



RISE PRISON AND PROBATION SERVICE
FINLAND

*Workshop: The evolution of high-risk prison regimes –
ensuring safety while respecting human rights and rehabilitation needs*

An outlook on Finnish solutions for managing high-risk prisoners

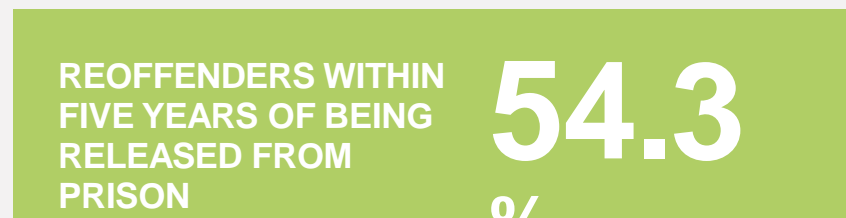
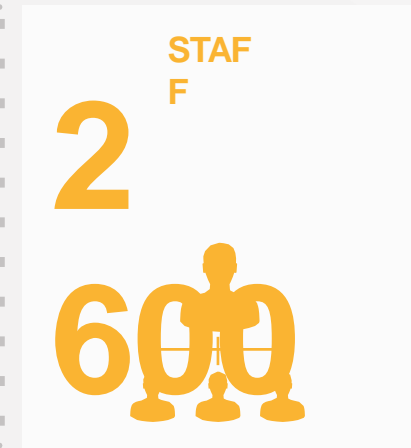
Head of team, Lawyer, Esa-Pekka Hänninen, Prison and Probation
Service Finland, 24.6.2024





