

REDUCING THE PRISON POPULATION IN FINLAND

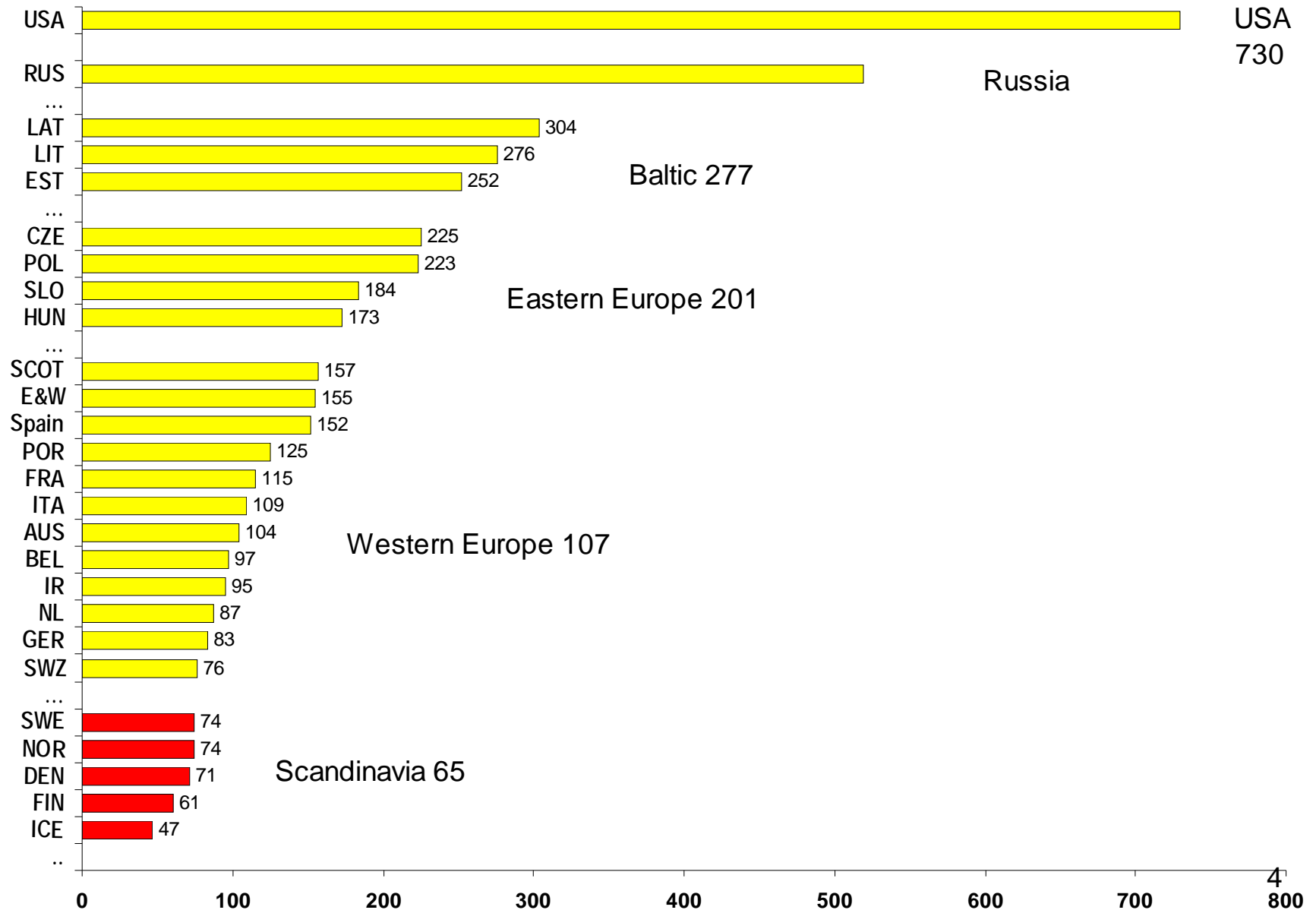
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The Nordic Position

FINLAND

- Population of 5.4 million; fairly homogenous, but with increasing number of foreigners (now exceeding 3 % of the total population)
- Juridical system manifestly rooted in western, continental legal culture with strong influence from neighbouring Nordic Countries.
- Nordic countries: internationally high level of social security and equality (nordic welfare state), higher levels of social trust and political legitimacy, and lower levels of penal repression.

Prisoner rates by regions 2012

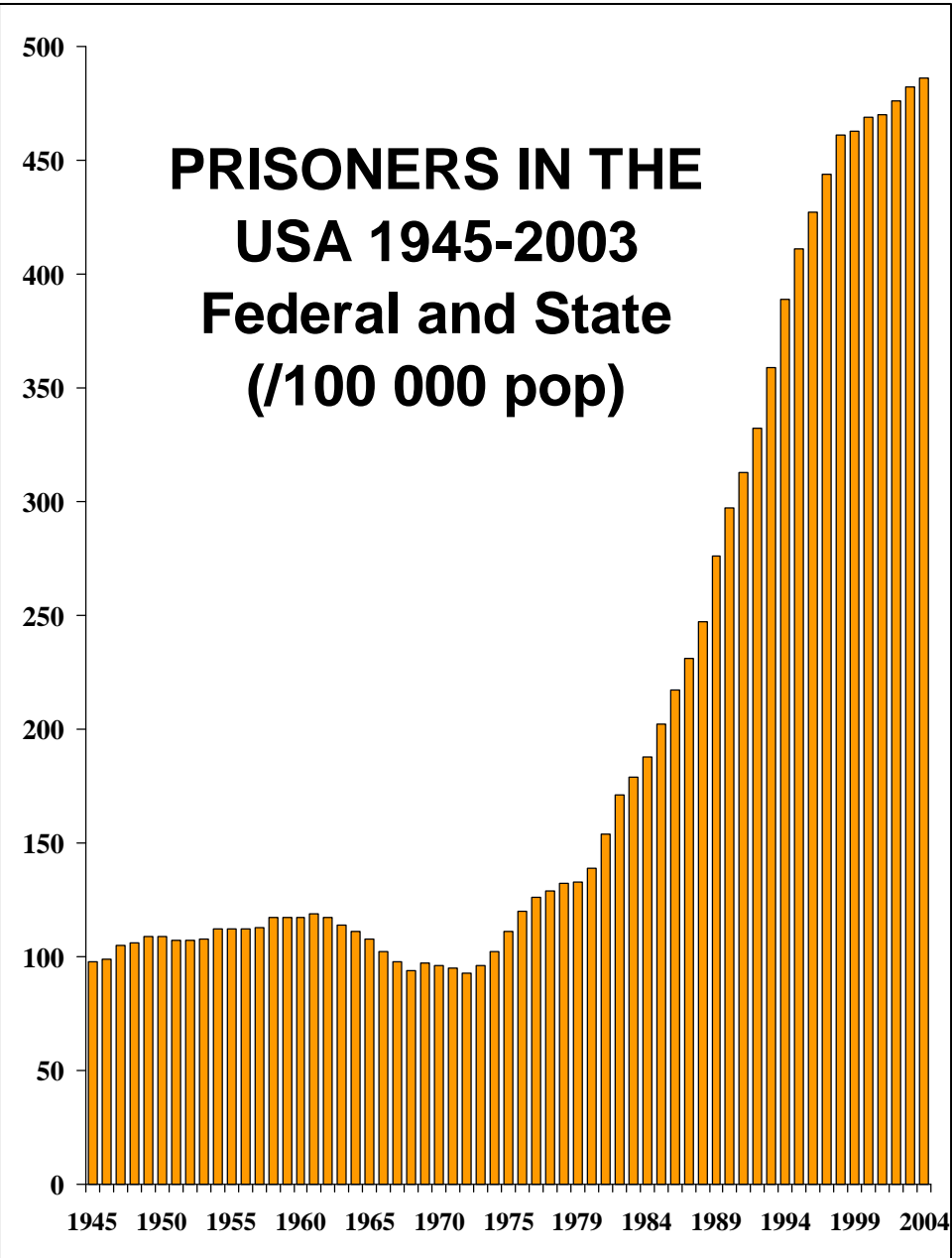


Phases in penal change in Finland

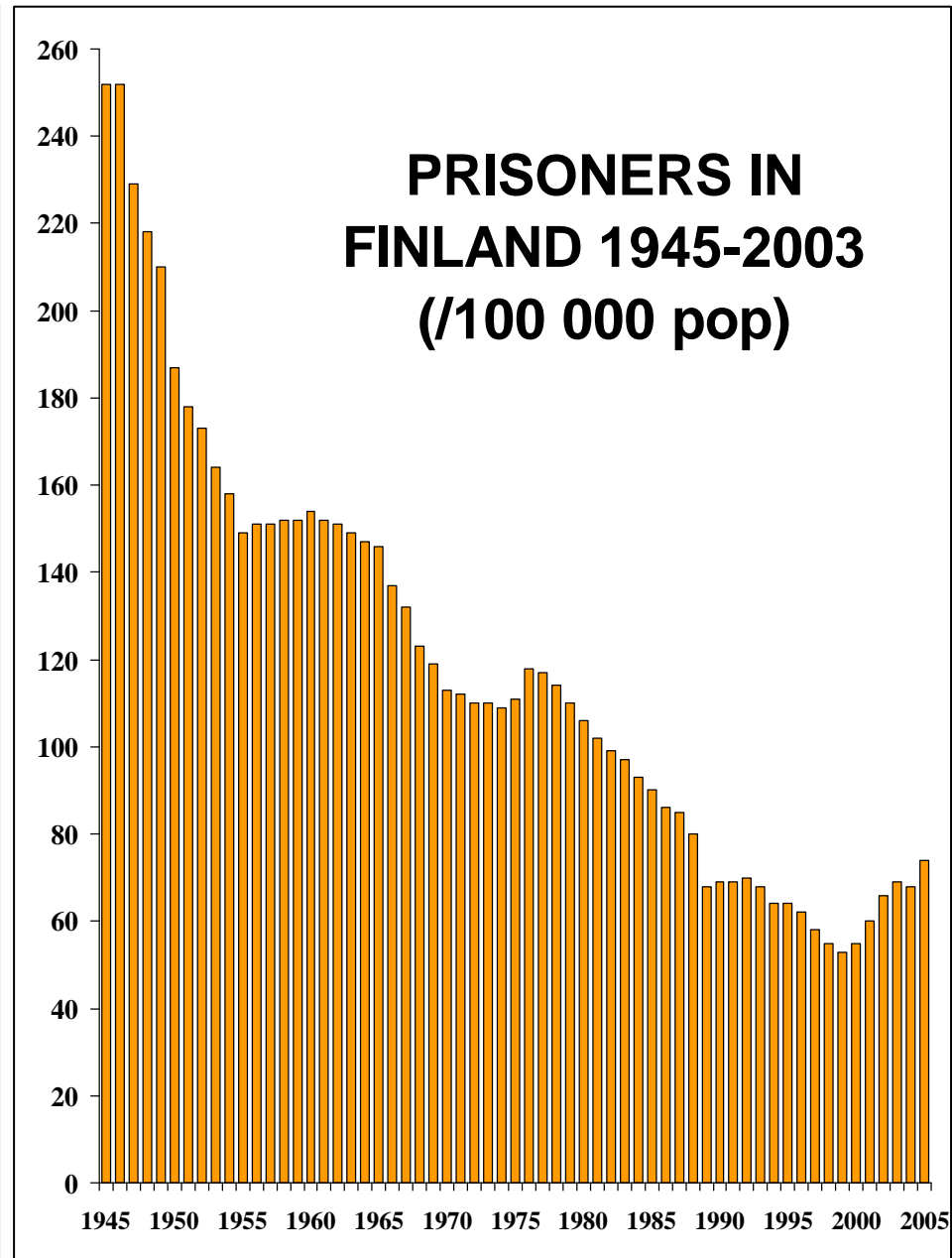
- During the last Century, Finland experienced three wars (the 1918 Civil War and the two wars against Soviet Union between 1939 and 1944). This has left its mark also in the penal development.
- The first half of the century reflects the struggles under severe social and political crisis with a resulting very high incarceration rates (peaking 250/100 000 post WW2).
- The 1960s started a period of reform and penal liberalization. By the 1990s Finland had reduced its prison population rates to the “common Nordic level” of around 60-65 prisoners / 100 000.
- The 1990s onwards is characterized by stabilization.

