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## European treatment and transition management of high risk offenders – a justice cooperation network (JCN)

The aim of the research is to compare the different legal concepts and practice concerning high risk/"dangerous" offenders. Therefore the following questionnaire is distributed to the partners in order to collect information on the legal base and the practical organization of supervision and surveillance of such offenders. Furthermore we want to gather statistical data on the quantity of high risk offenders and empirical data on the recidivism and reintegration of high risk offenders in the participating countries.

When talking about **high risk offenders** the partners have decided to focus only on offenders identified as at high risk of reoffending through threat of or serious injury or offences against the person (i. e. sex offenders, serious violent offenders).

We have decided to exclude high risk offenders dealt by other institutions such as psychiatric hospitals. The questionnaire therefore is restricted only to **high risk offenders in prisons** and after release from prisons.

Please forward the responses to me latest until 15 February 2013.

### Questionnaire

Legal issues	
I.	Definition of „dangerous“ or „high risk“ offenders
1.	<p>How is the legal concept of "dangerousness"/high risk addressed in Criminal Law, in your country? Is there a difference between "dangerous" and high risk offenders? If yes, please outline it briefly.</p> <p>(Legal conditions of criminal sanctions, preventive/security measures)</p> <p>The dangerousness assessment of prisoners who serve their entire sentence in prison, is regulated in chapter 17, section 45 of the Code of Judicial Procedure:</p> <p>Before deciding pursuant to chapter 2c, section 11 of the Criminal Code on service of the entire sentence in prison, an examination of the mental state of the defendant shall be ordered. At the same time, the court shall request a statement on whether or not the defendant is to be deemed a particular danger to the life, health or liberty of another.</p> <p>For the rehearing of service of the entire sentence in prison as referred to in chapter 2c, section 11 of the Criminal Code, the Helsinki Court of Appeal shall request a statement on whether or not a person serving his or her full sentence in prison is</p>

	<p>still to be deemed a particular danger to the life, health or liberty of another.</p> <p>Chapter 2c, section 11 of the Criminal Code goes as follows:</p> <p>– Service of the entire sentence in prison</p> <p>(1) In imposing a sentence the court may on the request of the prosecutor order that the convicted person shall not be released until he or she has served the entire sentence if:</p> <ol style="list-style-type: none"> <li>1) the offender is sentenced to a fixed-term sentence of imprisonment for at least three years for murder, homicide, killing, aggravated assault, aggravated rape, aggravated sexual abuse of a child, aggravated robbery, aggravated criminal mischief, genocide, crime against humanity, aggravated crime against humanity, war crime, aggravated war crime, aggravated trafficking in persons, taking of a hostage, aggravated endangerment of health, nuclear device offence, hijacking, an offence committed with terrorist intent or an attempt of or complicity in such offence, (212/2008)</li> <li>2) during the ten years preceding the offence the offender had been guilty of an offence mentioned in subsection 1 or an offence mentioned in subsection 1 had been committed within three years of his or her release after having served the full sentence in prison or after having served life imprisonment or after he or she had been conditionally released in the manner referred to in section 12, subsection 1, and</li> <li>3) on the basis of the factors apparent in the offences and the investigation referred to in chapter 17, section 45, subsection 3 of the Code of Judicial Procedure the offender is to be deemed particularly dangerous to the life, health or freedom of another.</li> </ol> <p>(2) When a joint fixed-term sentence of imprisonment is imposed for two or more offences, a prerequisite for the decision referred to in subsection 1 is that at least one of the offences is mentioned in said subsection and that the sentence imposed for it separately would be a fixed-term sentence of imprisonment of at least three years.</p> <p>When a prisoner who is serving a life sentence applies for parole, the Criminal Sanctions Agency makes a statement which must contain an assessment about the prisoner's risk of committing a violent crime. This is regulated in section 1 of the Law on the releasing procedure of long term prisoners.</p> <p>Other than what is mentioned above, there is no definition of "high risk" or "dangerousness" in the Finnish legislation.</p> <p>The number of prisoners serving life sentence and full sentence are low: in February 2013 the number of life prisoners was 201 and the number of prisoners serving their full sentence in prison 38.</p>
2.	<p>What kind of offenders are defined, in law or in practice, as "dangerous"/high risk in your country? (Offences, recidivist offenders in general or concerning specific offences, length of imprisonment?)</p> <p>The Ministry of Justice appointed a working group in 2011 on decreasing the risk of recidivism in serious violence. The working group finished its work in 2012, and one of its proposals was to enhance the risk assessment of offenders who have committed acts of serious violence and to organise programmes and other activities for them that have a preventive effect on recidivism. In its report, the working group suggested that in addition to prisoners who serve the entire sentence in prison and life prisoners, also those who commit new non-aggravated (but not petty) sexual or violent crimes should be a group of special attention. The working group also suggested that the dangerousness of those first-timers, who have committed manslaughter or murder and are to be conditionally released, should be assessed unless they are not assessed based on some other reason.</p> <p>According to the working group, there are 750-800 released prisoners per year that belong to the group of prisoners whose dangerousness should be assessed.</p> <p>Please see question I 1 for the number of life and full sentence prisoners.</p>
3.	<p>Please describe the boundaries and interaction of criminal sanctions (based on the guilt of the</p>

