Coercive Measures Act
(30 April 1987/450)
Chapter 1 Apprehension, arrest and detention

Apprehension

Section 1 Citizen's right to apprehend
Everyone shall have the right to apprehend an offender caught when committing an
offence or escaping provided that the offence is subject to imprisonment or if the offence
is petty assault, petty theft, petty embezzlement, petty unlawful use of property or petty
fraud (24 August 1990/772).
Everyone shall also have the right to apprehend a person who, according to a warrant
issued by an authority, is subject to arrest or detention.
The apprehended person shall be surrendered to a police officer without delay.

Section 2 Powers of a police officer to apprehend
A police officer may apprehend the suspect of an offence where a warrant for his arrest or
detention has been issued.
Where the prerequisites for arrest are fulfilled, a police officer may apprehend the suspect
of an offence even without an arrest warrant should the carrying out of the arrest
otherwise be endangered. The police officer shall promptly notify an official with the
power of arrest of the apprehension. The official shall decide within twenty-four hours of
the apprehension whether the apprehended person is to be released or arrested. The
apprehended person shall promptly be notified of the reasons for the apprehension.

Arrest

Section 3 Prerequisites for arrest
The probable suspect of an offence may be arrested:
1) where a less severe penalty than imprisonment for two years has not been provided for
the offence;
2) where a less severe penalty than imprisonment for two years has been provided for the
offence, but the most severe penalty exceeds imprisonment for one year or, where the
offence is unlawful use of property and, having regard to the conditions of the suspect or
to other circumstances, it is probable that:
   a) the suspect will abscond or otherwise avoid pre-trial investigation, trial or enforcement
      of punishment;
   b) the suspect will disturb criminal investigations by destroying, defacing, altering or
      concealing evidence or by influencing a witness, a complainant, an expert or an
      accomplice; or
   c) the suspect will continue his criminal activity; (27 March 1992/271)
3) where the identity of the suspect is not known and the suspect refuses to divulge his
   name or address, or gives evidently false information; or
4) where the suspect does not have a permanent residence in Finland and it is probable
   that the suspect will avoid pre-trial investigation, trial or enforcement of punishment by
   leaving the country.
Where there is reason to suspect a person of an offence, the person may be arrested even
though the probability requirement for the suspicion required for the arrest under
paragraph 1 is not met, but the other prerequisites for arrest provided in that paragraph
are fulfilled and the taking of the suspect into custody is of utmost importance having
regard to the additional incriminating evidence likely to be obtained through investigations in progress (27 April 1990/361).

No one shall be arrested where it would be unreasonable having regard to the particulars of the case or the age or other personal conditions of the suspect (27 April 1990/361).

Section 4 Release of an arrested person

An arrested person shall be released immediately when the prerequisites for arrest are no longer fulfilled and, unless a request for his detention is submitted to the court, in any case not later than at the end of the period provided in section 13 for the submission of a detention request.

An official with the power of arrest, as referred to in section 6, shall decide on the release of an arrested person. However, where a detention request has been submitted to the court, the decision shall be made by the court.

Section 5 Re-arrest

A person arrested or detained for an offence and released shall not be re-arrested for the same offence on the basis of a circumstance of which the authority was aware when deciding on arrest or detention.

Section 6 Official with the power of arrest

An official with the power of arrest shall decide on arrest. The following officials shall have the power of arrest:

1) the Director-in-chief of the police force, a supervisor-in-chief of the police force, the supervisor-in-chief of the Police Office of the National Police Department of the Ministry of the Interior, a police supervisor, a deputy police supervisor, a county police inspector, the chief of police in the Province of Aland, the chief of a rural police district, a deputy chief of a rural police district, the chief of a city police department, a deputy chief of a city police department, the head of the Passport Department, the head of the Passport Office and of the Alien Office of the Passport Department, the chief of the Central Criminal Police, a deputy chief of the Central Criminal Police, the head of the Investigations Office of the Central Criminal Police, the head of the Interpol Office of the Central Criminal Police, the chief of the Security Police, the deputy chief of the Security Police, the chief of the Mobile Police, the deputy chief of the Mobile Police, a senior criminal supervisor, a criminal supervisor, a senior criminal inspector, a senior inspector, a criminal inspector and an inspector (29 December 1988/1258);

2) a public prosecutor;

3) in the National Board of Customs: the head or the deputy head of the Inspection and Supervision Department, the head of the Supervision Office, the head of the Investigations Office, a senior supervisor and customs secretary carrying out a pre-trial investigation and, in customs districts, a customs director, a head of a supervision office and a senior customs supervisor carrying out a pre-trial investigation (29 December 1988/1258); and

4) the commander of the Frontier Guard Service, the head of the administrative department of the headquarters of the Frontier Guard Service, an office head in the administrative department of the headquarters of the Frontier Guard Service and the commander of a border guard or coast guard detachment.