LOOKING BACK OVER 50 YEARS

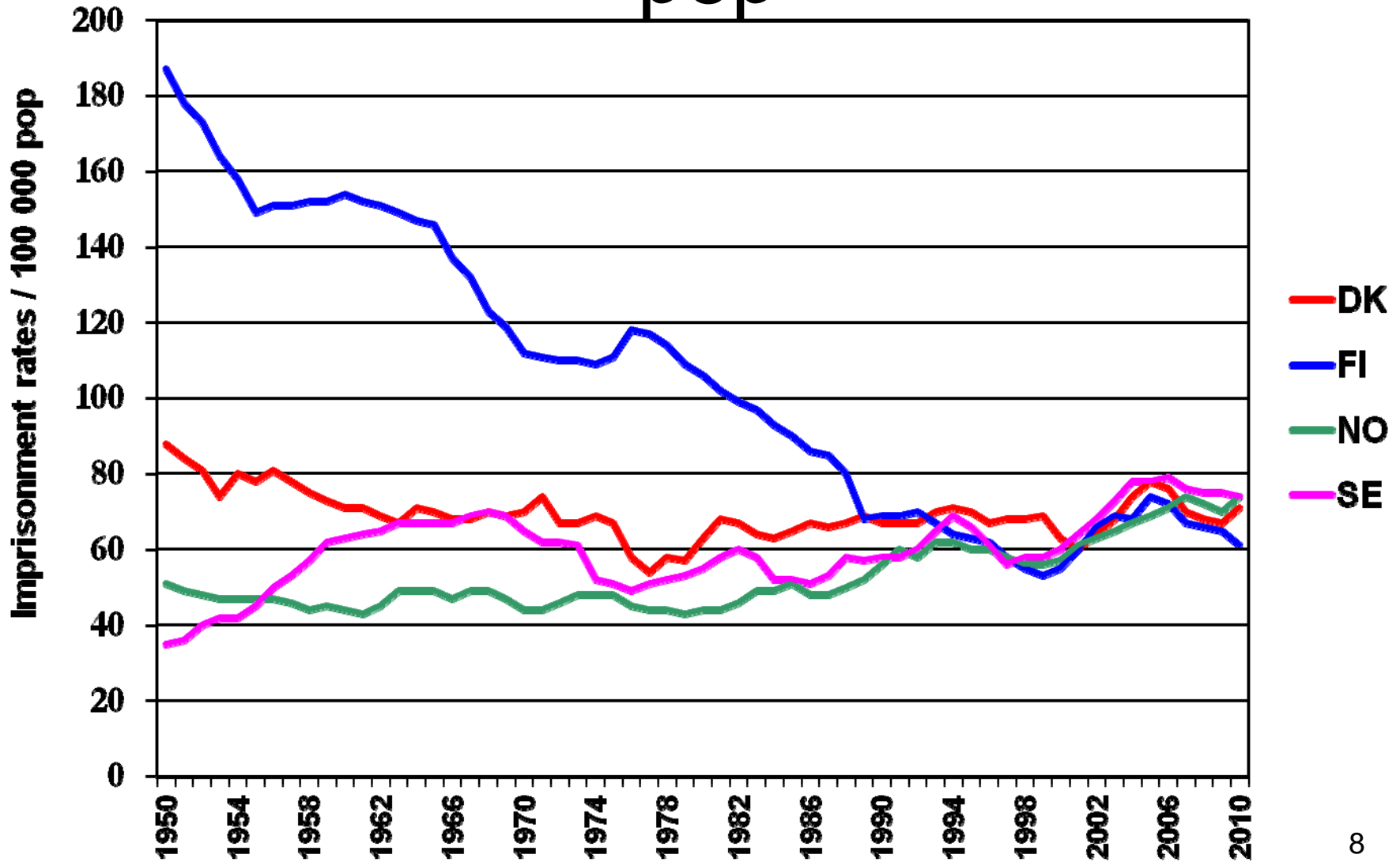
**PRISONERS IN THE
USA 1945-2003
Federal and State
(/100 000 pop)**



**PRISONERS IN
FINLAND 1945-2003
(/100 000 pop)**



Nordic prisoners rates 1950-2010 / pop



The Finnish "decarceration program"

Background: Research findings and policy principles 1960/70S->

1. General distrust in institutional treatment
2. Criticism of coercive care and the lack of legal safeguards
3. "Downgrading" the role of criminal law in crime prevention (predominance of social policy and situational prevention).
4. The demand of conscious weighting of the costs and benefits of available alternatives
5. The urge to harmonize the Nordic criminal justice systems
6. Political consensus: Prison is overused

Questions asked: Which groups...

- Don't belong in the prison in the first place
 - Fine defaulters
- Are over-presented and create the overcrowding problem
 - Small property offenders and drunk drivers
- Stay in the prison too long
 - Persistent property offenders
- The prison harms the most
 - Juveniles

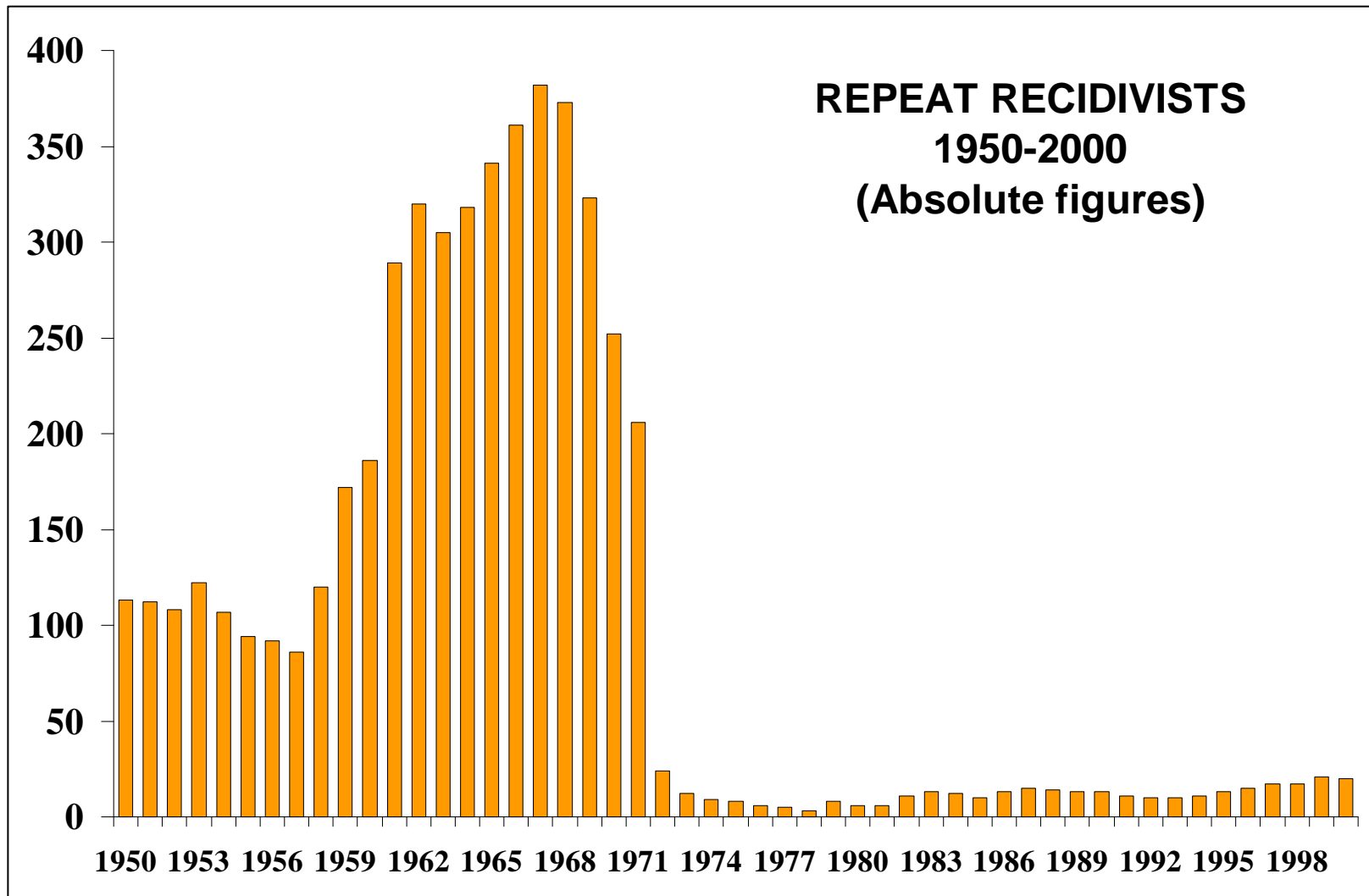
Backing up political support

- Well functioning network of active researchers, civil servants and policy makers (with close personal contacts, small country!)
- Using the "Nordic card":
 - we need to harmonize our systems with the other Scandinavian countries (with more enlightened and advanced methods)

