Finland Is Soft on Crime

written by Dan Gardner | March 9, 2009

AS PRESSURE GROWS in Canada to adopt the American justice model of harsh prisons and long sentences, Finland has saved millions and prevented centuries of human misery doing the opposite. HAMEENLINNA, Finland — In a classroom thick with wigs, sinks and barber chairs, a man sprays water through a woman's sudsy hair and works his fingers carefully to rinse the shampoo. Standing in front of a large mirror, another man brushes and sprays a woman's hair. Two others discuss styling techniques. It could be a scene from any community college, but for the bars on the windows. This is Hameenlinna Central Prison, near Helsinki. The stylist working at the mirror is a convicted murderer. The man washing hair is a drug trafficker. Two of the three women are also prisoners; the other is a professional hairstylist hired to teach the class. There are no guards. This is Finland's criminal justice system at work. Here, offenders either serve remarkably short prison sentences or, far more commonly, no prison time at all. Finland's incarceration rate is just 52 per 100,000 people, less than half Canada's rate of 119 per 100,000 people and a tiny fraction of the American rate of 702. In Finland, prisoners can work or study at any education level. Outside relationships are fostered with frequent visits and "home leaves." Living conditions are generous by anyone's standard. At Hameenlinna, male and female prisoners live together; occasionally they fall in love and get married in the little auditorium that serves as the prison chapel. Finland's criminal justice system is, in short, a liberal's dream and a conservative's nightmare. In that, Finland is far from unique. Most Western European nations consider large prison populations shameful and use incarceration only as a last resort. What sets Finland apart is how it came to be this way: More than 30 years ago, Finland made an explicit decision to abandon the country's long tradition of very tough criminal justice in favor of the Western European approach. Never before or since has a country so consciously and completely shifted from one philosophy of justice to its opposite. It was a grand experiment in criminal justice, and the results are in. "We don't have this idea that 'hard crimes deserve hard punishment,' " says Markku Salminen, the director general of Finland's prisons. Mr. Salminen might seem an unlikely advocate for liberal justice policies. Tall, fit, and sporting a classic policeman's moustache, he looks every inch the cop he was for 30 years. But in Finland even the cops are liberals. Mr. Salminen says one reason for the consensus is geography. "In Finland, Russia is very close. We follow it very keenly." RUSSIAN CRIMINAL JUSTICE is the negative image of Finland's. The St. Petersburg region, with 5.9 million people, has 72,000 police officers — the five million people of Finland employ 8,500. Russian criminals are far more likely to be punished with prison time, and the sentences they receive are far longer. And, in most cases, Russian convicts serve time in prison conditions that would be considered barbaric and illegal in Finland. The Finns also know that the two countries' crime rates are just as starkly different. In an international survey, 82 percent of Finns said they felt safe walking alone in their neighborhood after dark, the second highest national rating (after Sweden; both Canada and the United States scored just more than 70 percent, placing them near the bottom of the 11 countries surveyed). Russia wasn't included in that survey, but fear of crime is widespread, and for good reason — the murder rate in Russia is 10 times that in Finland. "We see that there is nobody safe in Russia," says Mr. Salminen. For Finns, history makes the contrast with Russia all the more poignant. Until the First World War, Finland was a province of the Russian Empire. Crime and punishment in Finland were governed by the tough Russian justice system, a system the Finns inherited after independence. The break with Russia at the end of the First World War was followed by a terrible civil war, political unrest, and then two wars with the U.S.S.R. After 1945, peace returned, but Finland was firmly fixed within the Soviet Union's sphere of influence. This violent history hardened Finnish attitudes toward crime and punishment. Long prison sentences in austere conditions were standard. In the 1950s, Finland's incarceration rate was 200 prisoners per 100,000 people — a normal rate for East Bloc countries