The new organisation





Prison and Probation

Service

Director General

Core Operations Department

Internal Audit Unit

**Management Support Unit,
International Affairs Unit,
Communications Unit**

Operations Management Unit

Core Operations Unit

Development and Guidance Department

Strategy Unit

Development and Quality Unit

Judicial Unit

Training Institute

Client Processes Department

Client Assessment Unit

Enforcement Unit

Administration and Support Services Department

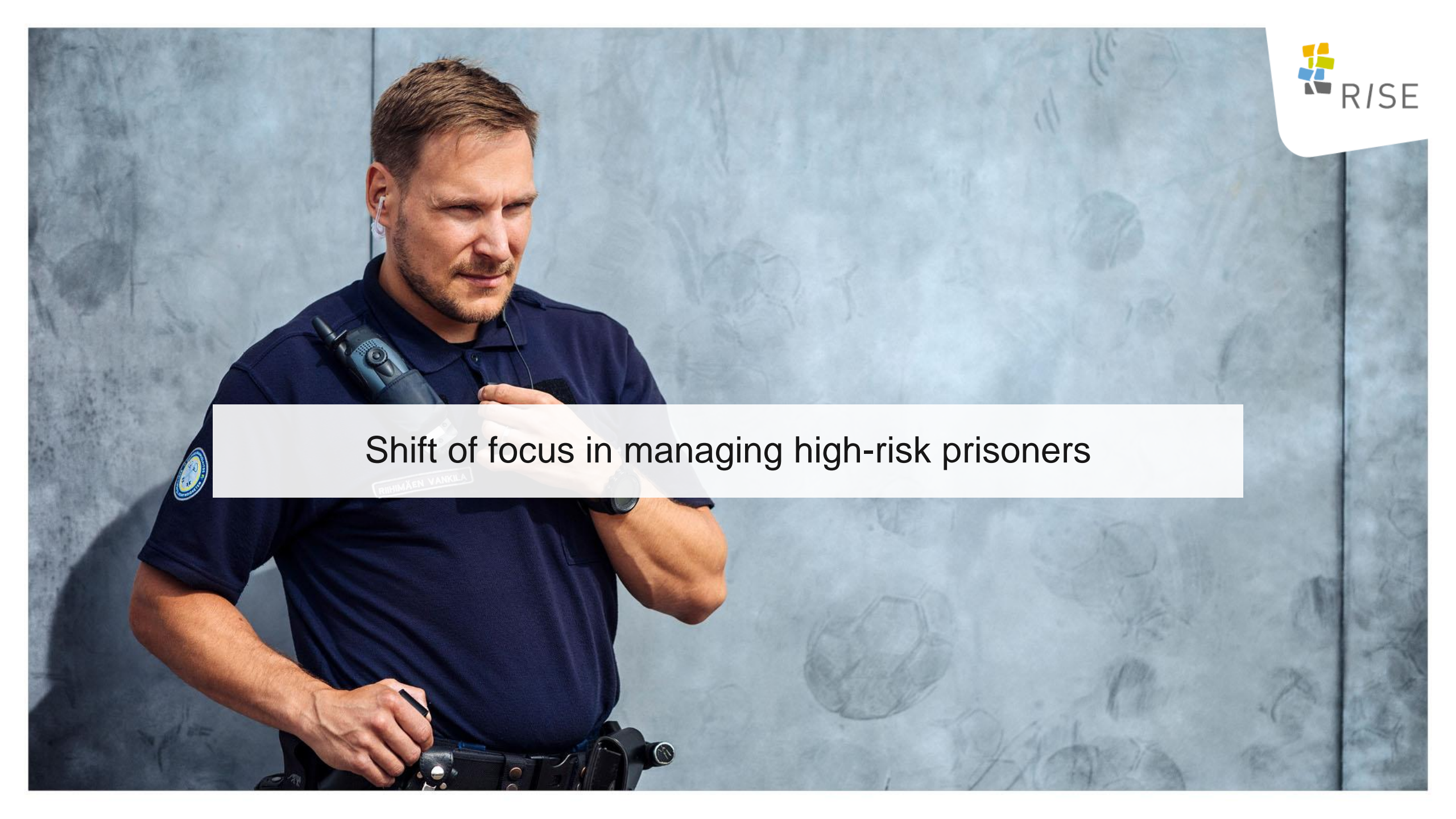
Personnel Unit

Finance Unit

Facilities and Security Technology Unit

Information Services Unit

**11
Prison
and
Probation
Centres**



Shift of focus in managing high-risk prisoners

The shift of focus in managing high-risk prisoners

- In the past, the focus concerning high-risk prisoners in criminal politics in Finland has been mainly on life-term prisoners (mostly convicted for murder) and
- those who are sentenced to fully serve their sentence without the possibility for probation (since 2017 combination sentence → this includes serving whole sentence in prison and a one-year long supervision term)
 - → these prisoners are typically sentenced for aggravated violence
 - → life-term prisoners and combination sentence prisoners have a lot of specialized legislation concerning their prison leaves, participation in activities, release process, etc. → on the other hand, being a part of organized crime is nowhere to be found in the Finnish Imprisonment Act
- In recent years the focus has notably shifted a bit and from prison safety perspective the organized crime members, radicalized prisoners and so-called street gang members (not so strictly organized, members often young and immigrants, “represent” their local part of town) are now being paid a lot more attention to than prisoners who are sentenced for serious violence
 - → The legislation in Finland hasn’t changed but new practices have been adopted in prisons to take on the matter of organized crime

Shift of focus in managing high-risk prisoners

- The transition in focus from violent prisoners to organized crime can be understood through statistics on recidivism:
 - Studies show that only 12,7 percent of life-term prisoners in Finland commit a new crime after being released → After at least 12 years in prison the life-term prisoners often have worked on their possible substance abuse, educated themselves and/or found a job → Therefore they often have the capability to re-integrate into society better than an average prisoner
 - Among organized crime members this rate of recidivism is approximately 90 percent if they haven't seceded from organized crime → organized crime is often a chosen way of life and in many cases the only way for these people to get by in the society
 - Organized crime members often times differ from violent criminals by trying to actively commit crimes during the sentence and this requires more intensive control measures on them than other prisoner groups
 - Violent prisoners seldom commit new crimes during the sentence
 - Life-term prisoners for example demand a lot of resources because of all the law-based requirements for excessive risk for violence-assessments and procedures for their release (releasement trial in Helsinki Court of Appeal) → Are these resources well spent with for example life-term prisoners considering their low recidivism numbers?