		offender) and preventive/security measures (based on the concept of dangerousness) and how these are dealt with in practice on a day to day basis. -
	4.	Does the law on sentencing in criminal cases provide for specific risk assessment and, if yes, how is the procedure of assessment legally regulated?  <b>Risk and need assessments are drawn up in Assessment Centres for allocation and for sentence planning on prisoners, who are in risk of recidivism and are thus in need of intensive activities.</b>  <b>Please see also reply to question I 1 above on violent offenders.</b>
	5.	Does the law provide for a redefinition of risk or a risk assessment during the execution of the prison sentence? ( e.g. after certain periods of time?)  <b>In following cases:</b> - <b>A prisoner placed in a high-security ward (evaluation every 3 months)</b> - <b>A prisoner may be segregated from other prisoners if this is necessary (evaluation every 30 days)</b> - <b>Prisoners serving life sentence (before release) and</b> - <b>Prisoners serving full sentence (before release).</b>
<b>II.</b>	<b>Early*/conditional release</b>	
	1.	Please describe the legal provision and conditions of early/conditional release from <b>prisons</b> in general and any particular legal conditions or requirements applying in the case of dangerous/high risk offenders.  <b>Conditional release refers to the release of a prisoner sentenced to unconditional imprisonment to serve the rest of the sentence in freedom. Only a specified proportion of the sentence is served in prison and the last part in freedom with or without supervision.</b>  <b>A conditionally released prisoner is ordered under supervision if:</b> - <b>the part of the prison sentence not served in prison is longer than one year;</b> - <b>the offence is committed when under 21 years of age; or</b> - <b>the prisoner so requests.</b>  <b>Juveniles (under 21y.) are released when 1/3 of their sentence is served, if they are recidivists at ½. Adults are released when ½ of their sentence is served, if they are recidivists at 2/3.</b>  <b>A lifetime prisoner can apply from Helsinki Court of Appeal for release when he has served 12 years of his sentence (at 10 years if he/she is a juvenile). The Helsinki Court of Appeal will ask for several statements about the release and thus the application is carefully considered. For lifetime prisoners the probationary period and supervision time is always three years.</b>  <b>A prisoner serving full sentence may be released at 5/6, unless he is considered dangerous. Helsinki Court of Appeal decides about release at 5/6. If he is considered dangerous he is released when he has served his full sentence, and thus there will be no probationary period or supervision.</b>  <b>Fine defaulters are not released early.</b>
	2.	What kind of conditions or requirements (supervision orders, curfews etc.) can be imposed as a condition of early release?  <b>The main conditions for early release in Finland are stated in the previous point (II / 1). The release of each prisoner is carefully prepared:</b>  - <b>The release plan concentrates on how the person will cope in society concerning</b>