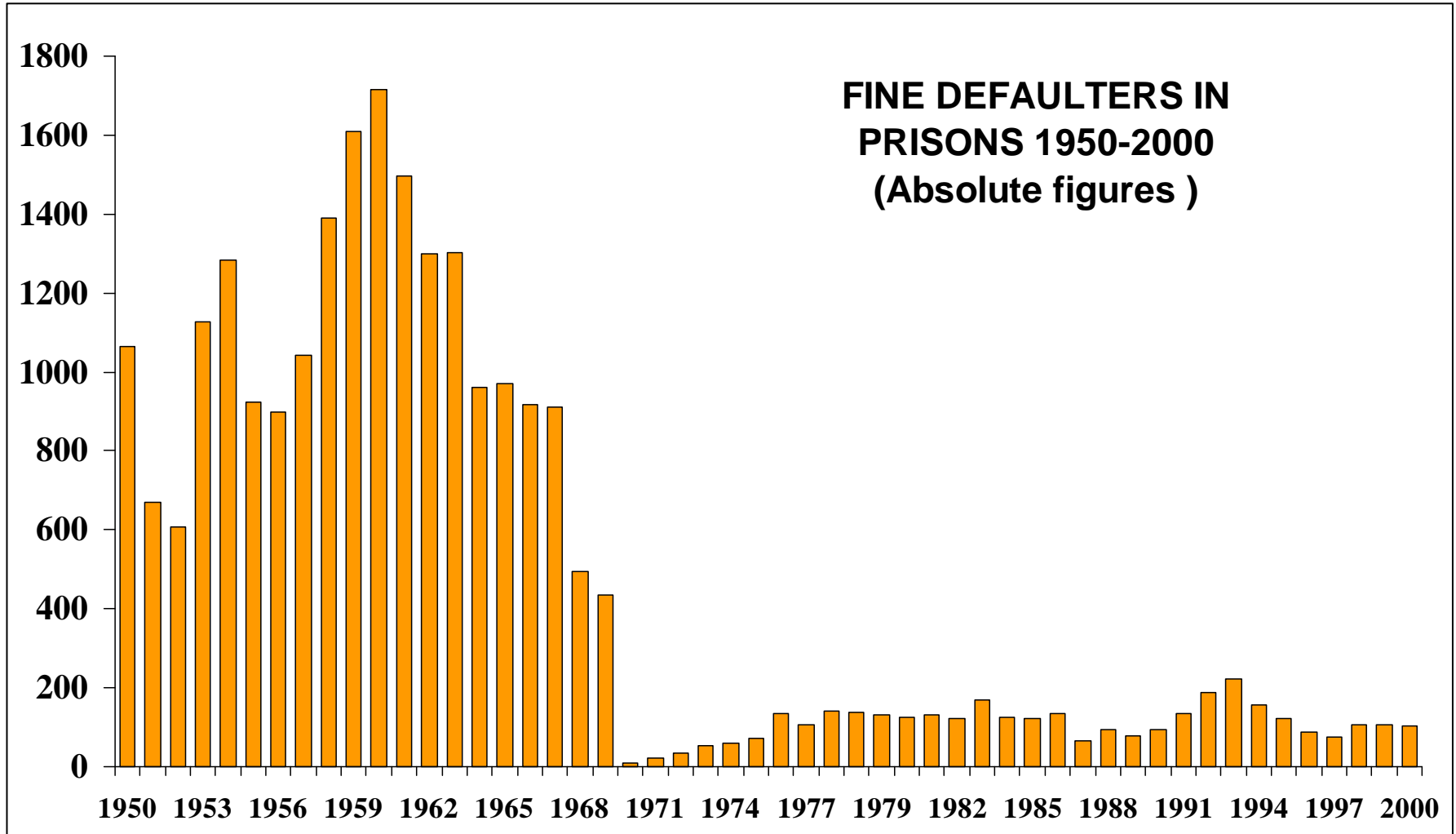
Realizing the reform plan: 1960/1970s->

1. Preventive detention 71
2. Fine defaulters 69/06
3. Penalties for theft 72/91
4. Reform of drunken driving 77
5. Conditional sentence 76/00
6. Sentencing principles 76
7. Juvenile justice 70-90S
8. Community service 92
9. Parole and early release 60-90S

1. Restricting the use of indeterminate sanctions (preventive detention) early 70s



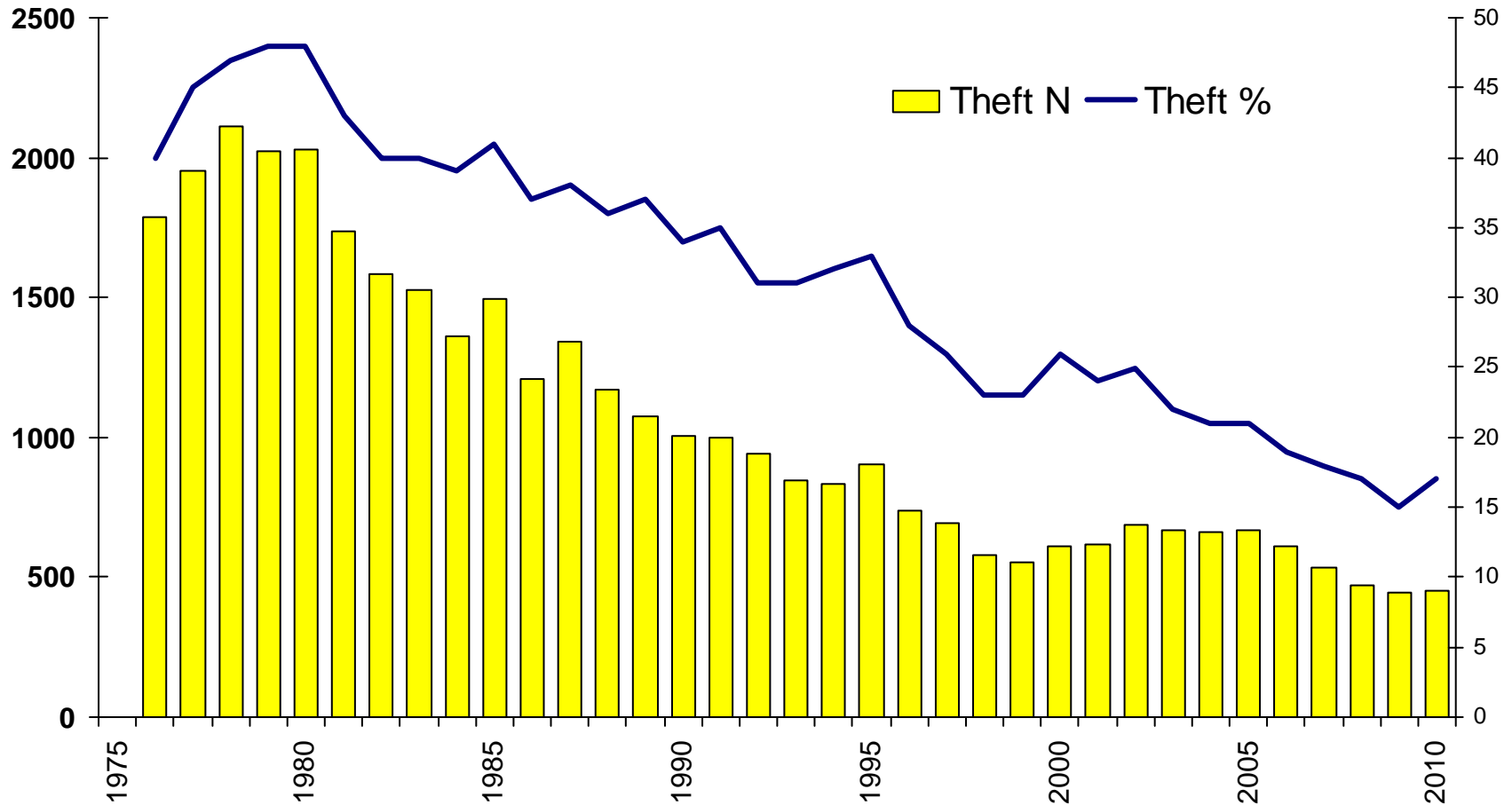
2. Restricting the use of default imprisonment (and decriminalizing public drunkenness) late 60s



3. Reducing penalties for theft 1972 and 1991

- Mean prison term for theft
 - 12 months (-50s) -> 3 mths (-90s)
- The share of imprisonment of all court dispositions
 - 50 % (1975); 20 % (2010)
- The total number of imposed prison years
 - 2500 (1975) to 250 (2000)
- The number of prisoners serving a sentence for theft
 - 2000 (1975) to 500 (2000)
- The share of prisoners sentenced for theft of all convicted prisoners
 - 50 % (1975) to 15 % (2000s)

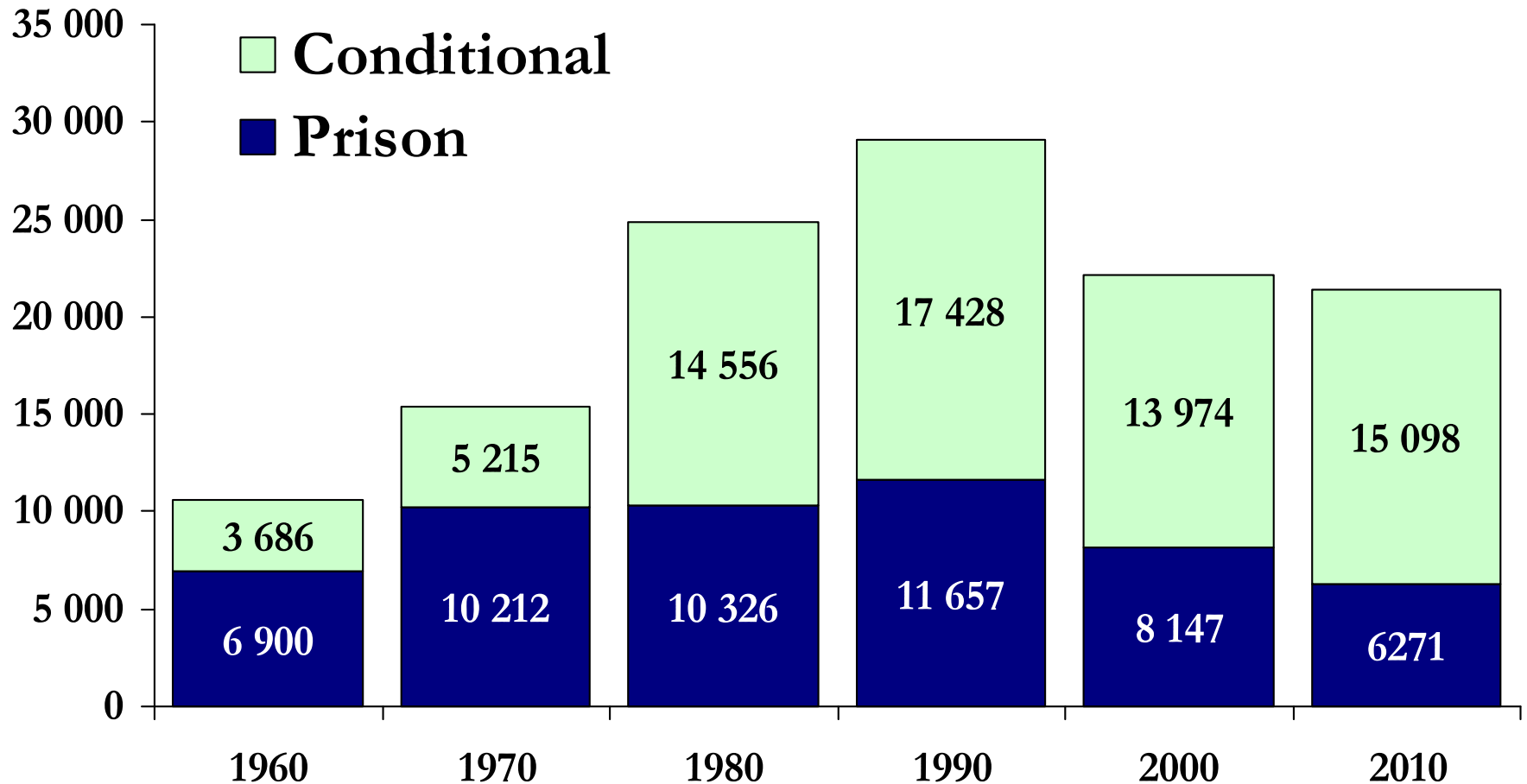
Prisoners serving a sentence for theft offenses 1975-2010



