Reducing the prison population -
Long-term experiences from Finland

Re-imagining Imprisonment in Europe.
Common Challenges, Diverse Policies & Practice
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FINLAND

• Population: 5.4 million, fairly homogenous, but with increasing number of foreigners (now exceeding 3% of the total population)
• Juridical system: rooted in western, continental legal culture with strong influence from neighbouring Nordic Countries.
• “Nordic Model”: high level of social security and equality (nordic welfare state), higher levels of social trust and political legitimacy, and lower levels of penal repression.
But, things used to be different...
### Incarceration rates /pop 1960 and 2012

<table>
<thead>
<tr>
<th>Country</th>
<th>1960</th>
<th>2012</th>
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<tbody>
<tr>
<td>Finland</td>
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<td>Norway</td>
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<td>Sweden</td>
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<td>France</td>
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<td>Scotland</td>
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Nordic countries 1980-2010 / pop

Imprisonment rates / 100,000 pop

- DK
- FI
- NO
- SE
LOOKING BACK OVER 50 YEARS: USA & FIN

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

PRISONERS IN FINLAND 1945-2003
(/100 000 pop)
A Turbulent history
The 1900s...

- Three wars: a bloody 1918 Civil War, two wars against Soviet Union between 1939 and 1944
- Struggles under severe social, political and economic crisis 1920-30s, 1950s
- Resulting very high incarceration rates (peaking 250/100 000 post WW2)
Prisoner rates and societal crises 1900s

- Civil-war
- Prohibition Recession
- Post-War years
- Joining the welfare family

Legend:
- Yellow: Regular prisoners
- Red: War/political prisoners
- Green: Fine defaulters
Penal liberalization: 1960s->

• De-carceration
• De-criminalization
• De-penalization
• Priority on legal safeguards
• Research impact
• Redefining the aims of crime policy
The Finnish "decarceration program"
Background: Research findings and reformulating policy principles 1960/70S-

1. General distrust in institutional treatment
2. Criticism of coercive care and the lack of legal safeguards
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
Realizing the reform plan: 1960/1970s->

1. Preventive detention 1971
2. Fine defaulters 1969/06
3. Penalties for theft 1972/91
4. Reform of drunken driving 1977
5. Conditional sentence 1976/00
6. Sentencing principles 1976
7. Juvenile justice 1970-90s
8. Community service 1992
Backing up political support

- A network of active researchers, civil servants and policy makers (close personal contacts - small country!)

- The "Nordic Card":
  - need to harmonize our system with the other Scandinavian countries (which had more enlightened and advanced social policy – and more money)
1. Restricting the use of indeterminate sanctions (preventive detention) early 70s
2. Restricting the use of default imprisonment (and decriminalizing public drunkenness) late 60s

FINE DEFAULTERS IN PRISONS
1950-2000
(Absolute figures)

- Mean prison term for theft
  - 12 months -> 3 mths
- The share of imprisonment of theft-convictions
  - 50 % -> 20 %
- The total annual number of imposed prison years for theft
  - 2500 -> 250
- Prisoners serving a sentence for theft
  - 2000 -> 500
- The share of thieves of convicted prisoners
  - 50 % -> 15 %
Prisoners serving a sentence for theft offenses 1975-2010
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 %
The length of all prison sentences for four different offenses 1950-1990

- Theft
- Aggravated assault
- Robbery
- Drunken Driving

Months (average)

1950 1970 1990

- Restricting the role of recidivism in sentencing (no mechanical rules)
- Reducing unwarranted disparities in sentencing
- Providing a framework for discussions in sentencing between different actors (sentencing seminars)
Co-ordinated "sentencing package" of four laws – mid 1970s

1. Expanding conditional imprisonment (providing a combination of conditional + fines)
2. Increasing the credibility of fines as an alternative by raising the value of dayfines
3. Reducing penalty scales for drunk driving and replacing prison sentences with the new combination conditional+ (heavier) fines
4. Platforms for discussions and sentencing guidance: No longer a matter of "art or intuition"
7. RESTRICTING THE USE OF IMPRISONMENT FOR JUVENILES

The number of juveniles in prisons 1975-2007

- 15-17 years
- 18-20 years
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 %

REDUCING THE MINIMUM TIME BEFORE PAROLE

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

NORMAL TIME TO BE SERVED

- 1/2 FIRST OFFENDERS
- 2/3 RECIDIVISTS
- YOUNG OFFENDERS (1/3 or ½)

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
Subsequent changes in prison populations

Increase 1999-2005: 2800-> 4000
Decrease 2005-2011: 4000->3000
Explaining penal liberalization

• Social change (joining the Nordic Welfare Model)
• Political culture: consensual democracy, low political profile – no political score hitting, long-term reform projects, strong role of experts
• Sensible media
• Hard work: devoted reformists, active and influential circle of experts
• Good luck: Nordic Card
Crime and Imprisonment

Comparing four Nordic countries
PRISON RATES AND CRIME RATES
Four Scandinavian Countries 1950-2005