		<p>accommodation and living and other such matters. For those that are released under supervision a supervision plan is drawn up, and in the early version of the plan the main requirements of supervision are stated (first supervisory meeting, frequency of meetings etc). After release the plan is developed in cooperation with the supervised person and the content of the supervision period is defined. This could be for example that the offender should attend a programme for people who need to deal with issues connected to aggressive behaviour. Discussions with the supervisor about criminal behaviour and issues related to criminality are a minimum condition with any person on early release and under supervision. See more about the obligations of the offender under supervision and the content of supervision in chapter IV 1.</p> <p>However, breaching of the conditions does not automatically lead to the supervised person being sent back to court/prison, as these conditions are not ordered/sentenced by the court. Only serious breaching (i.e. not showing up at all at the community sanctions office or criminality during probationary period) lead to the supervisor reporting the breaches to the prosecutor.</p> <p>See also answer to question 1 in section IV.</p>
	3.	<p>What is the length of the post-custody supervision period provided by law?</p> <p>(Are there indeterminate periods, e.g. for life-time, or long-term determinate periods of supervision provided by law? Is the period of supervision equivalent to the rest of the sentence not served in prison or independent of it? i.e. like in Germany 2-5 years, independent of the 1/2 or 1/3-period not served in prison)</p> <p>In Finland the post-custody supervision time (which is the same as the probationary period) in most cases is the sentence time left after the time spent in prison. The supervision time cannot exceed three years.</p> <p>As also mentioned in section II, question 1, when released from life sentence, the supervision time is always three years. If a person has served full sentence, there will not be any supervision.</p> <p>Supervision can be suspended after 6 months, if certain requirements are fulfilled.</p>
III.	Transitional phase	
	1.	<p>How is the preparation for release legally and practically organised? (sentence and release plan, transfer to open prison, prison leaves etc., specific plans for "dangerous"/high risk offenders)</p> <p>An individual plan (sentence plan) shall be drawn up for each prisoner for the serving of the term of sentence, release and conditional release (parole). Prisoner's risks and needs are evaluated. The sentence plan includes a plan on the allocation of the prisoner, his or her activities during the sentence, supervised probationary freedom and conditional release as well as on granting a permission of leave. The sentence plan shall be supplemented with a release plan well in advance of the probable release of the prisoner. 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 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 personality, criminality and circumstances are taken into account in the contents and extent of the sentence plan.</p> <p>The Regional Assessment Centres are responsible for the assessments, the sentence plan and the prisoner's allocation and transfers. The prison is responsible for drawing up the release plan. The prison governor decides about prison leaves.</p> <p>The prison governor usually decides about the prisoner's early release according to the deadlines defined in law. The prison leaves of life prisoners and those serving the full sentence in prison are decided by the Central Administration of the Criminal Sanctions Agency (CSA). Helsinki Court of Appeal decides about the release of these prisoners. The Central Administration of the CSA gives a statement in these cases. Different kinds of evaluations (dangerousness, risk of violent crimes) on these groups of prisoners are made before release. The Psychiatric Prison hospital takes care of these evaluations.</p> <p>The CSA decides also on certain individual cases (mainly members of organised crime) on</p>

	<p>matters of allocation, transfer between prisons and certain permits.</p> <p>Prisoners also have the possibility to seek pardon from the president of the republic.</p> <p>The strategic policy of the CSA is that 35 % of prisoners are placed in open prisons and 65 % in closed prisons. All prisoners can not move from closed to open prisons because of security reasons. Therefore more than 60 % of prisoners are still released from closed prisons. Prisons are able to organise activities only for 63 % of prisoners.</p> <p>A new transitional procedure called supervised probationary freedom has been in use in Finland since 2006. A prisoner serving either a fixed-term or life imprisonment can be placed in probationary freedom a maximum of six months before his or her release on parole. Experiences of supervised probationary freedom have been positive. Supervised probationary freedom enables a well planned and controlled release.</p> <p>The prisoner is presumed to comply with abstinence from substances and other conditions of the supervised probationary freedom. Supervised probationary freedom requires a release plan, which includes information on, e.g., the housing and livelihood of the released offender, the obligation to participate in an activity, the daily schedule and the supervision of the probationary freedom. Prisons are responsible for the supervision of probationary freedom.</p>
2.	<p>What services are involved in release preparation? What are the roles and tasks of the services inside the institution?</p> <p>The senior criminal sanctions official in prison is in charge of drawing up the release plan, when necessary in co-operation with the prison's social worker (housing, subsistence, family matters), worker for alcohol and drug abusers (continuity), guidance counselor (education), health care etc.</p> <p>The release plan is drawn up, where necessary and with the consent of the prisoner, in cooperation 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 adaptation of the prisoner into the society.</p> <p>The Psychiatric Prison hospital makes dangerousness evaluations of prisoners serving the full sentence before release. The Helsinki Court of Appeal requests such an evaluation when the prisoner serving the full sentence in prison has served five sixth of the sentence and has applied for early release.</p> <p>An evaluation of the risk of committing violent crimes is made in Psychiatric Prison hospital for life prisoners. Life prisoner can apply for early release when she or he has been in prison for 12 years (if crimes were committed under the age of 21 years, after having served 10 years in prison).</p>
3.	<p>What services are involved in the community after release? What are the roles and tasks of aftercare services such as the probation service?</p> <p>If the prisoner is subjected to supervision (crimes committed under the age of 21 years or over 1 year of sentence left or prisoner wishes to be placed under supervision), a supervision plan is drawn up for him or her. The Community Sanctions Office draws up this plan.</p> <p>The release plan is sent (with the prisoner's consent) to the social worker of the prisoner's municipality of residence. The prisoner will have an appointment with the social worker soon after release. Appointments are also made at the employment agency, alcohol and drug abuse services and self care groups if needed. The social worker of the municipality takes care of planning what services the released prisoner needs and plan guides him or her to the services.</p>
4.	<p>When does the preparatory stage for release begin? (Is it defined by law? Are there standards, guidelines?)</p> <p>The Imprisonment Act states that preparing for release should start well before probation or conditional release. The Criminal Sanctions Agency has given instructions that the preparations should start at the latest 6 months before release.</p>
5.	<p>Do the probation officers visit the prisoners in prison? How often? When do they start?</p>

