

FINLAND

National procedures for the supervision of offenders

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Information about national law and procedures on supervision of offenders
To be filled out by all member states of the Council of Europe

Types of decisions available under the national system

x conditional release (*release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served*)

X early release (*preceding conditional release, e.g. for minors or due to good behaviour*)

☐ **conditional sentence:**

- ☐ the imposition of a sentence has been conditionally deferred by imposing one or more probation measures
- ☐ one or more probation measures have been imposed instead of a custodial sentence or measure involving deprivation of liberty

x suspended sentence (*custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, either at the time of the sentence or subsequently*);

x alternative sanction (*sanction, other than a custodial sentence or a measure involving deprivation of liberty, imposing an obligation or instruction*):

- ☐ the judgment contains a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned
- ☐ the judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned

Probation or alternative sanctions available under national law

☐ obligation to inform a specific authority of any change of residence or working place;

☐ obligation not to enter certain localities, places or defined areas in the requesting or requested state;

x obligation to present at specified times before a specific authority (police, probation services);

☐ obligation to avoid contact with specific persons;

☐ obligation to avoid contact with specific objects, which have been used or are likely to be used by the offender with a view to committing a criminal offence;

☐ obligation containing limitations on leaving the territory of the requesting/requested state;

☐ obligation to compensate financially for the prejudice caused by the offence;

	☐ obligation to provide proof of compliance with the obligation to compensate financially for the prejudice caused by the offence; x obligation to carry out community service; x obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of offenders; x obligation to undergo therapeutic treatment or treatment for addiction; x obligation relating to behaviour (e.g. obligation to stop the consumption of alcohol), residence, education and training, leisure activities (e.g. obligation to cease playing or attending a certain sport), or containing limitations on or modalities of carrying out a professional activity¹; ☐ restorative justice x other measures (please include them below) <i>electronic monitoring (during the monitoring sentence)</i>
Where provided by the national law, duration of each obligation imposed	Suspended prison sentence (in Finland called Conditional imprisonment) with ancillary community service or supervision: supervision for minimum one year and maximum three years. The court may impose a sentence of imprisonment not exceeding two years as conditional. The probationary period for conditional imprisonment ranges from a minimum of one year to a maximum of three years. If the court considers conditional imprisonment alone to be an insufficient punishment, it may impose a fine as an ancillary sanction. If the length of conditional imprisonment is eight months or more, the court may also impose ancillary community service of between 14 and 120 hours or supervision. Methods of enforcing community service is explained below under Community Service. Supervision involves regular supervision appointments between a supervisor or an assistant supervisor and the sentenced person. Supervision may also involve activities and programs promoting the sentenced person's social functioning ability. The maximum number of hours required to participate in supervision appointments, activities and programs that are part of the supervision is 12 per month or, for a reason related to the tight schedule of a program or for some other special reason, 24 per month. The number of hours per month may vary during the supervision period as required for the appropriate enforcement of the supervision. Supervision imposed on an offender aged 21 or over upon committing an offence may involve a maximum of 30 hours of participation in rehabilitation or outpatient

¹ This obligation does not include the supervision of compliance with any professional disqualifications imposed on the person as part of the sanction applied to the offender

treatment provided by a public or private service provider in a manner approved by the Prison and Probation Service.

A person sentenced to conditional imprisonment with supervision must not be under the influence of alcohol or any other intoxicating substances at supervision appointments or when participating in the activities or events that are part of the enforcement of the supervision.

If the sentenced person acts against the rules of supervision the court may order longer supervision time or suspended prison sentence to be enforced in prison for minimum 4 days and maximum 14 days.

If the sentenced person commits an offence during the probationary period for which the person is sentenced to unconditional imprisonment, the court may order the conditional imprisonment to be enforced in full or in part. The decision between conditional and unconditional imprisonment is based on an overall assessment of the offence.

(Early release) Probationary liberty under supervision

Prisoners serving an unconditional prison sentence may be placed outside the prison in probationary liberty under supervision monitored by technical or other means for a maximum of six months prior to their conditional release.

The purpose of probationary liberty is to maintain and promote prisoners' abilities to reintegrate into society through a planned and gradual release.

Although not formally classified as a community sanction, probationary liberty under supervision is similar in nature.

The sentenced person must remain at their place of residence as specified in the sentence plan and weekly schedule, typically between 21.00 and 6.00.

They must participate in the activities specified in the sentence plan for at least five hours a week. The activities may include work, education, rehabilitation, supervision appointments, or other activities that maintain their functioning ability and social skills and can be supervised.

The sentenced person must not use alcohol, drugs or doping substances or be under the influence of any intoxicating substances. They are required to take a breath test or provide a saliva or urine sample upon request. The sentence plan may include various support measures to promote abstinence.

The sentenced person is supervised with technical devices, which are installed in their place of residence or other placement location, given into their possession, or worn on the body. Supervision includes visits to the sentenced persons' home and activity place, supervision appointments and other contact with the probation office. The level of supervision is assessed on an individual basis. Supervision ends when persons placed in probationary liberty will be conditionally released or

has completed his or her prison sentence.

If persons placed in probationary liberty breach their obligations, a reprimand or warning may be issued. Serious breaches may result in the revocation of probationary liberty temporarily or permanently.