4. Extending the use of conditional imprisonment 1970s

	Prison	Conditional
1960	7000	4000
1970	10000	5000
2000	8000	14000
2010	6500	15000

Unconditional and conditional prison sentences in the courts 1960-2010

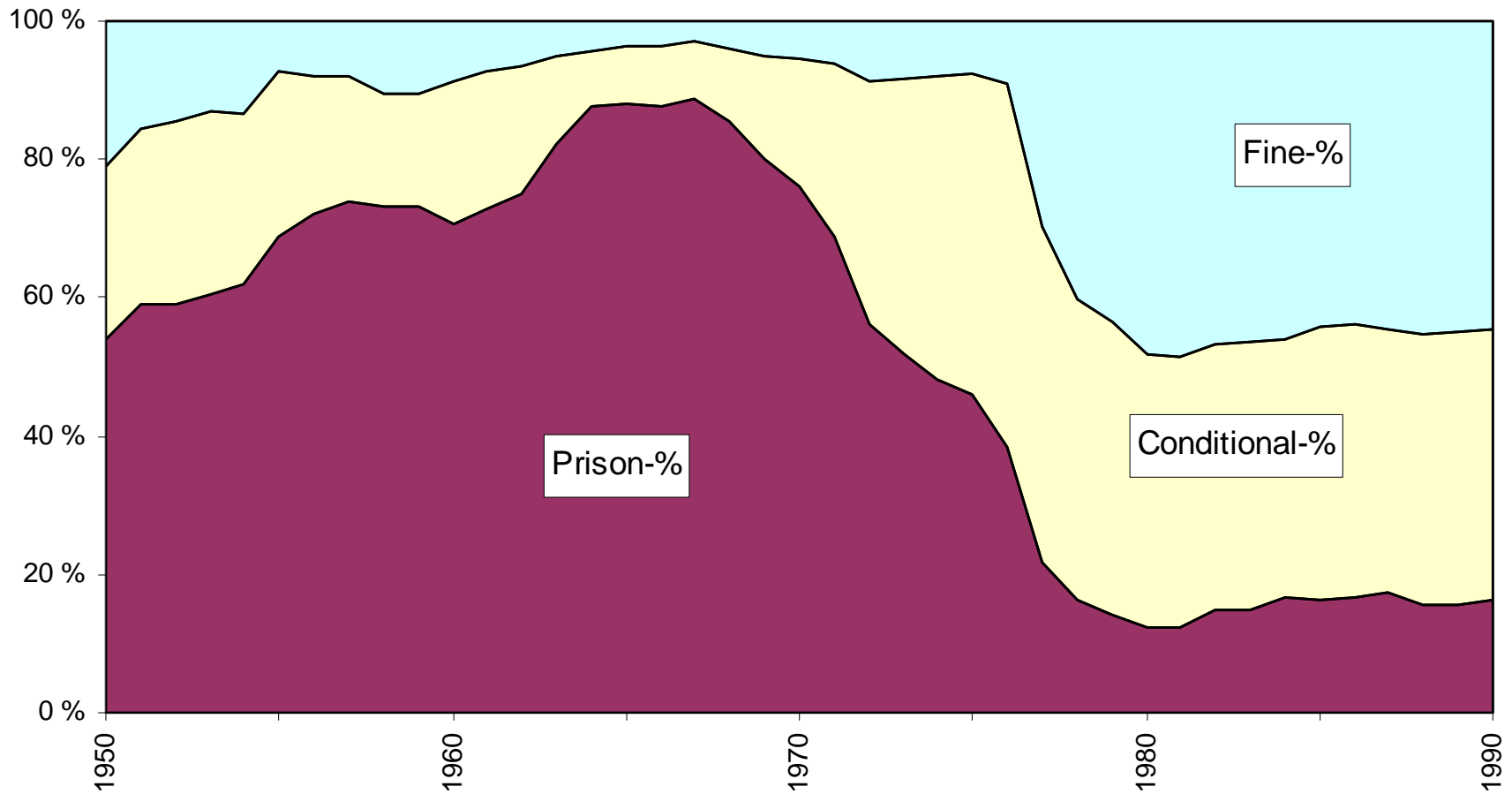


Conditional imprisonment: "Key-device"

- Prison sentences below 2 years
- Very strong presumption for all first offenders
- In borderline cases may be combined with fines or community service (between 1-2 years)
- Revocation only because of a new offense leading to imprisonment

5. Reducing penalties for Drunken Driving 1977

1960s prison 90 %; 1990s 15 %



6. Sentencing rules 1970s

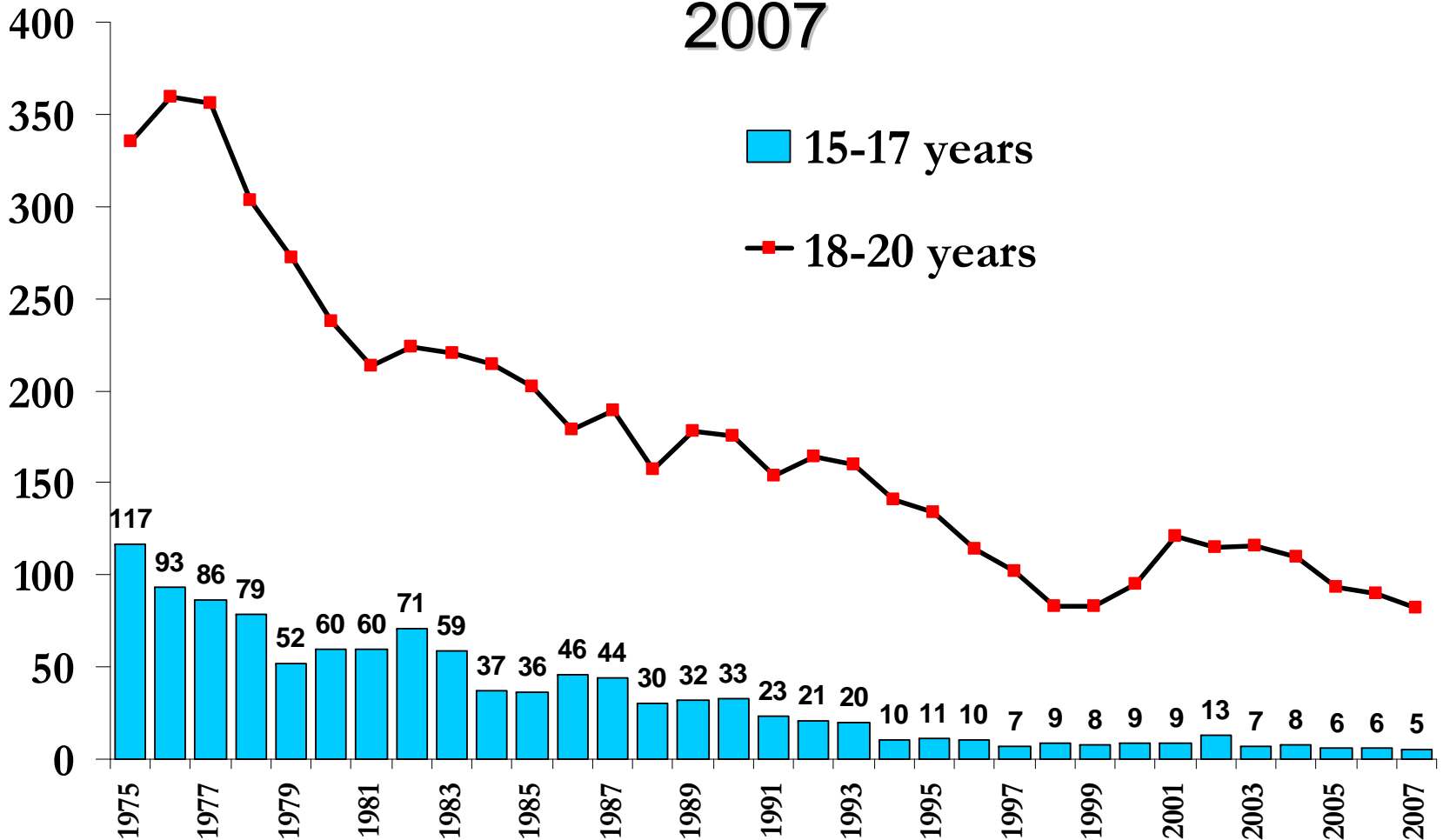
- Role of recidivism in sentencing restricted (no mechanical rules)
- Providing means to reduce unwarranted disparities in sentencing
- Providing a framework and platforms for reasoned discussions in sentencing between different actors

Co-ordinated "sentencing package" of four laws – mid 1970s

1. Expanding the use of conditional imprisonment (providing a combination of conditional + fines)
2. Increasing the credibility of fines as an alternative by raising the value of dayfines
3. Altering the penalty scales for drunk driving and replacing prison sentences with the new combination conditional+ (heavier) fines
4. Establishing a framework for reasoned discussions and sentencing guidance through the sentencing reform