	<p>Is continuity of care provided by law or practice?</p> <p>The Probation officers visit prisoners in prisons once or twice a few months before release. Continuity of care is provided by law for those that are placed under supervision.</p>
6.	<p>Is there a case manager in the prison and/or in the community? If yes, who is the case manager and what are their responsibilities?</p> <p>The senior criminal sanctions official working in prison is in charge of the sentence plan and is also in charge of the release plan (i.e. this person is the case manager). The implementation of the sentence 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 official appointed to this task.</p> <p>The case manager in the community is the supervisor at the Community Sanctions Office. In some cases the social worker of the municipality may be viewed as the released prisoner's case manager.</p>
7.	<p>Please describe the system of prison/institutional leave (absence or release during sentence) in general and for "dangerous"/high risk prisoners in particular.</p> <p>Does the law provide for a transfer to open prisons for "dangerous"/high risk prisoners and what are the procedures for such a transfer?</p> <p>A permission of leave may be granted on the basis of the length of term of sentence when two-thirds of the sentence but not less than two months of the sentence has been served. Permission of leaves may be granted for maximum 3 days in every two months.</p> <p>In addition, leave can be granted for important reasons (for example attending to the family, health care, subsistence, work, training, social or housing issues).</p> <p>The prison governor or assistant governor normally decides about leaves. If needed, an escort may be used during the leave.</p> <p>Security is naturally an important issue when making a decision about a high risk offender's leave. If a prisoner serving a life sentence of imprisonment is not granted a permission of leave at the basis of the length of his or her sentence, he or she shall be granted a permission of leave under escort at least once every year.</p> <p>When placing a prisoner in an open prison, the progress of the sentence plan, security and ability to cope in open circumstances are emphasised.</p>
8.	<p>Does the national law provide for halfway houses and/or electronic supervision for "dangerous" or high risk prisoners in the preparatory stage for release or on release?</p> <p>Both life sentence prisoners and prisoners serving the full sentence in prison can be placed in supervised probationary freedom. Prison is in charge of control during the supervised probationary freedom. For prisoners serving the full sentence in prison, supervised probationary freedom of 3 months is obligatory. They are also made an individual execution plan, which includes housing arrangements (own apartment, supported living, institutional care) rehabilitation and activities (work, studying, rehabilitation). The prison is in charge of control during the supervised probationary freedom. In practice the supervision is taken care of by support patrols. It is done by phone, drug tests and control visits. Electronic monitoring is also used.</p> <p>There are two kinds of halfway houses in Finland: in connection with prisons in Kuopio and Oulu and as an outsourcing service in Tampere and Helsinki. The prisoners are placed in these units some weeks or a couple of months before release.</p> <p>Prisoners can also get an apartment after release or during supervised probationary freedom from the Probation Foundation KRITS, which is a non-profit after-care foundation for sentenced offenders and their families.</p>
9.	<p>Are NGOs or private aftercare services involved during the prison sentence, in the transitional phase or in the community following release? What is their role and to what authority are they accountable?</p> <p>The prisoners are supported by peer groups, self-care groups (AA, NA), spiritual groups (congregations) and other voluntary organisations during and after the sentence.</p>

		<p>Cooperation is done also with the Probation Foundation KRITS and C.R.I.S (a peer group support association).</p> <p>During the sentence the support work is supervised by the Criminal Sanctions Agency and after release by different authorities.</p>

\* The term **early release** refers to automatic or unconditional release schemes that exist in some countries, see Padfield, N., van Zyl Smit, D., Dünkel, F. (Eds.) (2010): *Release from Prison – European policy and practice*. Cullompton: Willan Publishing.