Section 7 Notifications and registration
The arrested person shall be notified of the reasons for his arrest immediately after having been declared under arrest or apprehended pursuant to a warrant for arrest. Supplementary rules on the registration of arrest shall be issued by Decree.

A relative and other person having a close personal relationship with the arrested person, indicated by the arrested person, shall be notified of the arrest as soon as this can be done without causing particular inconvenience to the investigations of the offence. However, a notification shall not be made without a special grounds against the wish of the arrested person.

**Detention**

**Section 8 Prerequisites for detention**

The probable suspect of an offence may be detained in accordance with the prerequisites provided in section 3, paragraph 1, where necessary to secure pre-trial investigations, trial or enforcement of judgement or in order to prevent the suspect from continuing his criminal activity.

Where there is reason to suspect a person of an offence, he may be detained even though the probability requirement for the suspicion required for the arrest under section 3, paragraph 1 is not met, but the other prerequisites for arrest provided in that paragraph are fulfilled and the detention is of utmost importance having regard to the additional incriminating evidence likely to be obtained through investigations in progress. Where the suspect has been detained in accordance with this paragraph, the issue of detention shall be reviewed by the court as provided in section 18 a. Upon the request of the party having requested the suspect to be detained, the court may transfer the review of the detention issue to the court having jurisdiction in the case. The court shall immediately notify the said court of its decision (27 April 1990/361).

No one shall be detained where it would be unreasonable having regard to the particulars of the case or the age or other personal conditions of the suspect of the offence (27 April 1990/361).

**Section 9 Authority having the power to decide on detention**

Detention shall be decided upon by the court of first instance which has jurisdiction in the case. Before proceedings have been initiated, the detention of a person under arrest may be decided upon also by the court of first instance in whose district the person was apprehended or is kept in custody, and in urgent cases, except in cases of high treason or treason, also by another court of first instance, as provided for by the instructions of the Ministry of Justice (27 April 1990/361).

The judge of the district court has the power to try a detention case without presence of the lay members of the court (28 June 1993/591). The court may hold sessions at a time and place other than that provided for on the sessions of the court of first instance in ordinary proceedings.

**Section 10 Request for detention**

An official with the power of arrest and, where proceedings have been initiated, complainant may request for the detention. The court shall not order the detention of the defendant on its own initiative.

**Section 11 Notification of the detention request to the person arrested**

The party requesting detention shall without delay notify the person arrested of the request.

**Section 12 Form of the request**
A detention request shall be submitted in writing. A request that a person under arrest be detained may be submitted also orally or by telephone. Such requests shall be confirmed in writing without delay. Where proceedings in the case have been initiated the request may be submitted orally.

**Section 13 Prompt submission of the request for the detention of a person under arrest**

A request that a person under arrest be detained shall be promptly submitted to a court and in any case before the noon of the third day from the day of apprehension.

**Section 14 Expeditious proceedings**

A request for detention shall be promptly taken up for a hearing by the court. A request pertaining to an arrested person shall in any case be heard not later than on the fourth day from the day of apprehension (27 April 1990/361).

Where the accused is arrested while proceedings are pending in the court, the request for detention shall be tried in accordance with the procedure provided for the detention of an arrested person.

**Section 15 Presence at the hearing of a detention request**

The official who has submitted a detention request or an official appointed by him shall be present at the hearing of the request. The absence of a complainant who has submitted a detention request shall not preclude a decision on the issue.

A person under arrest whose detention is requested shall be brought before the court and heard on the request. The arrested person shall be provided the opportunity to retain a counsel at the hearing of the request.

A person not under arrest shall be provided the opportunity to be heard on the request for the detention unless he is not present in Finland, his whereabouts are unknown or he is avoiding pre-trial investigation or trial. A defendant who without good excuse is absent from the hearing of the detention request or of the charges may be ordered to be detained regardless of the absence.

**Section 16 Evidence to be produced**

In detention proceedings evidence that the prerequisites for detention are fulfilled shall be presented to the court. No other evidence shall be admitted, except any evidence produced by the defendant in his defense, unless otherwise ordered by the court for serious reasons.

**Section 17 Adjournment where the defendant is under arrest**

In detention proceedings where the defendant is under arrest, a session may only be adjourned where necessary for special reasons. The adjournment period shall not exceed three days unless otherwise requested by the person arrested.

The person shall remain under arrest until the next session unless otherwise ordered by the court.

**Section 18 Decision on detention**

The decision on detention shall contain a brief reference to the particulars of the offence of which the detained person is suspected as well as the grounds for detention. The decision shall be proclaimed immediately after the conclusion of the hearing. Where the request for the detention of a person under arrest is rejected, the arrested person shall be immediately released.