7. RESTRICTING THE USE OF IMPRISONMENT FOR JUVENILES

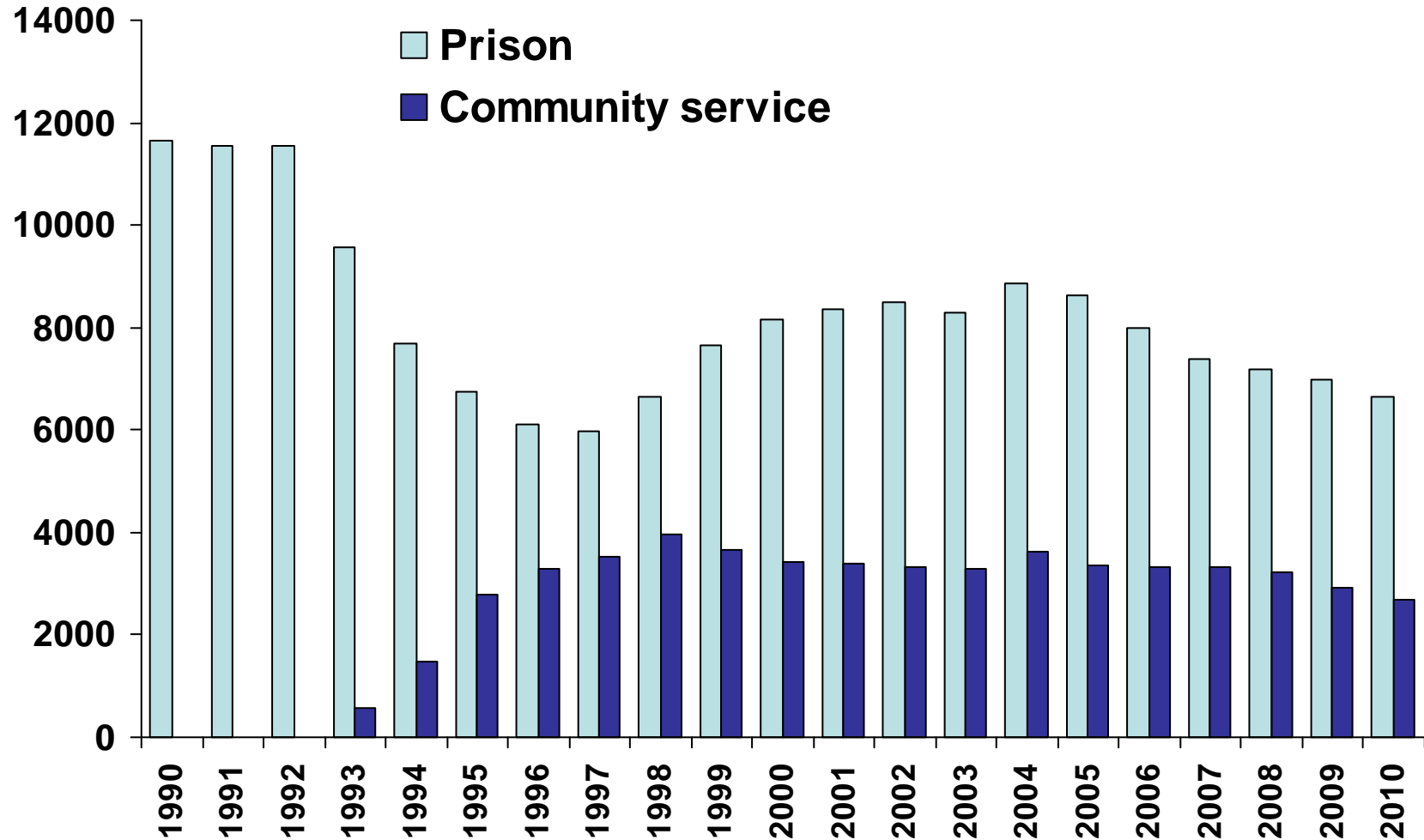
The number of juveniles in Finnish prisons 1975-2007



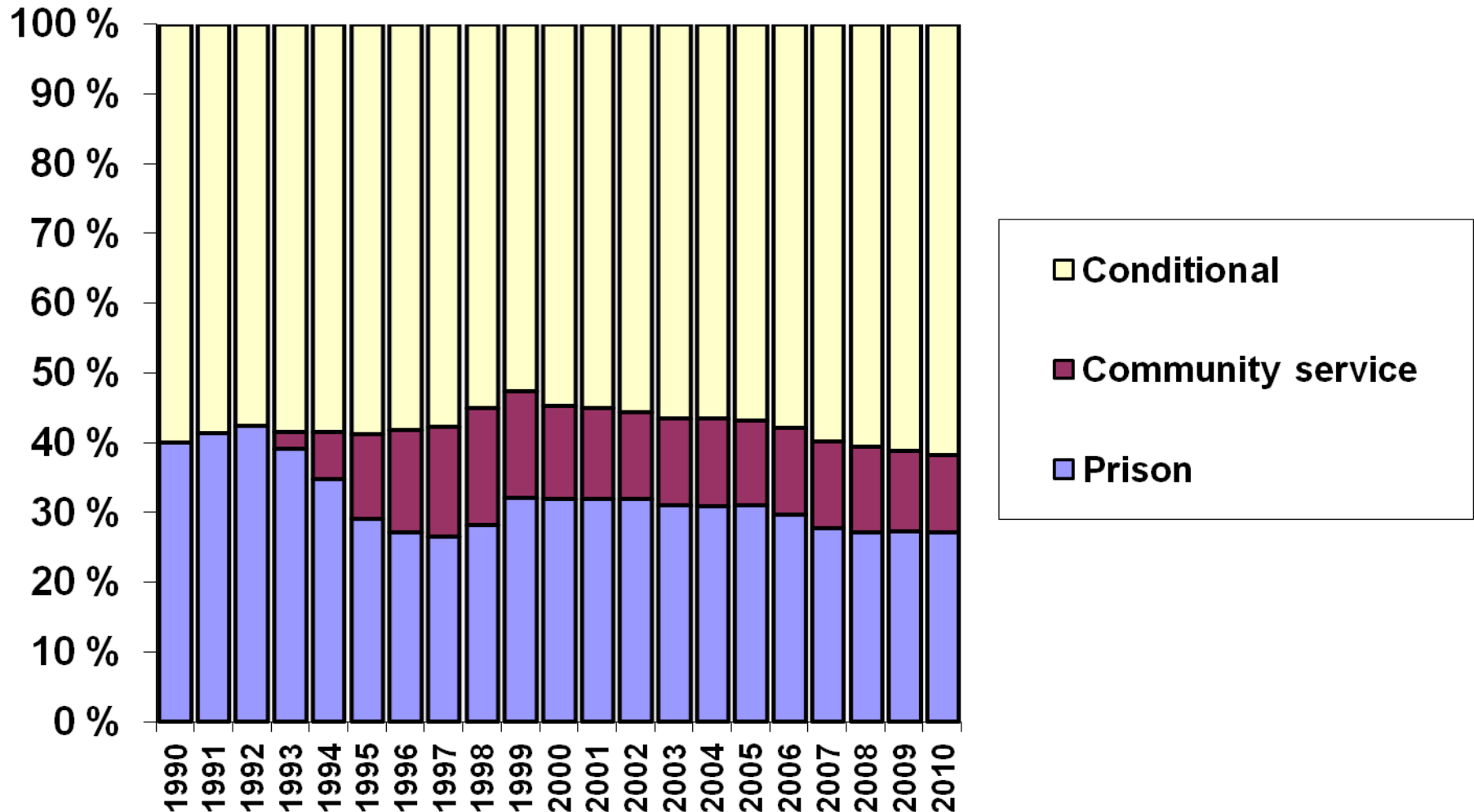
8. INTRODUCING COMMUNITY SERVICE 1990s

- Started in 1993
- 20-200 hours
- To be used only instead of imprisonment
 - First a pronounced prison sentence, then commuted to CSO
 - 1 day in prison = 1 hour community service
 - replaces 35 % prison sentence max. 8 mths

Introducing community service in Finland 1993-2010 (court statistics)



The adoption of community service in Finland in 1993: Replacement rate > 90 %



Effects and experiences

- Lower reoffending rate in comparable groups
 - Around 10 %-points difference
- But note also the value of "non-reconviction" benefits
 - Maintaining work
 - Maintaining family relations
 - Gaining vocational skills etc
 - Important and valuable as such
 - Long-term relevance also for future offending

9. EXTENDING THE USE OF PAROLE AND EARLY RELEASE 1960-2006

REDUCING THE MINIMUM TIME BEFORE PAROLE

- 1966: 6 months -> 4 months 40 % -> 60 %
- 1975: 4 months -> 3 months 60 % -> 75 %
- 1989: 3 months -> 14 days 75 % -> 99 %

NORMAL TIME TO BE SERVED

- 1/2 FIRST OFFENDERS
- 2/3 RECIDIVISTS
- YOUNG OFFENDERS (1/3 or 1/2)

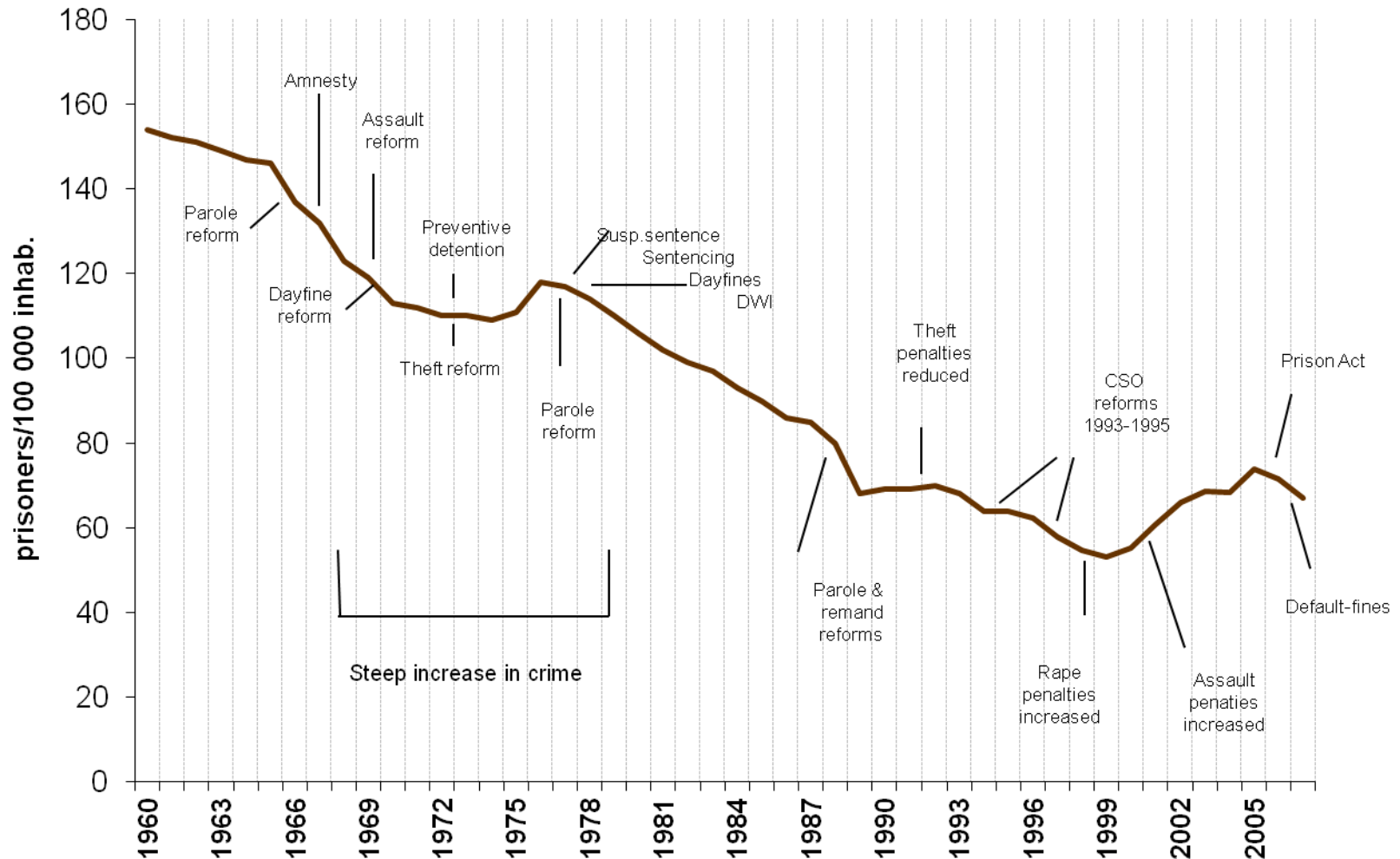
NEW EXTENSION 2006

- prior 6 months of normal release (elect.monitoring)