IV.	Aftercare	
	1.	<p>Please describe the system and forms of control/supervision after release.</p> <p><i>Conditional release</i></p> <p>Conditional release, also known as parole, refers to the release of a prisoner sentenced to unconditional imprisonment to serve the rest of the sentence in freedom. Only a specified proportion of the sentence is served in prison and the last part in freedom with or without supervision.</p> <p>A conditionally released prisoner is ordered under supervision if:</p> <ul style="list-style-type: none"> <li>- the part of the prison sentence not served in prison is longer than one year;</li> <li>- the offence is committed when under 21 years of age; or</li> <li>- the prisoner so requests.</li> </ul> <p>The Criminal Sanctions Agency is responsible for the organisation and realisation of the supervision. The supervisor is an official of a community sanctions office of the Criminal Sanctions Agency. A private person, who has the training and experience suitable to the task, can be ordered to assist the supervisor.</p> <p>The goal of the supervision is to prevent recidivism by increasing the abilities of the released prisoner to adopt a life without crime. Therefore, the released prisoner is involved in the preparation of an individual supervision plan the aim of which is to support his or her social coping. The supervision plan is coordinated with the sentence plan prepared in prison and other plans prepared elsewhere, for instance, in social services. The preparation of the supervision plan is started in well in advance prior to the release so that the plan can be taken into use at the beginning of the supervision.</p> <p>The supervision lasts for the probationary period, which is three years at the most. Based on justified reasons, the supervisor can propose an earlier termination of the supervision.</p> <p>The Criminal Sanctions Agency pays the reasonable travel expenses of the supervised parolee in regard to the supervision appointments. The amount is based on the costs caused when using public transportation.</p> <p>In February 2013, the daily average of supervised parolees was 1024.</p> <p><i>Obligations of the parolee ordered to supervision</i></p> <p>The parolee ordered to supervision is obliged to participate in the preparation of the supervision plan and keep in contact with the supervisor in the manner specified in the plan. In general, contact is made more frequently at the beginning of the supervision whereas, later on, the number of appointments may be reduced if necessary.</p> <p>During the supervision appointments or whenever the supervisor requests, the supervised parolee is required to give the supervisor necessary contact information as well as information related to his or her work, accommodation, training, studies, and financial situation. Other knowledge on the situation of the supervised parolee may also be important in regard to the realisation of the supervision. The supervised parolee has to inform the supervisor of major changes concerning parolee's situation on his or her own initiative.</p> <p>The supervised parolee has to comply with the orders given by the supervisor necessary to implement the supervision.</p> <p>The supervised parolee cannot be under the influence of alcohol or other intoxicating substances at the supervision appointments. Thus, the prohibition to use alcohol only applies to the supervision appointments. If the supervised parolee has problems with various addictions, it is taken into account in the supervision plan.</p> <p>At the beginning of the supervision, the supervisor discusses and notifies the supervised parolee of the consequences of violating the obligations. The possible consequences include a written warning, a request to be fetched by the police, or a notification to the prosecutor. In case of a gross violation of the obligations, the court may order 4 to 14 days of the remaining sentence to be enforced.</p>

	<p><i>Content of supervision</i></p> <p>Supervision includes regular meetings between the supervisor and the supervised parolee. The purpose of the appointments is to improve the abilities of the supervised parolee to bear his or her responsibilities and support the parolee to act in a manner acceptable in society. The appointments are confidential.</p> <p>In the supervision appointments, the focus is especially on the factors influencing criminal behaviour and, at the same time, the supervised parolee is assisted in contacts with, for instance, the authorities or other parties supporting the arrangement of the parolee's life situation. The supervisor directs the supervised parolee to the different support measures and services if they together consider it necessary. Those services include social, substance use, health care, dept counseling, or other similar services.</p> <p>The supervision plan is prepared with the parolee ordered to supervision already before the release. The supervision plan provides the supervised parolee information on the regulations and obligations concerning the supervision period. At this point, it is possible to determine which matters need particular attention during the supervision. The risks, needs, and resources, which the supervised parolee has in the current life situation, are assessed at the beginning of the supervision. Based on the assessment, the supervisor and the supervised parolee prepare an individual work plan, which includes the goals of the supervision period and the means to reach the goals. In accordance with the plan, different themes are covered in the appointments with the help of, for example, discussions, tasks, and exercises. Participation in various groups and courses is also possible during the supervision period. Supervision promotes the supervised parolee's own efforts to change. Supervision may also include cooperation both with the people closest to the supervised parolee and with other authorities.</p> <p>Are there particular legal requirements or restrictions for certain types of offenders? (Registration etc.) Please outline them briefly.</p> <p>No.</p> <p>Please explain any different requirements applying to offenders conditionally released and those having fully served their sentence.</p> <p><b>If a prisoner has fully served his sentence he cannot be placed under supervision at release.</b></p>
2.	<p>Are there legal and practice provisions or guidelines/standards for the definition of risk, risk assessment during the probation/aftercare period? If yes, please outline them briefly.</p> <p>Supervisors are able to see the assessments about risk (static factors, SIR-R1 and ARAT) and the more extensive risk and need assessments that have been made at the beginning of prison sentence by the Assessment Centers.</p> <p>But supervisors don't have standards for definition of risk during probationary period / supervision.</p> <p>There are still some problems with the information change from the prison to the community sanctions office about security matters. Supervisors don't always have all the necessary information by the time of release. Supervisors do have reflective discussions with all parolees about crime, substance abuse, social relations and daily routines, thinking and behavior, attitudes and motivation, income, housing, work and school, health and networks – all this according to the released person's needs and situation. Through these discussions and through the information given by police (contact person) supervisors do have a lot of information about risks and based on that information the supervisor can propose for example an earlier termination of the supervision.</p> <p>The parolee ordered to supervision is obliged to keep in contact with the supervisor in the manner specified in the plan. With high risk offenders, contact is made much more frequently and very rarely some appointments may be organised with the police. On the other hand, some high risk offenders are obligated to do just the minimum (appointments once a month). By negotiating in a reciprocal manner, control can be minimised in order to get the best starting point for a good interaction and discussions. Many times high risk offenders like members of organised crime show up at the appointments, but the real challenge is to get them to talk and trust the supervisor</p>