**Section 18 a Notification on additional incriminating evidence obtained in investigations**
Where the decision on detention is based on section 8, paragraph 2, the party having submitted the request for detention shall promptly inform the court which shall review the issue of detention that additional evidence has been obtained in investigations. The court shall review the issue of detention promptly and in any case not later than within one week from the decision on detention. Where the prerequisites for detention, as provided for in section 8, paragraph 1 are not fulfilled, the detained person shall be immediately released.

Section 19 Notification on the enforcement of a warrant for detention and procedure in the issue of detention
Where a court has issued a warrant for detention of a suspect absent from the hearing of the issue, the court shall be promptly notified that the warrant has been enforced. The issue of detention shall be promptly reviewed by the court and in any case not later than within four days from when the suspect was deprived of his liberty pursuant to the warrant.

Section 20 Detention by a court other than that having jurisdiction in the case
Where the detention request and the charges are heard by different courts, the party having submitted the detention request shall notify the court hearing the issue of detention which court will exercise jurisdiction in the case. The court that has examined the detention request shall promptly notify the court having jurisdiction in the case of its decision on detention.

Section 21 Scheduling the hearing of the charges
When the court that exercises jurisdiction in the case decides to detain a suspect present before the court, and the charges have not already been taken up for a hearing, the court shall schedule the hearing of the charges. When a notification referred to in section 20 has been delivered to a court, the court shall schedule the hearing of the charges not later than the day following the delivery. The hearing shall not be scheduled for a later date than necessary for the completion of the pre-trial investigations and the preparation of the charges. However, the hearing shall in any case not be scheduled for a later date than four weeks from the present. The detained person and his counsel shall be notified of the date of the hearing (27 April 1990/361).

On the request of the prosecutor submitted before the date of the hearing, the court may for serious reasons adjourn the hearing by a further two weeks at a time from the previously scheduled hearing. The court shall take the request of the prosecutor up for a hearing at the latest on the date of the hearing. If the request is taken up for a hearing before the date of the hearing, the detained person shall be provided the opportunity to be heard on the request. The detained person shall be brought to court if he wishes to be heard in person. On the request of the detained person, the court shall, when hearing the request, at the same time review the issue of his detention. The detained person and his counsel shall be notified of the new date of the hearing (27 April 1990/361).

The provisions in chapter 16, section 4, paragraph 1 of the Code of Procedure shall apply to the adjournment of the hearing of charges against a detained defendant (27 April 1990/361).

Section 22 Review of detention
Where a person has been continuously detained for two weeks after the decision has been made on the detention but before the charges have been presented in the court, the person detained shall have the right to have the issue of detention reviewed on request.
The issue shall be reviewed within a week from the arrival of the request at the court.

Section 23 Detention where proceedings against a detained defendant are adjourned
Where proceedings against a detained defendant are adjourned, the court shall consider, whether the continued detention of the defendant is well-founded.

Section 24 Release of a detained person
The court shall, on the request of an official with the power of arrest, or on its own initiative, order that a detained person be released as soon as the prerequisites for his detention are no longer fulfilled. The detained person shall also be released if no charges have been brought on the date scheduled for their hearing. The detained person and his counsel need not be summoned to the hearing of the issue.

Section 25 Detention by an appellate court
Where the detention of the defendant is requested in an issue on appeal before a superior court, and the request is not immediately dismissed or rejected, the defendant shall be provided an opportunity to defend his case, except where the defendant is not present in Finland or his whereabouts are unknown. Notification of the right of defence may be sent by post to the most recent address reported by the defendant.
Where the defendant is arrested in relation to an issue referred to in paragraph 1, the request for the detention of the arrested person shall be immediately submitted to the superior court and the court shall take the request up for a hearing within the period provided in section 14, in accordance with the provisions on the detention of an arrested person.

Section 26 Detention of a convict
Where a detained defendant is sentenced to an unconditional sentence of imprisonment, the court shall decide, on the grounds provided in section 8, whether he shall remain detained until the enforcement of the sentence begins or until ordered otherwise. On corresponding conditions the court may, on the request of the prosecutor or the complainant, order that a defendant who is at liberty be detained.

Supplementary provisions

Section 27 Appeal
A decision on detention shall not be subject to separate appeal.
A detained person may file an extraordinary appeal against the decision. An extraordinary appeal shall not be subject to any time limit. An extraordinary appeal shall be heard urgently.
The decision of a court on the adjournment of proceedings shall not be subject to appeal (27 April 1990/361).

Section 28 Treatment of a detained and arrested person
The treatment of a detained and arrested persons in a prison or in another institution is governed by specific provisions.

Section 28 a Calculation of time limits
Section 5 of the Calculation of Statutory Limitations Act (1930/150) shall not apply to the calculation of the time limits provided for in sections 13, 14, 18 a and 19 and in section 25, paragraph 2.