Shift of focus in managing high-risk prisoners

- Possible reasons behind this progression in managing high risk prisoners:
 - Organized crime has become increasingly international and professional
 - In the past organized crime used to be in strict control of national organized crime groups, motor cycle gangs, etc.
 - Nowadays organized crime is more often than not led from abroad and the groups are international
 - Immigration
 - New types of organized crime has emerged by immigration → common feature among these groups seems to be that they have very little respect for authorities → the number of foreign remand prisoners has recently jumped approx. 20 percent from 2022 even though the foreign prisoners percentage of all prisoners has risen only a little in the past ten years
 - So-called street gangs in Finland often times consist of second and third-generation immigrants who are now Finnish citizens
 - Free movement all across Europe plays a role in the increase of international organized crime → with all the benefits also the negatives need to be acknowledged



Intensified Supervision Wards

Intensified Supervision Wards

- In march 2022 the Prison and Probation Service Finland established three new intensified supervision wards in three high-security prisons (140 prisoner places) for known organized gang members and criminal influencers. The remand prisoners also have their own intensified supervision wards
 - Organized crime member status is often based on information received from police or courts verdicts and prison staff's sightings
- The purpose of these new intensified supervision wards is to separate the organized crime members and so-called criminal influencers from the rest of the prison population so that the “ordinary” prisoners could serve their sentences safely without the more powerful prisoners harassing them for example by pressuring them to smuggle drugs into the prison or commit assaults on other prisoners against their will.
 - The organized crime members used to force disliked prisoners off the wards and control the daily lives of the wards they were placed in. This was acknowledged as the usual operation mode for organized crime members when they were placed among regular prisoners.

Intensified Supervision Wards

Two main points for establishing intensified supervision wards:

- Now with the new intensified supervision wards, the rest of the prison population have a chance to serve their sentences safely and this helps officials to fulfill the legal requirement of enforcing sentences so that it is safe to society, prison staff and prisoners.
 - “regular” prisoners have given positive feedback on their improved conditions without the pressure from organized crime members
 - Staff has noticed that life on the “regular” wards is now more peaceful than before
 - Discussion is on going whether inclusion with other prisoners or isolation from them would be better for organized crime members in prison especially from prison safety and security perspective → isolation is the answer at the moment
- On the other hand, placing the most difficult prisoners to same wards give officials better possibilities to focus the supervision measures more efficiently and therefore prevent the commission of offences during the term of sentence → different gang members on same wards also needs constant attention in case of conflicts between prisoners in prison and their gangs on the outside

Intensified Supervision Wards

- From rehabilitation point of view, placing the organized crime members to certain wards gives officials the opportunity to focus rehabilitation measures at hand more efficiently.
 - One of the main goals in the sentence plans drafted for every prisoner placed on intensified supervision wards is to support their seceding from organized crime (Exit-programs, motivational conversations, etc. supportive measures).
- The resources to increase the readiness of these prisoners to lead a life without crime and promoting their reintegration into society are limited, however and the more restricted circumstances of intensified supervision wards are often times harmful for reintegration, because chances for prison leaves, meetings with family members and possibilities to communicate with the outside world are far worse than for regular prisoners
 - For example, prison leaves are very rare among prisoners on intensified supervision wards → From the risk management point of view it's been discussed whether it would be better to deny a prison leave and this way manage the risk of committing new crimes outside the prison or grant a leave to a prisoner and manage the risk by trying to reintegrate the prisoner back into society

Intensified Supervision Wards

- Intensified supervision wards face a constant battle between trying to ensure safe enforcement for everyone and yet respect one another's basic and human rights.
 - CPT requires that prisoners should be able to spend at least 8 hours a day outside their cells → On intensified supervision wards this creates huge problems to organize the needed supervision and yet try to create meaningful activities to do for the prisoners outside their cells → The European Convention on Human Rights Article 3 must be taken into account at all times
- There are also challenges from the equal treatment point of view → the placement on a certain ward can't in itself be a basis for restrictions; they have to be always based on an individual consideration

Intensified Supervision Wards

- Placing a prisoner to intensified supervision ward doesn't give the prison officials any extra possibilities to supervise the prisoner for example by monitoring his contacts to the outside world; listening and recording to phone calls or meetings, reading letters etc.
- → However, this group of prisoners is the one that most likely suits the criteria in legislation to monitor their contacts with the outside world → criteria is the same as for everyone else
- The aim is to gather the organized crime members and criminal influencers to same wards as it makes it easier to target the monitoring measures on this group of prisoners
 - The staff working on these wards is trained to collect information by using the methods provided by law (phone listening and recording, reading letters, listening to meetings, etc.)