3.	<p>What services are involved, with legal responsibilities, in aftercare supervision? What other services are involved? (See Q9 below)</p> <p>No other services are involved with legal responsibilities. Parolees use same services as any other inhabitants of municipalities. Nevertheless, supervisors are obligated by law to network when necessary while preparing the individual supervision plan. In that way the individual plan is supporting the plans the supervised parolee may have prepared elsewhere (social welfare plan, drug or alcohol treatment plan etc.). This is also the way of making offenders' specific social problems and long rehabilitation processes visible to other authorities.</p> <p>Anger management courses (group or individual), MI-exercises and other programmes are often available at the community sanctions office.</p>
4.	<p>Please briefly describe their tasks and working practice.</p>
5.	<p>What is the role and interplay/co-operation of state and private aftercare services?</p> <p>The supervised parolee is assisted in contacts with the possible services she/he may need. See question 9 about NGOs.</p>
6.	<p>How, to what extent and on what legal basis, the police are involved?</p> <p>Supervisors can make a request to the police that the parolee is fetched by the police if violating the obligations by not coming to the supervision appointments.</p> <p>If the supervisor has reason to suspect that the parolee is involved in criminal activities and thus violating the obligations of supervision, he or she can receive information on the parolee from the police.</p> <p>A private person, who has the training and experience suitable to the task, can be ordered to assist the supervisor. Also policemen are used as assistant supervisors with high risk offenders. The police can also give assistance with appointments (security, neutral room for an appointment etc).</p>
7.	<p>Is electronic monitoring applied?</p> <p>Not in aftercare but in supervised probationary freedom.</p> <p>Please describe the legal basis (which offenders, offences?)</p>
8.	<p>Which form of electronic supervision is used? (House arrest, GPS?)</p>
9.	<p>Are NGOs or private aftercare services involved in the aftercare phase?</p> <p>Yes, but not with legal responsibilities. The supervised parolee is assisted in contacts with NGOs as well as other services.</p> <p><i>The Probation Foundation (Krits)</i> is a non-profit after-care foundation for sentenced offenders and their families</p> <p>KRITS strives to improve the position and performance in society of those sentenced to prison and of their families. KRITS develops after-care and improves services, influences criminal policy, promotes the interests of its target group and supports voluntary work.</p> <p>KRITS actively implements projects aiming to promote the provision of necessary services in the society and to improve the position of those committed to rehabilitation. KRITS promotes after-care services by organising conferences and by participating in the operation of various co-operating bodies. KRITS also grants assistance for various types of development projects in the after-care sector and voluntary work.</p> <p>KRITS provides supported housing services in the Helsinki area and runs contact point Redis that offers peer support, service counseling and alcohol- and drug-free leisure activities. KRITS's Ombudsman for Probation and After-care offers services nationwide.</p> <p><i>Aggredi programme in Helsinki area</i></p> <p>Aggredi programme is financed by RAY (Finland's Slot Machine Association). Aggredi focuses on the offenders of street violence. The aim of the programme is to create a system</p>