Section 29 Relation to other specific provisions
The provisions of this chapter shall apply without prejudice to the application of specific provisions on apprehension, arrest and detention.

Chapter 2 Travel ban
Section 1 Prerequisites for a travel ban
The probable suspect of an offence may be subjected to a travel ban in place of arrest or detention, where the most severe penalty provided for the offence exceeds imprisonment for one year or where the offence is unlawful use of property and, having regard to the conditions of the suspect or other circumstances, it is probable that he will:
1) abscond or otherwise avoid pre-trial investigation, trial or enforcement of punishment; or
2) continue his criminal activity.

Section 2 Contents of a travel ban
The person subjected to a travel ban shall not leave the locality or area referred to in the decision. However, in the decision permission may be granted to leave the said locality or area in order to go to work or for another comparable reason. The authority deciding on the travel ban may, for serious reasons, grant a temporary permission to leave.

The person subjected to a travel ban may also be obliged to:
1) remain available at his residence or place of work at certain times;
2) present himself to the police at certain times; or
3) remain in an institution or hospital in which he already is or into which he will be taken.

The person subjected to a travel ban shall not be issued a passport. If he has been issued a passport, he shall hand it over to the police for the duration of the travel ban.

Section 3 Authority having the power to decide on a travel ban
Before the charges are taken up for a hearing, an official with the power of arrest may decide on the issue of a travel ban. In a hearing on a detention request and in the case referred to in section 6, paragraph 2, the issue shall be decided by the court. If, in a hearing on a detention request, the court has subjected the suspect to a travel ban instead of detention, it shall decide on the issue of a travel ban also before the charges are taken up for a hearing.

After the charges have been presented in court, the court shall have the power to decide on the issue of a travel ban. The court may subject the accused to a travel ban only upon the request of the prosecutor or the complainant. Where a request for the detention of the accused has been submitted, the court may also on its own initiative subject him to a travel ban in place of detention.

Section 4 Decision on a travel ban
The decision to impose a travel ban shall indicate the following:
1) the offence for which the ban is imposed;
2) the grounds for the ban;
3) the contents of the ban;
4) the sanctions against violations of the ban; and
5) the duration of the ban.

The person subjected to the ban shall be given a copy of the decision. If the person subjected to the travel ban was not present when the decision was given, a copy may be delivered to him by post to the address he has reported.

Section 5 Variation of a travel ban
A travel ban or the order referred to in section 2, paragraph 2 may be varied where required by the change of circumstances or by other serious reasons.

Section 6 Rescindment of a travel ban
A travel ban shall be rescinded as soon as the prerequisites for keeping it in force are no longer fulfilled.

Where a travel ban has been imposed by an official with the power of arrest, the court may, even before the charges have been presented in court and on the request of the person subjected to it, rescind in whole or in part the travel ban or the order referred to in section 2, paragraph 2.

A travel ban imposed before the charges are presented in court shall be rescinded if no charges are brought within 60 days of the imposition of the travel ban. The court may extend this period on the request of an official with the power of arrest submitted within the period referred to above.

**Section 7 Duration of a travel ban**

A travel ban imposed before the charges have been presented in court shall be in force until the charges are presented to the court for the first time, unless this ban has been ordered to end earlier or it is rescinded in separate proceedings earlier.

When a court adjourns proceedings against a defendant subjected to a travel ban, it shall order whether the travel ban shall remain in force. A travel ban that is imposed or continued in the adjournment order or imposed during the period of adjournment shall remain in force until the next session unless it is separately rescinded earlier.

When deciding on the charges the court may subject the defendant to a travel ban or order that the travel ban imposed upon him remain in force only if he is sentenced to unconditional imprisonment. A defendant who is at liberty may be subjected to a travel ban only on the request of the prosecutor or a complainant. The court may, on its own initiative, subject a detained person or a person whose detention has been requested to a travel ban in place of detention. In such a case the travel ban shall remain in force until the enforcement of the sentence begins or a superior court orders otherwise.

**Section 8 Sanctions against violations of a travel ban**

Where a person subjected to a travel ban violates the ban or the orders referred to in section 2, paragraph 2 or absconds, begins to prepare to abscond or continues his criminal activity, that person may be arrested and detained. Where an unconditional sentence of imprisonment imposed upon him has already become enforceable, it may be immediately enforced.

**Section 9 Supplementary provisions**

The provisions on detention in chapter 1, sections 9, 12, 14, 15 and 25 shall apply, where applicable, in proceedings relating to travel ban. The absence of a party shall not preclude a decision on the issue.

The temporary permission referred to above in section 2, paragraph 1 may be granted by a judge of the court of first instance. The prosecutor and, where pre-trial investigations are still in progress, also the head of the pre-trial investigations shall be heard before permission is granted.