Conditional release with supervision: supervision for minimum 1 year and maximum 3 years.

Supervision includes regular appointments between a supervisor or an assistant supervisor and the sentenced person. Supervision may also involve activities and programs promoting the sentenced person's social functioning ability.

The maximum number of hours for which a sentenced person may be required to participate in supervision appointments, activities and programs that are part of the supervision is 12 per month or, in the case of a sentenced person in need of special support and supervision, 30 per month. The number of hours per month may vary during the supervision as required for the appropriate enforcement of the supervision.

The sentenced person must not be under the influence of alcohol or any other intoxicating substances at supervision appointments or when participating in the activities or events that are part of the enforcement of the supervision.

If a sentenced person has agreed to undergo pharmacotherapy he or she shall comply with the regulations concerning the control of pharmacotherapy and other treatment and support related to the pharmacotherapy.

Sentence remaining after conditional release may be ordered to be enforced partly or fully if the sentenced person commits an offence during the probationary period for which the person is sentenced to unconditional imprisonment.

Alternative sanctions in Finland are as follows.

Juvenile punishment

The juvenile punishment is a sanction imposed on an offender aged between 15 and 17 years for a period of at least four months and at most one year.

It comprises supervision, activities and programs promoting the social functioning ability of the young person, and support and guidance provided in connection with these. The juvenile punishment also includes orientation to employment and work, carried out under supervision, unless this can be considered manifestly unnecessary or this is particularly difficult to organize. The maximum number of hours required to participate in the events is eight per week. The number of

hours per week may vary during the sanction as required for the enforcement.

The obligations of persons serving a juvenile punishment include maintaining contact with their supervisor. They must be sober in all events related to the enforcement of juvenile punishment.

If sentenced person seriously breaches the conditions, the court may impose another sentence instead of the part of the juvenile punishment that has not been served.

Community Service

Community service is a punishment imposed instead of a sentence of maximum eight months of unconditional imprisonment.

It comprises a minimum of 14 and a maximum of 240 hours of regular, unpaid work that shall be carried out under supervision. Up to 30 hours of community service may be fulfilled through participation in rehabilitation programs aimed at reducing substance abuse problems or preventing reoffending.

Sentenced persons must carry out community service in accordance with their sentence plan and schedule.

Serious breaches may result in suspension of community service or converting the remaining sentence into imprisonment. The court may also convert community service into imprisonment for a new offence.

Monitoring Sentence

The monitoring sentence is maximum a six months long imposed instead of a short unconditional imprisonment.

Person serving the sentence is monitored with technical devices and by other means during the sentence. In addition to technical monitoring, a supervisor oversees the serving of the sentence through unannounced visits to the sentenced persons' home and workplace. If necessary, the use of intoxicating substances is controlled by means of breath and drug tests.

Persons sentenced to a monitoring sentence must follow the daily schedule confirmed in the specified sentence plan drawn up in cooperation with the probation office. The schedule may include work, education, rehabilitation, activity programmes, or other activities that promote their situation.

Outside of the activities approved in the sentence plan, persons serving a monitoring sentence must remain at their place of residence. When they leave, they may only move within a designated area. They are also required to completely abstain from the use of intoxicating substances.

Repeated or serious breach of the conditions may result in the sentence being converted into unconditional imprisonment.

Duration of the total probation period (if different from the duration mentioned above)	N/A
National authorities or bodies responsible for supervising and assisting the offenders	<i>Prison and Probation Service of Finland</i> <i>Address: Opastinsilta 12 C, 90520 Helsinki</i> <i>e-mail (registry): kirjaamo.rise@om.fi</i> <i>phone: +358 2956 88500</i> <i>Finnish, Swedish, English</i>
National authorities competent to monitor compliance with the probation measures or alternative sanctions.	<i>Prison and Probation Service of Finland</i> <i>Address: Opastinsilta 12 C, 90520 Helsinki</i> <i>e-mail (registry): kirjaamo.rise@om.fi</i> <i>phone: +358 2956 88500</i> <i>Finnish, Swedish, English</i>
Criteria to supervise probation measures imposed by foreign authorities	x The offender has his/her lawful and ordinary residence in the requested state; ☐ The offender is a family member of a lawful and ordinary resident person of the requested state; ☐ The offender follows a study or training in the requested state; ☐ The offender is granted with an employment contract and moves to the requested state. Ordinary residence and consent of the sentenced person him-/herself are basically grounds for accepting the transfer of probation or alternative measure to be enforced in Finland. However, transfer may be possible also without ordinary residence in Finland in case it would be assessed that the transfer would enhance the possibilities to integrate to the society due to the personal circumstances of the sentenced person in whole or due to other specific reasons.
National law and procedures for supervision of the probation measures or alternative sanctions	<i>Act on the Enforcement of Community Sanctions (400/2015)</i> <i>Act on probationary liberty under supervision (629/2013)</i> <i>Criminal Code (39/1889)</i>
EU and international instruments applicable within this matter	x Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions

	☐ Multilateral treaties [<i>please specify with one</i>] ☐ Bilateral treaties [<i>please specify with which country</i>] x Uniform legislation applicable at the bilateral level with Nordic countries (Sweden, Norway, Denmark, Iceland)