	<p>based on partnership and collaboration that enables a fast and efficient intervention in the lives of young adults that have drifted to problems due to violence. The aim is to break away destructive patterns and to make way for new opportunities and behavioral patterns within the target group.</p> <p>The programme's target group consists of 18 to 39-year-old offenders that have committed serious crimes of outdoor violence and already have a strong experience or fear of getting into vicious circle of violence.</p> <p>More information about Aggredi: <a href="http://www.helsinkimissio.fi/?sid=478">http://www.helsinkimissio.fi/?sid=478</a></p> <p><i>C.R.I.S</i></p> <p>C.R.I.S (Criminals' Return In to Society) is an international non-profit-organization that exists in eight European countries. The organization started in Sweden 1997, and the first CRIS-association in Finland was started in 2003.</p> <p>In Finland CRIS operates in seven different localities (31.3.2010). The keywords are honesty, solidarity, comradeship and abstinence from drugs. The experience of the older members, concerning a criminal way of life and above all the break from it, is the basis of how C.R.I.S. tries to help other people in similar circumstances.</p> <p>More information about C.R.I.S: <a href="http://www.kris.fi/?id=163">http://www.kris.fi/?id=163</a></p> <p><i>Silta-valmennus</i></p> <p>Silta is a non-profit association established by non-governmental organisations in Tampere in the year 2001.</p> <p>The primary task of Silta is to increase societal equality, participation and welfare by coaching and helping hard-to-employ people to improve their ability to work and to function, and to find their place in society.</p> <p>More information about Silta: <a href="http://www.siltavalmennus.fi/index.php/tutustu-siltaan/briefly-in-english">http://www.siltavalmennus.fi/index.php/tutustu-siltaan/briefly-in-english</a></p>
V.	Statistics/empirical studies on recidivism
1.	<p>How many and what kind of "dangerous"/high risk offenders are in prison? (Absolute and percentage numbers data)</p> <p>Please specify the categories, if available, of offenders or offence groups.</p> <p>28,8 % (N=740)</p> <p>This number was calculated from all prisoners (excluding remand and default prisoners) who were registered on 15 January 2013.</p> <p>"High risk prisoner" was defined as follows:</p> <ul style="list-style-type: none"> <li>- all prisoners who were serving a prison sentence for homicide or attempted homicide</li> <li>- prisoners who had committed repeated violent or sexual offences (i.e. if the prisoner was serving a sentence for a violent or sexual offence and he or she had been sentenced for the same types of offences earlier, he or she was counted as a "high risk prisoner")</li> <li>- the most lenient violent and sexual offences were left out</li> <li>- the following crimes were included: murder; manslaughter; killing; genocide; grossly negligent homicide; aggravated assault; all sexual offences against a child; rape; aggravated rape; sexual abuse; coercion into sexual intercourse</li> </ul> <p>The number of prisoners serving a sentence for homicide was 607 in the data, so most of the "high risk prisoners" were them.</p>

2.	<p>Please give longitudinal statistical data concerning question 1 for the time since 1995 (or for the period data is available)</p> <p><b>Please the attached Excel file. NB! The figures in the table are not entirely comparable with the figures provided in question 1.</b></p>
3.	<p>How many and what kind of "dangerous"/high risk offenders (see question 1) are under supervision of the probation and aftercare services?</p> <p><b>Please see the attached Excel file.</b></p>
4.	<p>Please provide longitudinal data since 1995 concerning question 3 (or for the period data is available).</p> <p><b>Not available.</b></p>
5.	<p>How many "dangerous"/high risk offenders are under police surveillance or supervision as a legal condition or requirement ?</p> <p><b>The police do not participate in the probation surveillance in Finland except in exceptional cases.</b></p>
6.	<p>Please provide any studies on recidivism and/or recall from early/conditional release.</p> <p>Are there any systematic studies on the reintegration/recidivism of "dangerous"/high risk ex-prisoners? Please describe the main results or attach the relevant publications (in English language).</p> <p><b>According to a Nordic study on recidivism, 32 % of released prisoners committed a violent offence which led to a sanction in the follow-up period of two years after release. The corresponding figure for sexual offences was 11 %.</b></p> <p><b>Reference: Retur. En nordisk undersøgelse af recidiv blandt klienter i Kriminalforsorgen.</b></p> <p><b>Summary in English: <a href="http://www3.unil.ch/wpmu/space/publications/recidivism-studies/#.UR4a5md4LCM">http://www3.unil.ch/wpmu/space/publications/recidivism-studies/#.UR4a5md4LCM</a></b></p>
7.	<p>Have the risk assessment instruments used by the prison and probation services been evaluated? What have been the results? Please provide details of evaluation studies.</p> <p><b>Risk and needs assessment (RITA) is done for most high risk offenders. The tool is developed by the Criminal Sanctions Agency in the beginning of 2000s and it is quite similar to the OASys-assessment tool used in England. Research on the validity of RITA assessment tool is currently being carried out.</b></p> <p><b>The assessment of static risk of reoffending is not yet done automatically but in the future it will be normal practice. Criminal Sanctions Agency has developed an assessment tool called ARAT on the base of SIR-R1-assessment tool and it is already used on pilot bases for some cases e.g. high risk offenders. ARAT is developed so that it fills scientific requirements.</b></p> <p><b>The risk of reoffending is also assessed in connection to community sanctions work but the tools are not evaluated. Criminal Sanctions Agency is developing a joint short basic assessment tool for both community sanctions clients and prisoners and also additional assessment tools if a deeper assessment is needed.</b></p>