An issue involving a person subjected to a travel ban shall be urgently heard by the court.

**Section 10 Appeal**

A court decision on a travel ban shall not be subject to separate appeal.

A detained person may file an extraordinary appeal against the decision. An extraordinary appeal shall not be subject to any time limit. An extraordinary appeal shall be heard urgently.

**Chapter 3 Restraint orders and freezing of property**
Section 1 Prerequisites for a restraint and freezing of property order
If there is reason to suspect that the probable suspect of an offence or a person against whom a compensation or confiscation order may be made, attempts to avoid the payment of a fine, compensation or the amount to be confiscated by concealing or destroying property, absconding or by other comparable means, a restraint order may be made; the order may not exceed the amount of the fine, compensation and confiscation likely to be ordered.

Where a restraint order cannot be deemed sufficient in order to secure the claim referred to in paragraph 1, an order freezing the corresponding amount of movable property may be made in security for the payment (freezing of property).

Section 2 The making of a restraint order or a freezing of property order
A restraint order or a freezing of property order shall be made by a court.

Before the proceedings have been initiated, the head of the pre-trial investigations or the prosecutor may request for a restraint or freezing order. After the proceedings have been initiated, such a request may be submitted by the prosecutor in order to ensure the payment of a fine, compensation to the State or a sum of money to be confiscated, or, in order to secure the payment of compensation, by the creditor.

The provisions on the submission and hearing of a detention request in chapter 1, sections 9, 12, 14, 15 and 25 shall apply, where applicable, to proceedings relating to restraint and freezing orders.

Section 3 Provisional measures
In urgent cases, the head of the pre-trial investigations or the prosecutor may make a provisional restraint or freezing order on the property of the suspect of an offence or of a person against whom a confiscation order may be made, until the court has decided on the issue. This measure shall expire if the application is not submitted to the court within a week after the making of the provisional order. Where, for a reason referred to in section 4, paragraph 1, the provisional order should be rescinded before the court has taken the issue up for a hearing, the head of the pre-trial investigations or the prosecutor shall rescind the provisional order.

Where a provisional restraint or freezing order relates to immovable property or the rescindment of such order, the head of the pre-trial investigations or the prosecutor shall immediately notify the competent court in order to have it entered in the register of mortgages. A corresponding notification shall be made of the provisional order and the rescindment of a temporary measure, imposed on property referred to in chapter 4, section 28, paragraph 2 or 3 of the Enforcement Act, to the authority referred to in the said provision. The head of the pre-trial investigations or the prosecutor shall also notify the appropriate authority of the expiry of a provisional order in accordance with paragraph 1 and of a court decision rejecting an application for making of a restraint or freezing order in respect of property subject to a provisional measure.

Section 4 Rescindment of a restraint or freezing of property order
The court shall rescind the restraint or freezing order where a sufficient security or bond is provided for the payment of the fine, compensation or the amount to be confiscated or where there is otherwise no longer reason to keep it in force.

The court shall also rescind the order where no charges are brought within 60 days after the issue of the order. The court may extend this period on the request of the head of the pre-trial investigations or the prosecutor submitted within the period referred to above.
Section 5 Restraint and freezing orders where the compensation claim is separated from the main issue
Where the court orders that a claim for compensation shall be heard in separate proceedings, the court shall also order whether the restraint or freezing order shall remain in force.

Section 6 Decision on restraint or freezing in deciding the main issue
When imposing a fine, compensation or making a confiscation order, the payment of which has been secured by a restraint or freezing order the court shall decide whether the order shall remain in force until the fine, compensation or the confiscated amount has been paid, execution for its collection has been carried out in lawful order, or it is otherwise ordered. When the court decides that the order shall remain in force, it may set a period, to be calculated from the date when the decision becomes enforceable, during which enforcement shall be sought subject to the condition that otherwise the order shall expire. When acquitting the suspect or rejecting a request for compensation or confiscation, the court may order that the order shall not be rescinded before the decision on acquittal or rejection has become final.

Section 6 a Restraint and freezing of property orders pursuant to a request for assistance made by a foreign State
Where a confiscation order has been made against a person by a decision of a court of a foreign State or if the order is likely to be made, a restraint order or a freezing order relating to the property of the person may be made upon the request by an authority of that State. The request shall be submitted to the court by the prosecutor or the head of the pre-trial investigations.

The order may be made by the court by the court of first instance in whose district the defendant has property to be covered by the order, or which may otherwise efficiently hear the matter. When the court makes the order it shall at the same time set period for the validity of the order. The court may extend the period on the request of the authority referred to in paragraph 1 submitted before the expiry of the period.