such as Poland and Czechoslovakia where justice systems had been Sovietized, but four times the rate in Sweden, Norway, and Denmark. In the 1960s, Finland began edging cautiously toward reform, using its Scandinavian neighbors as models. Nils Christie, a renowned Norwegian criminologist, recalls speaking to Finnish judges and criminologists in Helsinki in 1968. At the time, Mr. Christie and others were developing the first international comparisons of prison populations, so he was the first to tell the Finns that their incarceration rate was totally unlike that of their Scandinavian neighbors and was "really in the Russian tradition." The audience was shocked, Mr Christie recalls in an interview in Ottawa, "and some of them then decided this was not a very good policy." Discussions and debates were widespread. Ultimately, says Tapio Lappi-Seppala, the director of the Finnish National Research Institute of Legal Policy, an agreement was reached that "our position was a kind of disgrace." During the next two decades, a long series of policy changes were implemented, all united by one goal: to reduce imprisonment, either by diverting offenders to other forms of punishment or by reducing the time served in prison. "It was a long-term and consistent policy," Mr. Lappi-Seppala emphasizes. "It was not just one or two law reforms. It was a coherent approach." The reforms began in earnest in the late 1960s and continued into the 1990s. In 1971, the laws allowing repeat criminals to be held indefinitely were changed to apply only to dangerous, violent offenders. The use of conditional sentences (in which offenders avoid prison if they obey certain conditions) was greatly expanded. Community service was introduced. Prisoners may be considered for parole after serving just 14 days; even those who violate parole and are returned to prison are eligible for parole again after one month. And for those who aren't paroled, there is early release: All first- time offenders are let out after serving just half their sentences, while other prisoners serve two- thirds. Mediation was also implemented, allowing willing victims and offenders to discuss if the offender can somehow set things right. "It does not replace a prison sentence," says Mr. Lappi- Seppala, but "in minor crimes, you may escape prosecution or you may get a reduction in your sentence." There are now 5,000 cases of mediation per year, almost equal to the number of imprisonments. Juvenile justice was also liberalized. Criminals aged 15 to 21 can only be imprisoned for extraordinary reasons — and even then, they are released after serving just one-third of their time. Children under the age of 15 cannot be charged with a crime. The most serious crimes can still be punished with life sentences but these are now routinely commuted, and the prisoner released, as early as 10 years into the sentence and no longer than 15 or 16 years. The Finns retain a power similar to Canada's "dangerous offender" law: persons found to be repeat, serious, violent offenders with a high likelihood of committing new violent crimes can be held until they are determined to no longer be a threat to the public. There are now 80 such offenders in prison and they, like Canada's dangerous offenders, are unlikely to ever be released. One especially critical change was the creation of sentencing guidelines that set shorter norms. Similar guidelines are used in the United States, but many of those restrict judges' discretion — Finnish judges remain free to sentence outside the norm if they feel that is appropriate. These guidelines were also the product of extensive discussions among judges and other officials in the justice system, unlike American guidelines which were, in most cases, simply imposed on judges by politicians. THE ABSENCE OF DIRECT POLITICAL control was critical to the Finnish transformation. Despite the enormous changes in Finnish criminal justice, crime has never been a political issue. "None of the major parties took this on their agenda," says Mr. Lappi-Seppala. That's still true today. Even Finnish victims of crime seem to be satisfied with that approach. Victims' organizations act as support groups, not political lobbies, says Markku Salminen, the head of prisons. "You don't mix politics with this. There are so many feelings," he says. "It's a tradition." The long-term result has been a spectacular drop in the country's imprisonment rate. From 200 prisoners per 100,000 people in the 1950s, Finland now has 52 per 100,000, a rate slightly lower than those of Sweden, Norway, and Denmark. Finland's tiny prison population is the result of vigorous efforts to settle criminal cases with anything but jail time. In 1996, there were 64,000 convictions. These resulted in 36,000 fines, 30,000 conditional sentences, and 3,000 community service orders. There were just 6,000 actual prison sentences — fewer than 10 percent of the convictions. By contrast, in the same year,