VI.	Further issues	
	1.	Has your country been subject of decisions of the European Court of Human Rights with regards the accommodation and treatment of "dangerous"/high risk offenders?
	2.	<p>Please provide relevant information and the references of reports of the Committee for the Prevention of Torture (CPT) and the Government's answers to them in respect of "dangerous"/high risk prisoners. Have there been policy or legislative amendments with regards to the CPT-reports?</p> <p>The following extracts are from the CPT-report 2008<sup>1</sup>:</p> <p><b>Prisoners subject to special regimes</b></p> <p><b>recommendations</b></p> <p>-a suitable programme of purposeful activities of a varied nature (including work, education and targeted rehabilitation programmes) to be offered to prisoners held in conditions of high security. This programme should be drawn up and reviewed on the basis of an individualised needs/risk assessment by a multi-disciplinary team (involving, for example, a psychologist and social worker), in consultation with the inmates concerned (paragraph 72).</p> <p>The sentence plans of prisoners are the responsibility of the placement unit<sup>2</sup>, which draws on the extensive skills base of its staff. If necessary, a prison may ask the placement unit to re-evaluate the sentence plan in respect of prisoners placed in high-security wards. The problem comes from prisoners placed in high-security wards often being unwilling to take part in activities of any kind or to cooperate with the prison authorities. Motivation and the provision of activities of some kind as well as individualised services are nonetheless of vital importance. The prison can offer additional individualised services, such as access to a psychologist, to inmates placed in high-security wards, whereas the provision of a wider range of activities is problematic due to structural and safety-related concerns.</p> <p>Riihimäki Prison will introduce its Info TV programme in the current year. The cells are equipped with television sets provided by the prison, and in addition to regular broadcasting, the prison will start broadcasting material produced by the prison on one or two channels. One channel will be set aside for communicating standing orders and bulletins to the inmates. Another channel will start to broadcast study support programming geared to inmates engaging in studies, e.g. transmitting lessons held for prisoners to those unable to attend the sessions. This will lend support to the study pursuits of inmates in high-security wards as well.</p> <p>The aim is for prisoners to be reallocated to a lower-security ward as soon as possible. The Criminal Sanctions Agency will recommend to the prison that in addition to that described above, inmates could also be offered, at least on a small scale, work to be performed alone or in small groups and flexibly available whenever the inmates are so inclined.</p> <p>-the imposition of the restrictions on contact with the outside world mentioned in paragraph 73 to be based on an individual risk assessment (paragraph 73);</p> <p>Under the Imprisonment Act, the letter of a prisoner in a high-security ward may be read if necessary to prevent or clear up a crime, to avert a danger threatening the order of the prison, or to protect the safety of an inmate or another person. The use of the telephone for an inmate in a high security ward is conditional upon the inmate consenting to his calls being monitored and also recorded. The right of an inmate placed in a high security ward to have visitors besides their next of kin or attorney may be restricted if there is justified cause to suspect that this Act would be violated in such a meeting.</p> <p>The monitoring of the contact with the outside world of the prisoners placed in the high security ward at Riihimäki Prison is based on individual risk assessments. The reasons for placement in the high security ward most commonly involve the prevention of criminal</p>

<sup>1</sup> Regarding the parts in the report on Riihimäki Prison: the focus is at the security ward of Riihimäki Prison which inhabits 8 prisoners.

<sup>2</sup> Placement units are nowadays called Assessment Centres.

		<p>activity carried out from the prison or the prevention of escape, and these are the same reasons involved in the restriction of contact.</p> <p>Under the Imprisonment Act (767/2005), an inmate may be placed in a high security ward also if such placement is justified to guarantee the said inmate's personal safety. In such a case, the prison has no need to restrict the inmate's contact with the outside world to any greater degree than is common in prison. One inmate in the high security ward at Riihimäki prison has been placed there for his own safety.</p> <p>comments</p> <p>-it is essential, for the effective management of prisoners whose personality or behaviour is likely to mean that they will spend prolonged periods in conditions of high security, that decisions reached about their management are not only fair but can be seen to be fair (paragraph 70).</p> <p>The director of Riihimäki Prison holds a quarterly placement meeting in the high security ward to discuss the placement of prisoners there. Inmates are invited to the meeting but not all inmates wish to attend.</p> <p>The prison psychologist also works in the high security ward and issues an opinion on inmates in the high security ward for placement purposes.</p> <p>In addition to the placement process, the same sentence plan monitoring scheme is observed in the high security ward as in respect of other inmates. The prison administration supervisor in charge of the ward updates the sentence plan of each inmate placed in the ward three times a year. The inmate concerned may attend the plan updating session and receive information on his progress. He may also contribute to the plan. These meetings furthermore offer a forum for discussing the reasons for the inmate's placement in the high security ward.</p>
	3.	Is there a legal basis for information exchange between agencies dealing with "dangerous"/high risk offenders in prisons and/or in the community? If yes, please outline them briefly.
	4.	Please detail here any further important issues related to "dangerous"/high risk offenders not considered in the questionnaire.

Florence, 12 December 2012

Frieder Dünkel