KEY-POINT: REVOCATION RULES

- As a rule only for a new offense leading to at least 3 months prison term
- Still discretion how much revoked (in practice max 1/3)
- Recall for "mere reach of conditions"
 - At most 14 days
 - 10-20 cases/year

Law reforms and prisoner rates



Increasing prison population rates 1998-2005

- More drug traffickers
- More foreigners
- Increased penalties for aggravated assault
- More fine-defaulters

New downward trend 2005-2012

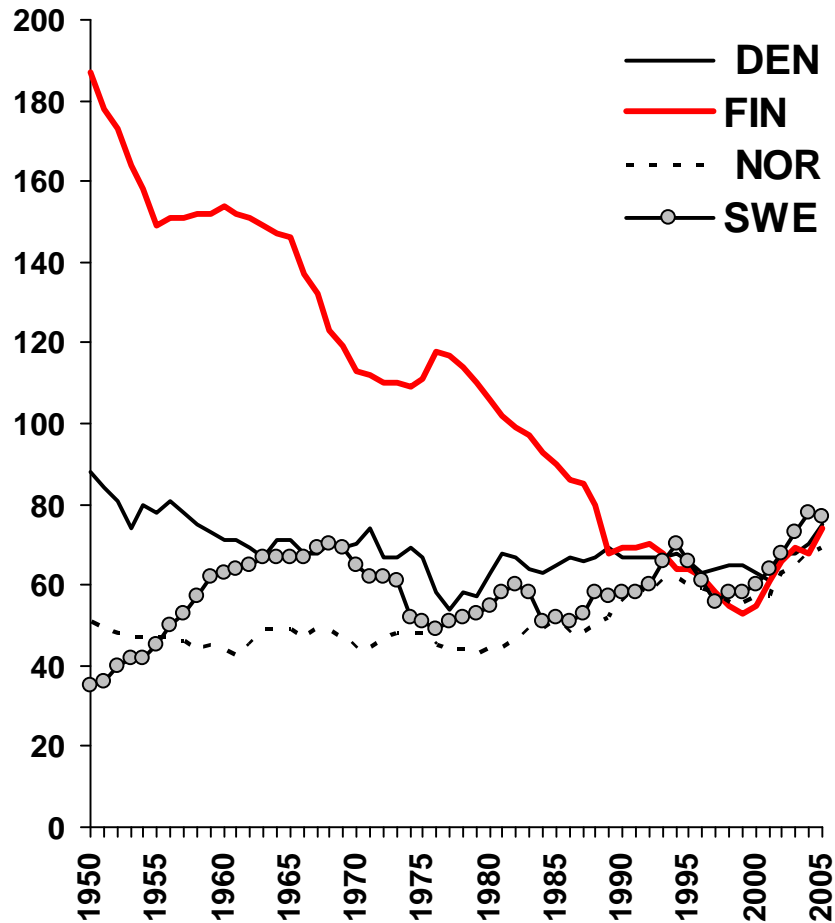
Crime and Imprisonment

Comparing four Nordic countries

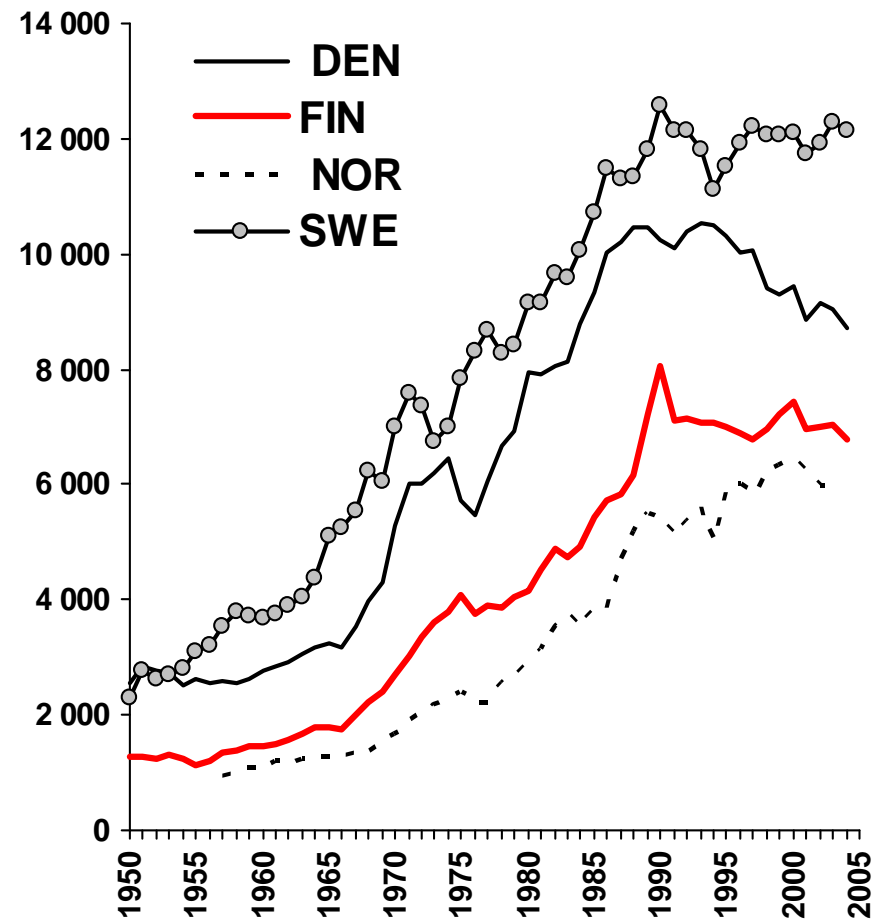
PRISON RATES AND CRIME RATES

Four Scandinavian Countries 1950-2005

Prisoners



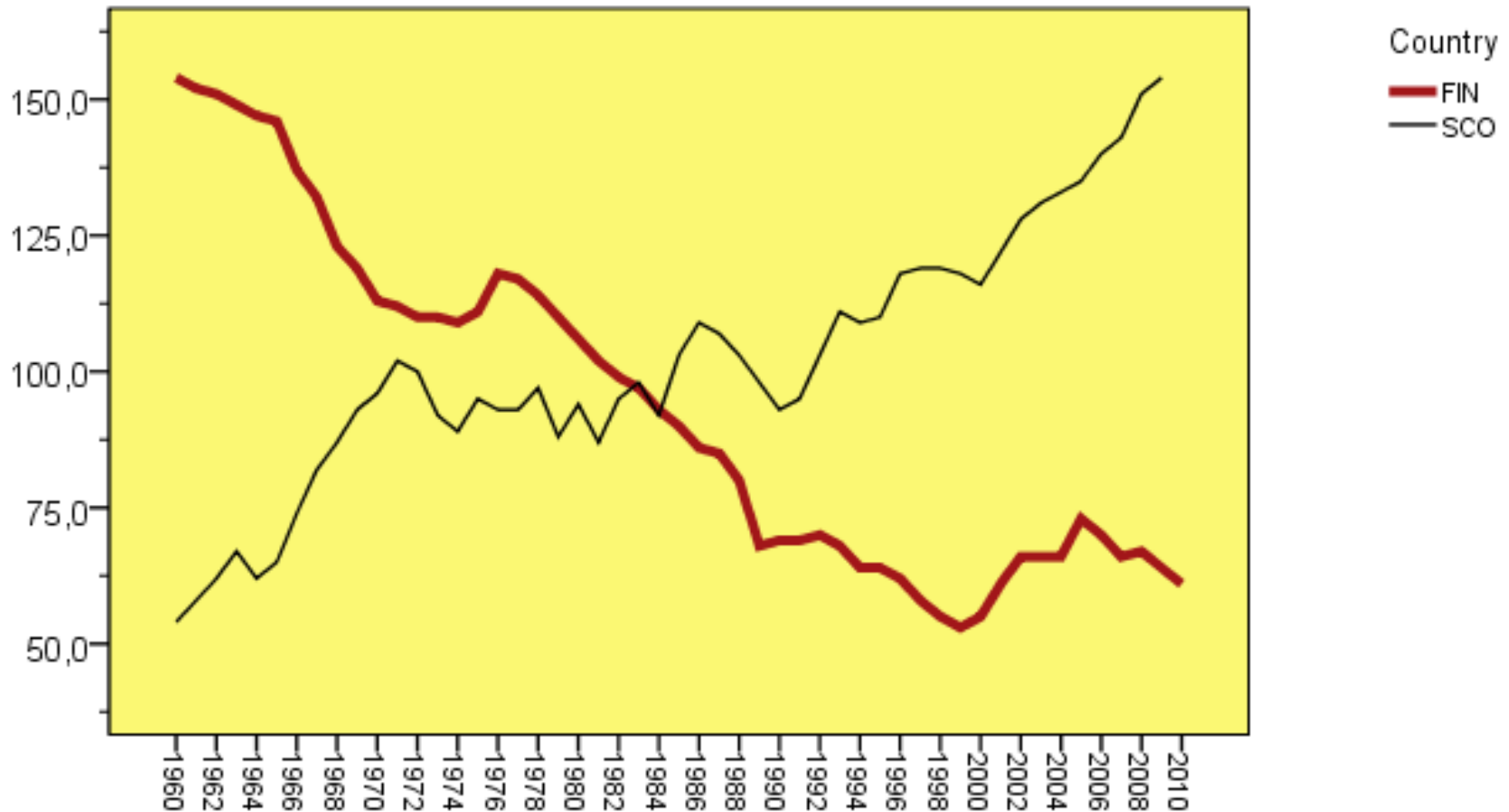
Crime



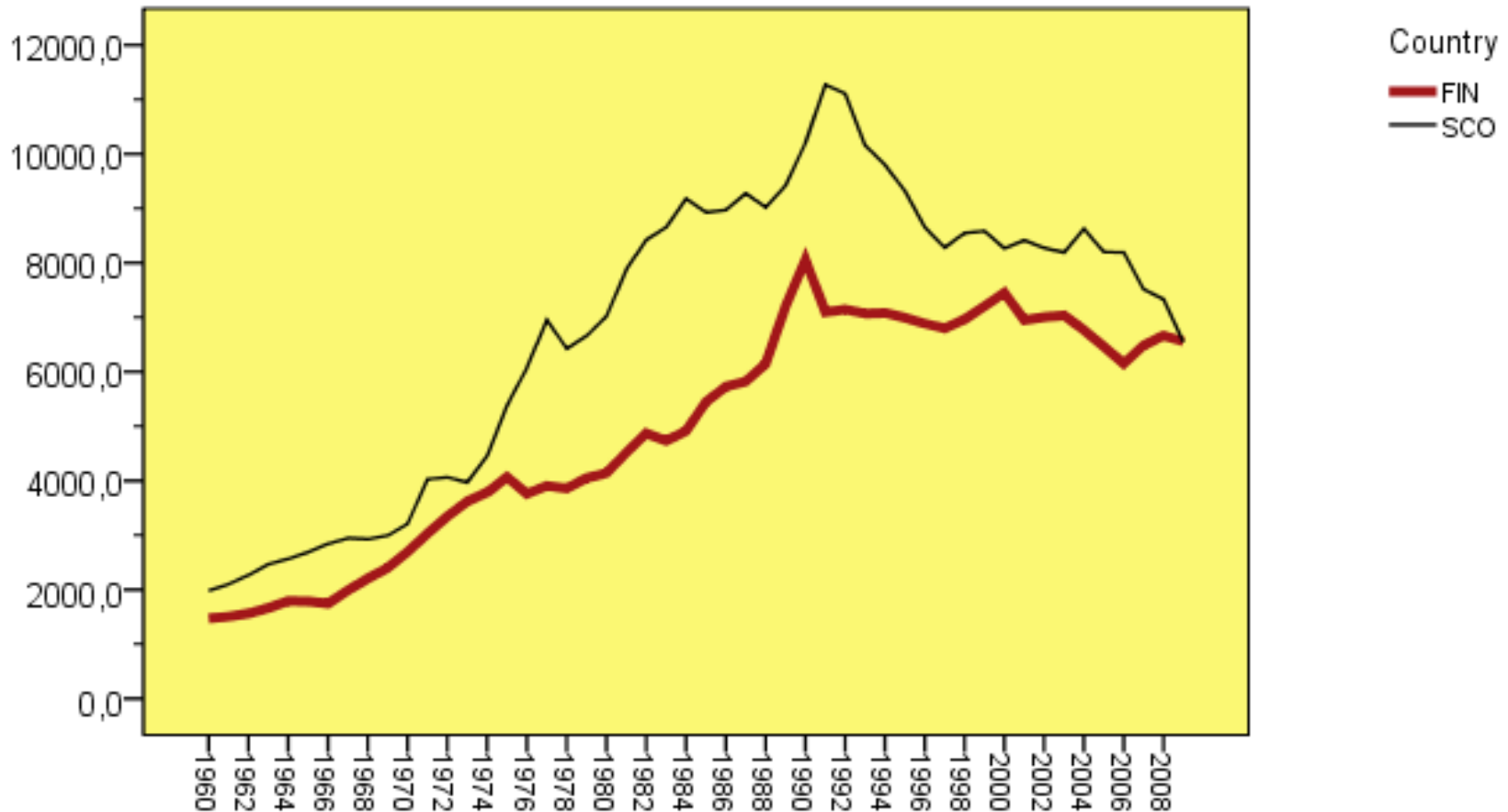
Comparing Scotland and Finland I