The provisions in sections 1-3, section 4, paragraph 1 and sections 7 and 8 of this chapter and of the International Legal Assistance in Criminal Matters Act (1994/4) shall, where applicable, apply to the proceedings.

Section 7 Appeal
A restraint order or a freezing order shall be subject to separate appeal. An appeal shall not preclude the enforcement of the order unless the appellate court orders otherwise.

Section 8 Reference to other provisions applicable
The provisions in the Enforcement Act and the Enforcement Decree on provisional measures shall, where applicable, apply to the proceedings relating to the restraint or freezing orders. However, no security or bond shall be required in security of the loss that a measure referred to in this chapter may cause the defendant, unless the court, when making the order to secure the payment of compensation to be paid to a creditor, for a special reasons so orders.

Chapter 4 Seizure
Section 1 Prerequisites for seizure
An object may be seized where there are reasons to presume that it may serve as evidence in criminal proceedings, it has been taken from someone through a criminal offence, or where the object is likely to be confiscated by a court order.
Section 2 Seizure of a document
A document shall not be seized to be used as evidence where the document is in the possession of the suspect of an offence or of someone related to him in the manner provided for in chapter 17, section 20 of the Code of Procedure, if the document contains a message between the suspect and such person or between persons related to the suspect in said manner. Such a document may be seized, however, where the maximum penalty provided for the offence under investigation is imprisonment at least for six years. A document shall not be seized for use as evidence if it may be presumed to contain something on which a person referred to in chapter 17, section 23 of the Code of Judicial Procedure shall not testify in a trial or which a person referred to in section 24, paragraph 2 or 3 of the same chapter may refuse to reveal, and the document is in the possession of that person or of the person in whose interest the privilege or duty to refuse to give evidence has been provided. The document may, however, be seized if the person referred to above would be entitled or obliged to testify in pre-trial investigations on the matter contained in the document in accordance with section 27, paragraph 2 of the Pre-trial Investigations Act.

Section 3 Seizure of a postal shipment and telegram
Letters and other postal shipments as well as telegrams that are in the possession of the postal and telecommunications service and intended for or sent by the suspect may be seized only if the maximum penalty provided for the offence is imprisonment for at least one year and, in accordance with this Act, those shipments would be subject to seizure from the possession of the suspect.
If the contents of the seized postal shipment or telegram may be communicated in full or in part to the recipient without affecting the criminal investigations, a copy or extract thereof shall be sent to him without delay.

Section 4 Stopping a shipment for confiscation
Where there is reason to believe that a letter, another postal shipment, telegram or shipment of goods which may be seized is en route to an office of the postal and telecommunications service, a railways operating point, an office for scheduled traffic by motor vehicle, ship or cargo aircraft or an office for the handling of goods transported in such traffic, an official with the power of arrest may order that the shipment is to be stopped and detained at the office until the seizure has been carried out.
The order referred to above in paragraph 1 shall be issued for a specified period not to exceed one month from the date when the head of the office was notified of the order.
Without the permission of the head of the pre-trial investigations or the prosecutor, the shipment shall not be handed over to anyone except them or a person appointed by them. The head of the office shall promptly notify the person who issued the order of the arrival of the shipment to the office. That person shall immediately decide on the seizure of the shipment.

Section 5 Powers to decide on seizure
Seizure shall be decided upon by an official with the power of arrest. A court may decide on seizure when hearing the charges.

Section 6 Taking the object to be seized into possession
Where a police officer apprehends the suspect of an offence or carries out a search of the premises or a personal search, he may, even without the order of an official with the power of arrest, take an object found and to be seized into his possession. A police officer
may also otherwise, in urgent cases, take an object into his possession; not, however, a
shipment in the possession of the postal and telecommunications service.
An official with the power of arrest shall immediately be notified of the measure referred
to in paragraph 1 above; the official shall promptly decide whether the object shall be
seized.

**Section 7 Notification of seizure**
Where the person in whose premises an object is seized or taken into possession is not
present, he shall be promptly notified of the measures taken. If the address of the
recipient or the sender of a postal shipment, a shipment of goods or a telegram is known,
he shall be notified of the seizure as soon as this can no longer affect criminal
investigations.

**Section 8 Opening and examination of certain documents**
A confiscated sealed letter or other sealed private document may be opened only by the
head of the investigation, prosecutor or court. In addition to them, only the investigators
of the offence in question may examine such document or telegram more closely.
However, an expert or other person whose assistance is used in the solving of the offence
or who is otherwise heard in the case may examine it as directed by the head of the
investigation, prosecutor or court.

**Section 9 Record and certificate**
A record shall be kept on the seizure. The purpose of the seizure and the measures taken
shall be duly recorded and the confiscated objects be listed therein.
The person carrying out the seizure shall give the person who had the object in
possession a certificate of the seizure.

