be provided, within 3 months, with a detailed action plan, comprising precise deadlines and guaranteed financial resources, setting out the precise steps needed to achieve this objective.

The Finnish Ministry of Justice hereby respectfully presents its response to the CPT's request for comments.

The Ministry of Justice set up a working group in February 2014 and assigned, among other things, the following tasks to it:

1. Look into different alternatives to remand imprisonment and assess the possibilities of introducing them. Additionally, look into the possibilities of enhancing the supervision of a travel ban by introducing an electronically monitored travel ban.
2. Look into the possibilities of handing over the responsibility for the detention of remand prisoners from the police to the administrative branch of the Ministry of Justice and estimate, among other things, the needed transfer of resources or supplementary appropriations required by the possible reallocation of the duties.
3. In addition, assess the effects of reallocating the responsibility for detention on the detention conditions of the remand prisoners.

The working group has to also draw up suggestions for necessary functional, organisational, and legislative changes as well as timetables for their realisation. The report has to be written in the form of a government proposal.

The working group has been drafting a legislative amendment according to which the present maximum duration of detaining remand prisoners in police detention facilities would be shortened

from a month to 14 or 7 days. Furthermore, the working group has looked into the possibility of handing over the supervision of remand prisoners in some police detention facilities to the Criminal Sanctions Agency. At the same time, the working group has examined the condition and circumstances of the police detention facilities as well as the possibilities of arranging activities for the remand prisoners outside the cells better than now. A more rapid transfer of the remand prisoners to a prison and the possibility of handing over the supervision of remand prisoners in police detention facilities to the Criminal Sanctions Agency would cause legislative, financial, and administrative consequences, which have not yet been fully reviewed.

The working group has looked into different alternatives to remand imprisonment used in other countries and assessed the possibilities of introducing them in Finland. In particular, the working group has discussed the application of an electronically monitored travel ban and a bail. The working group has already drafted provisions regarding the introduction of an electronically monitored travel ban. It would cut down the total number of remand prisoners to some extent.

In 2014, there were on average 619 remand prisoners in prisons every day. The corresponding daily number of remand prisoners placed in the police detention facilities was on average 80. The daily average number of remand prisoners in police detention facilities has dropped by about 15 remand prisoners since 2010.

Average number of remand prisoners in police detention facilities and in prisons in 2008–2014

Year	In police facilities	In prisons	Total
2008	101	559	660
2009	95	569	664
2010	95	599	694
2011	97	598	695
2012	95	626	721
2013	95	578	673
2014	80	619	699

In 2014, approximately 38 per cent of the remand prisoners were held in the police detention facilities for under 7 days and 67 per cent for under 14 days. The duration of the detention of the remand prisoners in the police detention facilities in 2014 is presented in the following statistics compiled by the National Police Board.

Duration of detention in days	2014 (N)	2014 (%)
0–6	811	37.9
7–13	631	29.5
14–20	348	16.3
21–29	286	13.4
30–59	57	2.7
60–89	2	0.1
90–	5	0.2
Total	2140	100

Approximately 33 per cent of the remand prisoners have been held in the police detention facilities for longer than 14 days. According to the working group's estimate, shortening the maximum duration to 14 days would reduce the number of the remand prisoners in the police detention facilities on average by 26–28 prisoners per day. If the maximum duration was shortened to 7 days, about 62 per cent of the remand prisoners, i.e. 50 remand prisoners, would be transferred to prisons.

According to a report of the Criminal Sanctions Agency, the remand prisoners could be placed in the prisons in Jokela, Vantaa, Mikkeli, Kuopio, Kymälkoski, and Turku as well as in some other prisons. These prisons cannot be expanded to add new facilities for the remand prisoners but some of the sentenced prisoners could be transferred to other prisons. At the moment, there are about 135 vacant prisoner places in Finland but, according to “the Vision of Facilities of the Criminal Sanctions Agency”, the aim is to close some prisons and reduce the number of places by about 120.

The police would be subjected to new expenses for travelling to the prisons for interrogations because in Finland, the prison network is quite sparse and, therefore, the distances are long. To some extent, the travel expenses could be reduced by, for example, arranging supplementary interrogations via video conference connection. The working group estimates that another likely consequence would be a prolonged pre-trial investigation phase. According to the statement given by the National Police Board on 10 June 2015, shortening the duration of the detention of the remand prisoners in the police detention facilities would complicate and delay the practical investigation in many ways.

A more rapid placement of the remand prisoners in a prison would require that the prisons were able to arrange more activities for the remand prisoners than at present. Moreover, the prisons would need better facilities for the police interrogations. Another requirement would be that the prisons would have to have better means to keep those remand prisoners separate from each other who are part of the same crime cluster.

The term of the working group ends on 31 December 2015. After that, the proposals will be circulated for comments for about two months. A government proposal could be submitted in the spring 2016 in which case the reform could enter into force at the beginning of 2017.

The steering group of the remand imprisonment working group met on 10 April 2015. The steering group outlined that the goal is to give up the detention of the remand prisoners in the police detention facilities altogether apart from some exceptions. The timetable will be specified as the remand imprisonment working group has completed its work. As a precondition, the Criminal Sanctions Agency should get additional resources for the daily maintenance costs of about 80 remand prisoners. It is based on the assumption that the number of remand prisoners stays roughly the same or increases moderately. The calculation also relies on that the electronically monitored travel ban will be introduced in 2017. The aforementioned vision of facilities of the Criminal Sanctions Agency, which has not yet reached a final decision, is also related to the placement of the remand prisoners.

Before the abovementioned working group has finished its work and the decisions have been made based on its proposals, it is impossible to specify the timetable of the project. Furthermore, the

economic situation of Finland and the savings targets of several billion euros make it difficult to achieve the goal.

Director General

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