Imprisonment rates and crime

Imprisonment rates: Scotland and Finland 1960-2010



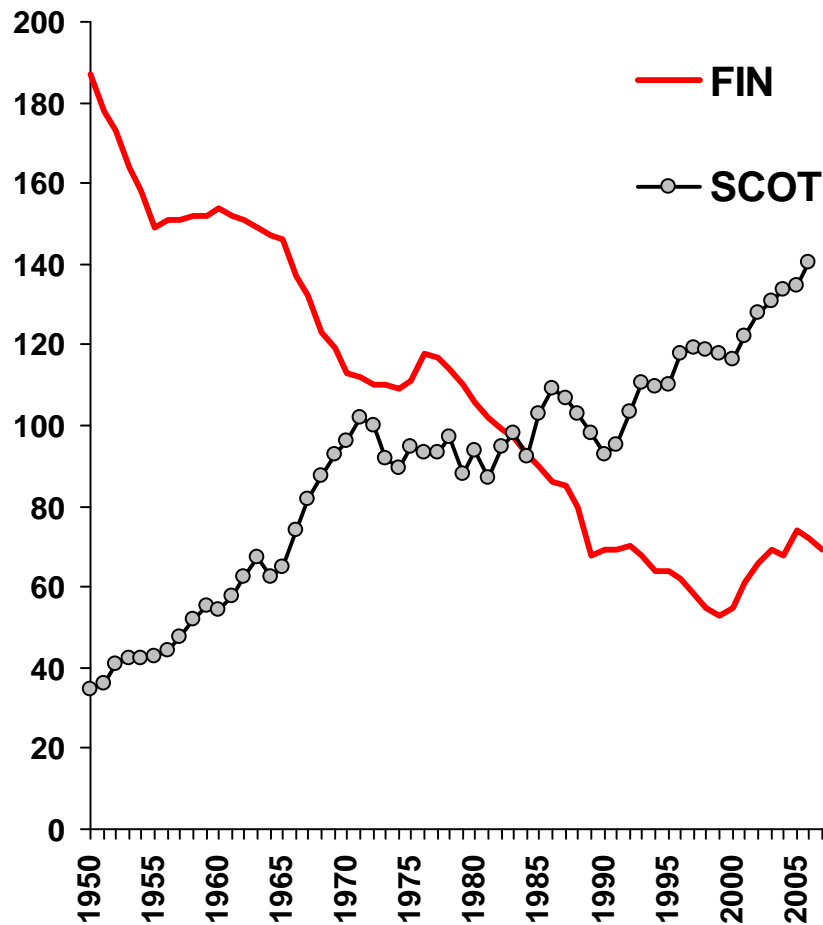
Total reported crime 1960-2010



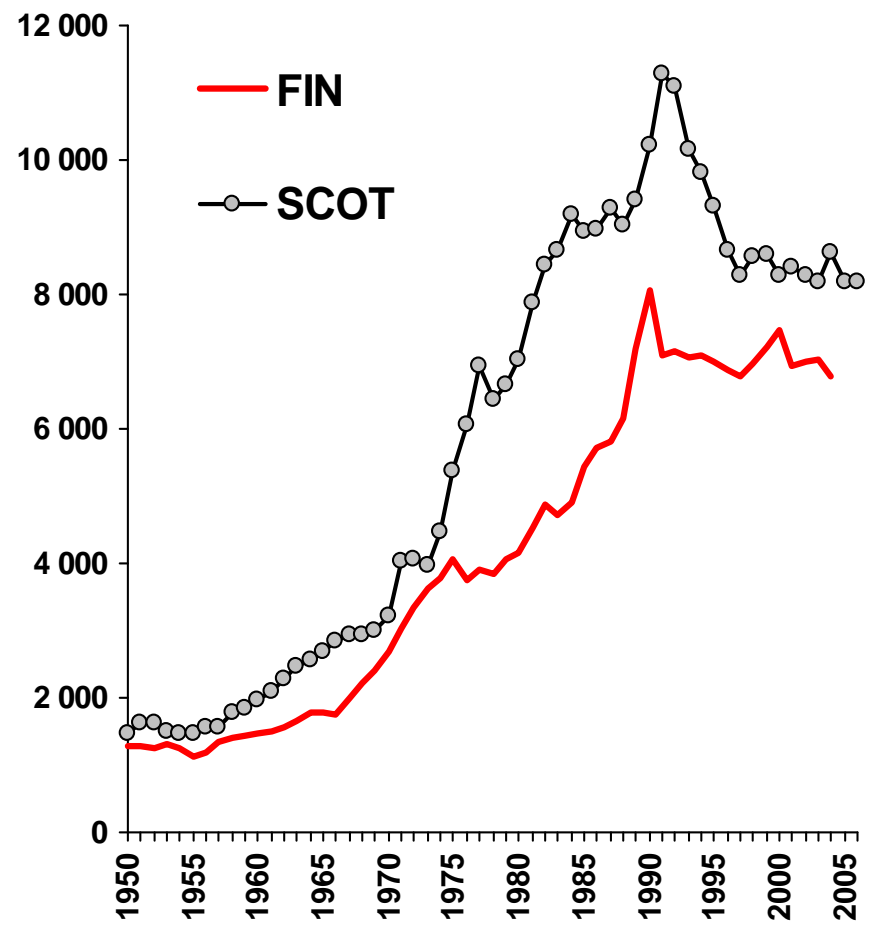
PRISON RATES AND CRIME RATES

Finland and Scotland 1950-2006

Prisoners



Crime

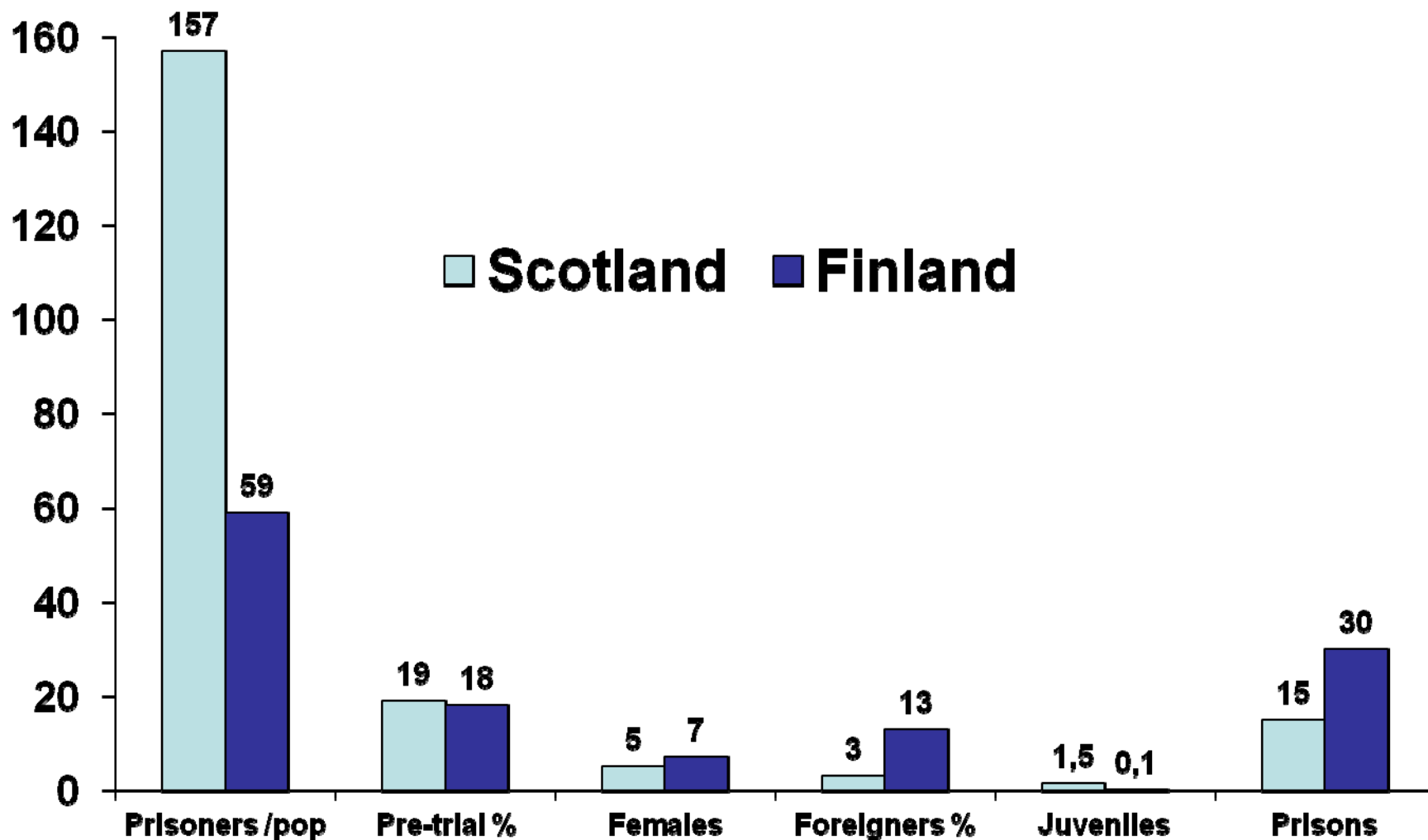


Comparing Scotland and Finland II

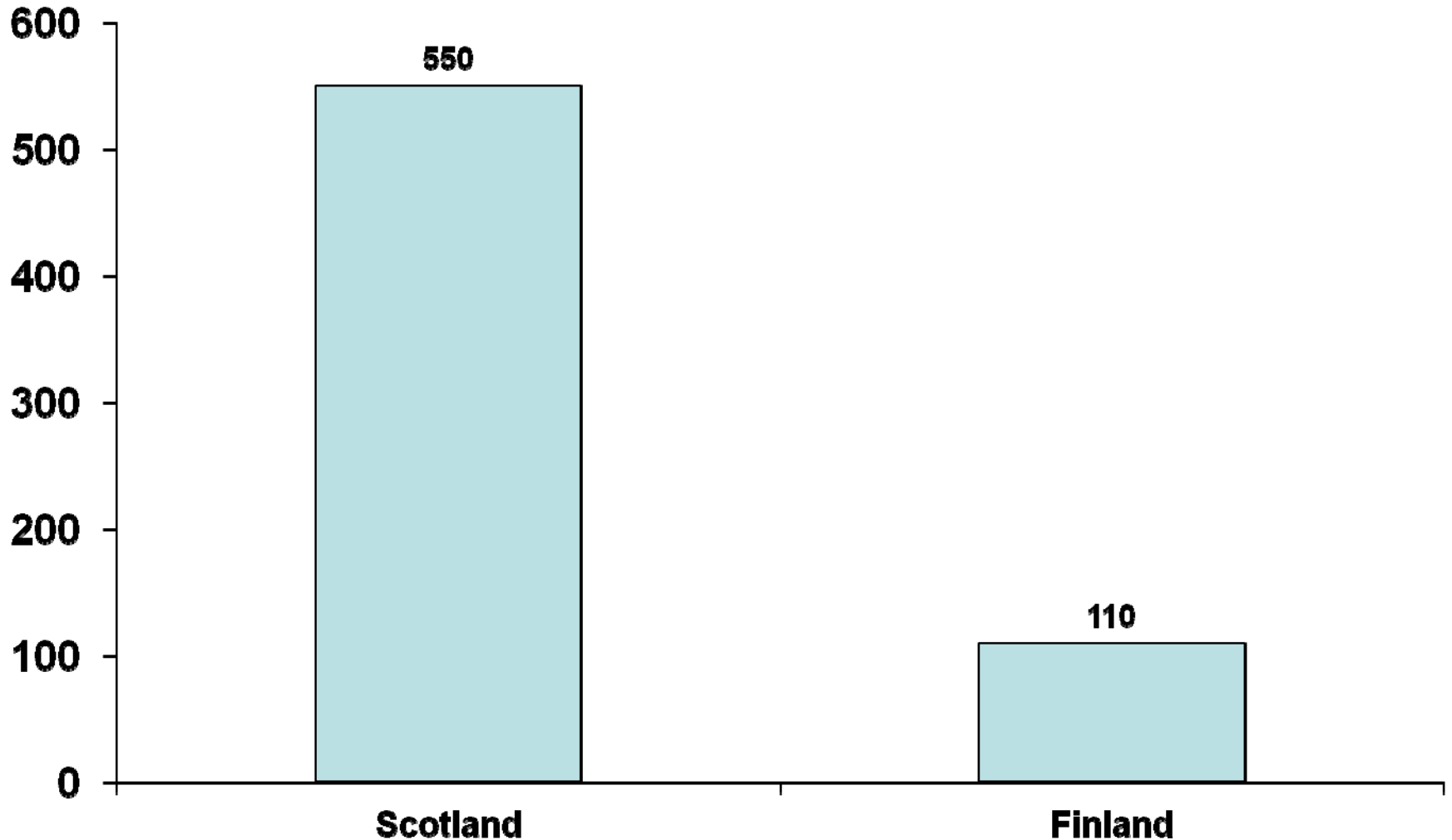
Prison profile

ICPS

Prison profiles 2012: Scotland and Finland



Prison profiles 2012: Average number of prisoners in prison



Comparing Scotland and Finland III

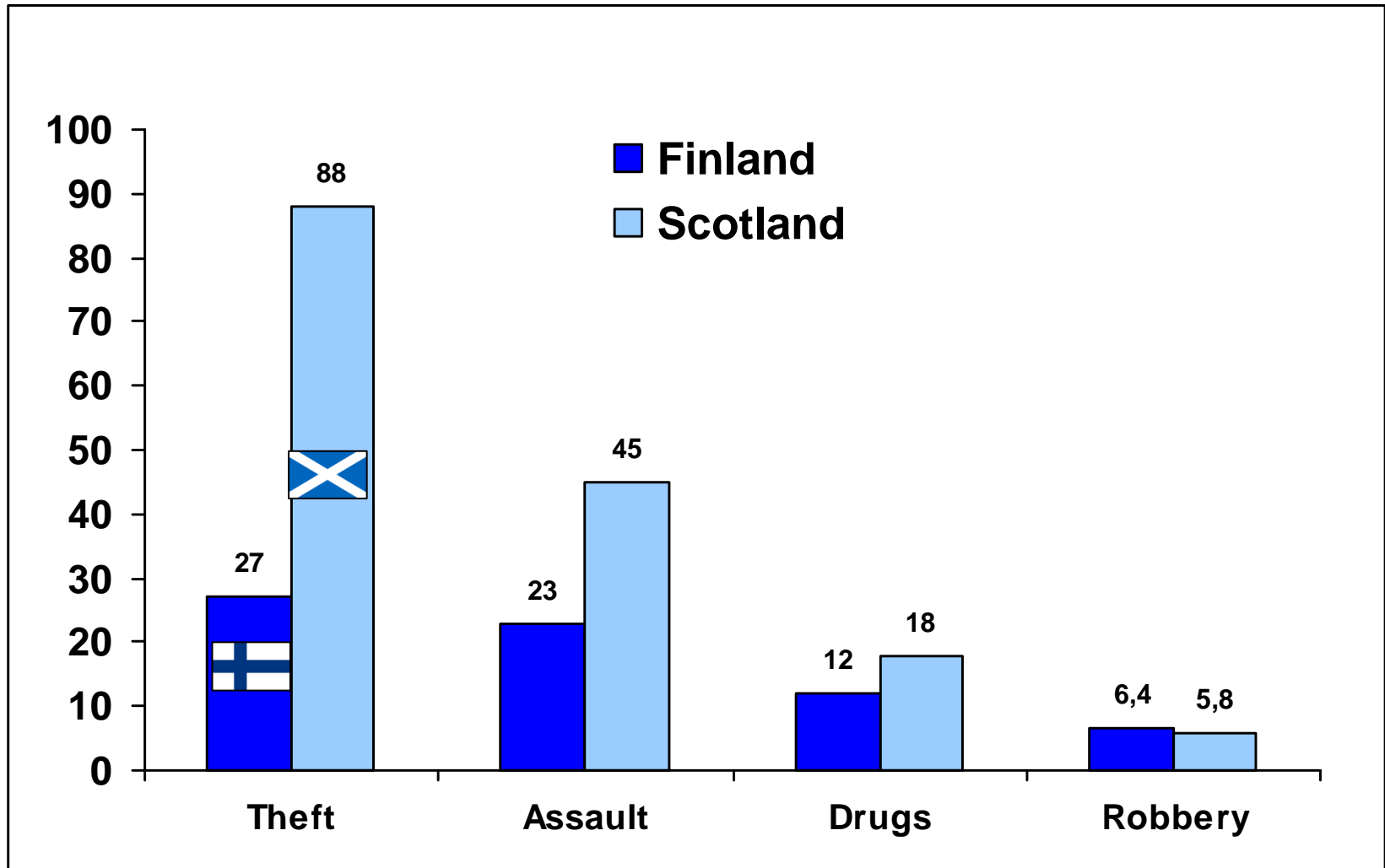
Sentencing practices
European Sourcebook 2010

Comparing sentencing statistics (courts)

<http://www.scotland.gov.uk/Publications/2008/06/02124526/2>

PopSCO 5 222 000 PopFIN 5 375 000	Scotland 2006/7	% (mean)	Finland 2010	% (mean)
Convictions	138 80	13 %	63 244	
Fines by court (by prosecutor)	85 000	61 % (211 £)	36 120 (57 % (445 €)
Custody	18 200	13 % (7 months)	6 271	10 % (10 mths)
Community Sanctions	17 400	12 %	18 752	
- probation/conditional	9 200	7 %	15 098	23 %
- CSO	5 800	4 %	2 676	4 %
Total prison years	10 617		5173	

Number of prison sentences (/pop) for different offenses (2006)



Summing up the steps

1. Research: Theoretical framework to back up and direct the program
2. Political: Reaching a consensus that overuse was a problem that should be dealt with
3. Screening the situation: How and for whom prison was (over)used
4. Planning the reforms
5. Implementing the reforms: co-operation with different actors
6. Evaluation, follow up and monitoring