**Section 10 Storage of the seized object**
The person carrying out the seizure shall take the object in his possession or place it in
sealed storage. However, an object may be left to the person in whose possession it was if
this is not deemed to endanger the purpose of the seizure. In such cases an order that the
person concerned shall not sell the object or otherwise dispose of or destroy the object
shall be made. If deemed necessary, the object shall, in addition, be marked with a seal or
otherwise so that it is clearly identified as being seized. Where necessary, the person with
possession may be prohibited from using the object.
The object seized shall be stored as it is in its actual condition. The object shall be cared
for so that it is not wrongfully used. However, the head of a police district may order that
a seized object be immediately sold if it is easily spoiled, rapidly diminishing or
depreciating, or if the care of the object is very expensive. Tests may be performed on an
object seized as evidence where necessary for criminal investigations.

**Section 11 Rescindment of seizure**
A seizure shall be rescinded as soon as it is no longer necessary.
The seizure shall also be rescinded if no charges are brought for the offence leading to the
seizure within four months of the date of the seizure of the object. The court may extend
this period on the request of an official with the power of arrest submitted within the
period referred to above.

**Section 12 Repealed by the Act of 7 January 1994, in force as from 15 January 1994**

**Section 13 Submission of the issue of seizure to the court**
On the request of any interested person, the court shall decide whether the seizure shall
remain in force. A request submitted to the court before the charges have been presented
shall be heard within a week from its submission. The provisions of chapter 1, sections 9 and 12 on the hearing of a detention request shall apply correspondingly to the hearing of the application. The court shall provide any interested persons the opportunity to be heard, but the absence of anyone shall not preclude a decision on the issue.

**Section 14 Powers to rescind the seizure**

An official with the power of arrest shall have the power to decide on the rescindment of the seizure. However, where the seizure has been ordered by a court, or a court has ordered, in response to a request referred to in section 13, that the seizure shall remain in force, or a claim relating to a seized object has been submitted in a trial, the court shall decide on the issue.

**Section 15 Decision on the seizure when deciding on the charges**

When deciding on the charges, the court shall decide whether the seizure shall remain in force until otherwise ordered.

**Section 15 a Seizure pursuant to a request made by a foreign State**

An object or a document may be seized upon the request of an authority of a foreign State, if it may serve as evidence in a criminal matter within the jurisdiction of the authority of the requesting foreign State. An object may also be seized where the object has been confiscated or is likely to be confiscated by a decision of a court of a foreign State. The authority having carried out the seizure shall within a week of the order submit the seizure for the approval of the court in whose district the seizure was carried out. When deciding to approve the seizure, the court shall also set a period for the validity of the seizure. The court may extend this period before its expiry upon the request of the authority having carried out the seizure.

Where an object or a document has been seized for use as evidence in a criminal matter upon the request by an authority of a foreign State, the court may on the request of the authority who has carried out the seizure, order that the object or document may, where necessary, be handed over to an authority of the requesting foreign State on the condition that the object or document be returned after it is no longer needed as evidence in the matter. However, the court may order that the object or document need not be returned, where the return would be unnecessary.

The provisions in sections 1-10, section 11, paragraph 1, sections 13, 14 and 16-19 of this chapter, section 9, paragraph 2 and sections 14 and 15 of chapter 1 and of the International Legal Assistance in Criminal Matters Act (1994/4) shall apply, where applicable, to the seizure.

**Section 16 Appeal**

A court decision on seizure shall be subject to separate appeal. An appeal shall not prevent from carrying out the seizure of the object.

A decision on the extension of the period of validity of a seizure shall not be subject to separate appeal.

**Section 17 Return of a seized object**

Where the seizure has been rescinded, and the object is to be returned to its owner or to the person having any other title to the object, and that person does not present a claim on the return of the object within three months from the police notification of its availability, the ownership of the object shall pass to the State or, if the object is lost property, to the finder, as provided in the Lost Property Act (1988/778). If there are several claims for the
object, it shall remain in the possession of the police despite the rescindment of the seizure until the matter has been decided upon.

Where the owner or another person with a title to such an object is not known, the police shall, by public notification invite such persons to present their claims. If there is no claim for the object within six months of the notification, it shall pass to the State or, if the object is lost property, to the person who has found the object, as provided in the Lost Property Act. The Ministry of the Interior shall issue supplementary instructions relating to the public notification.

Section 18 Supplementary provisions
The provisions in this chapter concerning an object shall also apply to any substances or materials of any kind.

A part removed from the object may be seized as evidence instead of the entire object, if an investigative measure cannot otherwise be carried out without difficulty.

Section 19 Relation to other provisions
The provisions of this chapter shall apply without prejudice to the application of any specific provisions on seizure.