roughly one-third of criminal convictions in Canadian courts resulted in prison sentences. On any given day, there are about 2,800 prisoners in Finland's prisons. There are 100 incarcerated young offenders between the ages of 18 and 21; there are just eight young offenders aged 15 to 17 behind bars. Enormous as the change shown by these numbers may be, it represents only half of Finland's experiment in criminal justice policy. The other transformation occurred inside the country's prisons. With the justice revolution launched in the late 1960s, the idea that tough prisons deterred crime was junked. "The main purpose (of prisons) in Finland," says Esko Aaltonen, the director of Hameenlinna Prison, "is to try to solve what are the biggest problems in the lives of prisoners. We try to take care of those problems to increase the chance that they will live a life without crime after they are released." Hameenlinna Prison, opened in 1972, was built according to the new philosophy. To a traveller passing by on the road, it could easily be mistaken for a community college. Even driving into the prison, you pass no guardhouses, walls or razor wire. It can be a little confusing. Speaking with Mr. Aaltonen in his office, I had to ask the director if we were in fact inside the prison. He assured me we were. Hameenlinna has security, of course. Buried wires in the perimeter detect motion and trigger alarms, but guards are almost never armed. Only one guard on the night shift carries a pistol, while the prison's remaining armaments — several more pistols — are stored in a safe. Nightsticks are available but, says Mr. Aaltonen with a smile, they too are stored away and "if anybody wants to use one he has to write an application form to the director." By Finnish standards, Hameenlinna, the country's largest prison, is not a minimum-security facility. Almost one-third of Finland's prisoners are housed in "open institutions," which are essentially halfway houses that allow prisoners to work in the community and to travel as long as they return at night. Any prisoner, regardless of his crime, can apply for transfer to an open institution when he has fewer than three years remaining on his sentence. Prisons like Hameenlinna can afford to be so open because of Finland's inmate population. Unlike many countries' prison systems, which are at or above capacity, Finland's prisons use less than three- quarters of their space. The 70 male and 80 female prisoners in Hameenlinna are outnumbered by the prison's 225 staff. "There are two ways to think of prisoners," says Mr. Salminen. "One is that authorities control prisoners. The other is that prisoners control themselves. And I trust this second idea, that criminals have to decide that they don't want a criminal life." In Mr. Salminen's prisons, staff handle prisoners not with force and physical control, but with a level of familiarity, concern and engagement that is possible only with small prison populations. As we walk through the hallways of Hameenlinna, Merja Toivonen, a study counselor, greets people by name. Whether they are staff or prisoners isn't clear since both wear civilian clothes. Ms. Toivonen seems to know everybody, and treats them with equal decency. "We get to know the prisoners quite well," she says. Familiarity builds trust. It's why officials can allow a convicted murderer to attend a hairdressing class without a guard: They know him. Trust permeates the entire system. "I can speak to any prisoner in any prison without guards," Mr. Salminen says with pride. The previous week he had been alone in a cell with a dangerous offender. "It's very important that the prisoners trust me as a person who thinks about their legal rights." WHEN IT WAS BUILT IN 1972, Hameenlinna was intended to be a women's prison but the dramatic drop in imprisonment left too few women to fill the new facility so one of its wings was given to men. During the day, when prisoners are required to work or study, men and women mix freely. A classroom door swings open and half a dozen prisoners file out — maximum class size in Hameenlinna is eight students. A prisoner, Ronja Siren, stays behind to talk. This is an English class and an interview with a Canadian journalist is good practice. Ms. Siren, 33, was a bookkeeper before being arrested, along with her husband, for drug trafficking. "I needed money," she says. "It's always about money." Their partners were caught with explosives and weapons, so she received a nine- year sentence, severe by Finnish standards; as a first-time offender, she will only serve, at most, half her sentence. Her husband is in another prison; their two sons, ages nine and five, are in foster care. Her children visit every three weeks. Every sixth week, her husband visits and the whole family is re-united for a day. Ms. Siren is thoughtful and articulate, even speaking in English. In Hameenlinna, she says, "Everybody has some kind of plan." Hers is to get a high school diploma. She also exercises in the

prison's gym, which offers aerobics and volleyball, large exercise yards, and a well-equipped weight room. Ms. Siren says of her cell, "It's like a home. It's not very big but it's got everything I need. I have a TV, stereo, videos and all that kind of thing." She understands why some might think this lifestyle too pleasant for a prisoner, but she says that's a mistake. Being locked up was "a kind of shock," she says. "Freedom is a very important thing to every person. Prison is always tough." The cells are grouped in wards, each with its own kitchen, common room, television, and showers. Windows flood the wards with natural light. Books by Gunter Grass, Primo Levi and more populist authors line the shelves. During the day, the metal doors of the cells are open and prisoners move freely. In one of the men's wards, "Lemmy" lies on his bunk watching a video of a Pink Floyd concert. He tells me he's in for drug charges. His cell, at roughly six square meters, isn't spacious but it's clean and has a large window overlooking a forest. Except for the metal door, it could be taken for a university dorm. Female prisoners with very young children live with them in a spacious ward that resembles a daycare. Colorful paper cutouts of flowers and children are taped to the windows, obscuring the bars behind the glass. In an ordinary women's ward, we again meet Ms. Siren, who has finished her classes. A tidy throw rug covers the tile floor. There is little clutter except for a tack board overflowing with photographs of her husband, a crystal-eyed, handsome man, and their cherubic, blond boys. The photos should be on the cover of a department store catalogue, perhaps, or magazine ads for whole-wheat bread or Nordic skis. They should be anywhere but on a prison wall. Separation has been especially hard on her five-year-old. "The last time I saw my son, he said, 'I don't want to grow up. I want to stay a baby.' And I said, 'yes, you stay a baby until I get out and we'll grow up together.' " Her voice, quiet and steady throughout the interview, catches for the only time. I ask how long she has until she's released. "Two years and 11 months," she answers instantly. VIOLENCE IS RARE IN FINNISH PRISONS. Officials credit this calm in part to their policy of giving prisoners as much contact with other people, both inside and outside prisons, as possible. Frequent visits from family and friends are encouraged, including conjugal visits. There are also "home leaves." After serving six months, all prisoners can apply for leave to return to their home towns for periods of up to six days every four months. Only if a prisoner is considered likely to re- offend, or is misbehaving, is he likely to be turned down. Home leaves have been controversial in Finland, particularly when violent offenders are allowed out, but the authorities insist the program is both successful and necessary. Ninety percent of home leaves occur without even minor difficulties. And by allowing prisoners the chance to live briefly in the real world, home leaves strengthen relationships and help prevent the atrophy of basic social skills. "Prisoners must have contact with the civil world," insists Ms. Toivonen. Officials also try to build new relationships between prisoners and people on the outside by bringing in volunteers, who may join group discussions or even visit prisoners in their cells. The goal, says Mr. Aaltonen, is that "everybody has some close connection with somebody — some person outside, whether it is a wife or husband, social worker, friend, voluntary worker from the church or Red Cross. It is very important that everybody should have somebody waiting for him." If prisons don't encourage these relationships, says Mr. Aaltonen, released convicts will be met on the outside "by a gang or friends involved in crime." Finland's extensive use of parole and early release also creates transition periods in which released prisoners are supervised while they try to get established in legitimate society. Before and after release, the authorities help ex-cons get jobs and homes. Thanks to Hollywood, North Americans imagine prisoners are released with little more than a bus ticket and a shake of the warden's hand. In the United States, and to a lesser extent Canada, there's some truth in that. But in Finland, no prisoner is simply walked out the penitentiary gate. That was the experiment. According to the "tough on crime" theory, what Finland did was monumentally foolish. And a superficial reading of the data appears to prove this school right. From the late 1960s to the early 1990s, crime in Finland rose sharply while imprisonment declined rapidly, suggesting that by going "soft" Finland fostered crime. But crime also rose in every other country in the developed world (including Canada and the United States), regardless of these country's criminal justice policies. The reasons are complex. One factor: the post-war baby boom produced a huge bulge in the young males who are always responsible for