Intensified Supervision Wards

- The Prison and Probation Service's goal is to support prisoners to gradually proceed from a closed prison to more open enforcement
 - The prisoners on intensified supervision wards have very little chance of ever moving to an open prison
 - Organized crime members are not allowed to move to open prison unless there is clear evidence of seceding from organized crime and criminal networks and lifestyle
 - This is also a question of right kind of risk management; is it more effective in the long run to try to prevent crime during the sentence by keeping prisoners under strict conditions or would it be better to place them to open prisons and try to reintegrate them back into society this way?
- In theory and in legislation the sentence planning and possibilities to participate in activities and to move to open prison are the same for all prisoners, but in reality the prisoners are in very different positions depending on whether they have organized crime member status

High-security wards

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High-security wards

- The aforementioned intensified supervision wards are not to be confused with high-security wards regulated in the Finnish Imprisonment Act. These high-security wards are for prisoners who are on reasonable grounds suspected to commit a serious crime or have already committed a crime or severely endangered prison safety during the sentence → often these are members of organized crime too
- In recent years the high-security wards have been used more and more to accommodate mentally ill but yet dangerous prisoners, which hasn't been the original purpose of high-security wards
 - The requirements for sending a prisoner to medical treatment against his will are very high in Finland and this causes problems while trying to place them on prison wards
- The very strict criteria for placing a prisoner to a High-security ward has in part led to establishing the aforementioned intensified supervision wards → The prisoners on intensified supervision wards are the kind of prisoners that were originally intended to be placed on high-security wards, but circumstances in the legislation have forced officials to find new solutions

High-security wards

- A prisoner may be placed in a high-security ward, if there are reasonable grounds to suspect that the prisoner:
 - 1) commits an offence referred to in chapter 50, section 1, 2 or 4 of the Criminal Code in the capacity of an offender or an accomplice;
 - 2) commits some other offence for which the maximum sentence provided by law is imprisonment for at least 4 years;
 - 3) escapes or attempts to escape; or
 - 4) will be subject to a release attempt.
- A prisoner may also be placed in a high-security ward if the prisoner has seriously endangered prison safety and security or if the placement is justified to ensure the prisoner's own safety.

High-security wards

- Placement in a high-security ward must not be continued any longer than what is necessary. The decision on the placement of a prisoner in a high-security ward and the grounds for this shall be taken up for reconsideration at least every three months
- Imprisonment Act gives extra possibilities to supervise prisoners on high-security wards:
 - On high-security wards the phone calls are allowed only if the prisoner gives his consent to record and listen the calls
 - Letters can be read if it is necessary for prison safety
 - Meetings with visitors can be listened and recorded
- The placement on high-security ward is very much supposed to be temporary and after the placement ends, the prisoner should be able to get on with his sentence normally without any further restrictions → Often times the prisoner may be moved to an intensified supervision ward after the high-security ward placement ends if connections to organized crime are still relevant
- There are no high-security wards for remand prisoners yet, which has proven to be problematic → this problem will be issued in the up-coming legislation



Conclusions

Conclusions

- When talking about high-risk prisoners, the focus has shifted in recent years from violent offenders to organized crime
- Legislation doesn't fully recognize this progression from prison safety and security perspective
- Though there are intensified supervision wards and high-security wards, the same requirements and rights on rehabilitation and goals of reintegration into society goes for prisoners on these wards as well as any other prisoners
 - The Parliamentary Ombudsman of Finland constantly reminds the Prison and Probation Services on the fact that every prisoner has an equal right for sentence planning and rehabilitation and if there ever is a reason to deviate from this, it has to be based on case-by-case grounds and never alone on the matter of which ward the prisoner is placed on
- One of the main goals of Prison and Probation Service is for prisoners to gradually move from the enforcement of prison sentences in closed prisons to more open enforcement
 - The path to more open circumstances is more or less the same for all the prisoners whether placed on high-security wards or normal wards → The baseline is that if there is a notable change for better, then it is possible for any prisoner to gradually proceed to open prison
- As the criminals and therefore also prison population are turning more aggressive, international and professional, can European democracies that respect their human rights and rule of law respond to the challenge?



RISE PRISON AND PROBATION SERVICE
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Thank You!

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