most crime. More important and lasting was the rapid urbanization of the era since the social restrictions that control behavior in rural environments are often weaker or non-existent in cities. So Finland's experience has to be judged relative to other comparable countries. In doing that, Mr. Lappi- Seppala explains, the absolute numbers of crimes aren't important — crime data usually cannot be compared internationally because each country uses different definitions and reporting standards. What matters are the trends. Mr. Lappi-Seppala compared Finland's crime rates going back many decades with Sweden and Norway and discovered "the trends are basically identical in each of the countries. So despite the fact that we had radically different prison policies, our crime trends went hand-in-hand with the other countries." When Finland took a hard-line approach, its crime trends were identical to those of its liberal neighbors. And when it switched to a liberal system its trends continued in line with its neighbors. Ultimately, Finland's choices about how to punish crime had little or no effect on the crime rate. Mr. Lappi-Seppala produces a chart that compares the number of robberies in Finland with the average sentence given for that crime. In the decade before 1965, judges cut the length of the average robbery sentence in half with no effect on the number of robberies. Then from 1965 to 1990, the sentences for robbery stayed about the same — while robberies first grew by five times, then dropped by a quarter, then doubled, then dropped by almost half again. There is simply no correlation between the punishment inflicted and the number of robberies. JUVENILE CRIME IS ANOTHER CASE IN POINT. The astonishingly liberal approach Finland implemented for juvenile crime — no one under 15 can be charged, and offenders between 15 and 21 are rarely incarcerated — did not spark an increase in juvenile crime. Over the last 20 years, the proportion of crime for which young offenders are responsible has even declined. After more than 30 years, the Finnish experiment has produced clear conclusions: High incarceration rates and tough prison conditions do not control crime. They are unnecessary. If a nation wishes, it can send few offenders to prison, and make those prisons humane, without sacrificing the public's safety. For those interested in building a less punitive society, the benefits of such an approach are obvious. But there are also more quantifiable returns. Mr. Lappi-Seppala notes that, by one estimate, Finland's smaller prison population has saved the country's taxpayers $200 million over the last 20 years. Then there is Finland's bounty of time. About 6,500 years of human life was saved from incarceration. Some 40,000 people avoided prison altogether. Finland's reforms meant that this time was instead spent with families and communities, a contribution whose value is surely great, if incalculable. Mr. Salminen takes obvious pride in this record and hopes other countries draw lessons from it. He has visited Canadian prisons and, in many ways, he admires our system, particularly our rehabilitation programs. One such program is now the subject of a trial in Finland. "But at the same time," he notes, "there is a whole lot of Americanization." That worries Mr. Salminen, who, like all Finnish justice officials, thinks the wave of "tough on crime" policies in the United States is folly. If Canada goes further in the American direction, he warns, "you get the American problems, too." Mr. Salminen's English may be slightly fractured but he speaks with a quiet, clear sincerity. The cop-turned-jailer insists, "You should do in Canada your own system." © Copyright 2002 The Ottawa Citizen

Footnotes