Chapter 5 Search
Search of premises

Section 1 Prerequisites for a search of the premises
Where there is reason to suspect that an offence has been committed and the maximum punishment for this offence exceeds six months of imprisonment, a search of the premises may be carried out in a building, room, closed place of storage or vehicle in order to find an object to be confiscated or otherwise in order to investigate a circumstance that may be of significance in investigating the offence. A search of the premises may also be carried out if the offence suspected is the possession of forgery materials, possession of counterfeit money or entry into a personal data file (24 August 1990/772).

A search of the premises of a person other than the probable suspect of an offence may be carried out only where the offence has been committed in his premises, the suspect has been apprehended there or otherwise there are serious grounds for assuming that the search may yield an object to be seized or that other evidence may be obtained.

In order to reach a person to be apprehended, arrested, detained, brought or summoned to court as a defendant in a criminal case or subjected to a bodily search, a search of the premises may be carried out in his premises and also in other premises referred to in paragraph 1 where there are serious grounds to assume that he is to be found.

Section 2 Search of the premises in certain places
Regardless of the penalty provided for the offence, a search of the premises for the purpose referred to in section 1 may be carried out in closed premises to which the public has access, where offenders are customarily found or where property such as that which is sought is customarily purchased or taken as security.

Section 3 Decision on a search of the premises
An official with the power of arrest shall decide on a search of the premises. However, a police officer may carry out a search of the premises without an order when the purpose of the search is to reach a person to be apprehended, arrested, detained, brought to court or subjected to a bodily search, or to seize an object, when continuously followed or
traced since the commission of the offence. A police officer may carry out a search of the premises also otherwise in urgent cases.

Section 4 Presence at a search of the premises
Where possible, a witness summoned by the person carrying out the search shall be present when a search of the premises is being carried out. The person carrying out the measure may, if he deems this necessary, be assisted by an expert or another person. The person whose premises are being searched or, in his absence, a member of his household who is present shall be given the opportunity to be present during the search of the premises and to summon a witness thereto, unless this would cause unreasonable delay. If none of the persons referred to nor a witness summoned by such a person has been present during the search, the person whose premises were searched shall be notified of the search without delay.

A complainant or his agent may be permitted to be present during the search in order to provide necessary information. However, the person carrying out the search shall ensure that the complainant or his agent does not receive more information revealed by the search than necessary.

Section 5 Carrying out a search of the premises
In the beginning of a search of the premises, a search warrant shall be presented in writing to a person referred to in section 4, paragraph 2 who is present. If there is no written search warrant, the purpose of the search shall be stated orally. The search of the premises shall be carried out so that it does not cause more inconvenience or damage than necessary.

Where necessary, a room or place of storage may be opened by force. After the measure has been carried out, the room or place of storage opened by force shall be closed in a suitable manner.

A search of the premises shall not be carried out between 9 PM and 6 AM without serious grounds.

Section 6 Examination of a document during a search of the premises
The provisions in chapter 4, section 8 shall apply to the opening and closer examination of a private document that is found in a search of the premises.

Section 7 Record and certificate
The person carrying out the search of the premises shall keep a record of the measure. On request, a certificate shall be given of the measure to the person whose premises have been searched.

Section 8 Examination of premises
For the purpose referred to in section 1 above, the prosecutor, head of the pre-trial investigations or investigator may examine premises other than those referred to in section 1 even if the public does not have access thereto.

Personal search

Section 9 Concepts
A personal search may be
a frisk in order to investigate what the person frisked has in his clothes or otherwise on him, or
a bodily search, which includes an inspection of the body of the person being investigated, the taking of a blood sample or other search directed at the body.

Section 10 Prerequisites for a frisk
A frisk may be carried out in order to find an object to be seized or otherwise in order to investigate a circumstance that may be of significance in the investigations where there is reason to suspect that an offence has been committed for which the maximum penalty provided exceeds six months of imprisonment. A frisk may be carried out also where the offence suspected is petty assault, petty theft, petty embezzlement, petty unlawful use of property, petty fraud, possession of forgery materials or possession of counterfeit money (24 August 1990/772).

A person who cannot be suspected of an offence with the probability referred to in paragraph 1 may be frisked only if there are serious grounds for assuming that the frisk may yield an object to be confiscated or other evidence may be obtained.

**Section 11 Prerequisites for a bodily search**

A bodily search may, for a purpose referred to in section 10, be carried out on the probable suspect of an offence for which the most severe penalty provided is exceeds six months of imprisonment or if the offence is drunken driving.

A test carried out in connection with a bodily search may not cause the person tested significant inconvenience.

**Section 12 Carrying out a personal search**

The provisions in sections 3, 5, 6 and 7 on a search of the premises shall apply, where applicable, to a personal search. A full search shall be carried out in a room reserved for this purpose. Where the search is carried out by other than medical personnel, a witness summoned by the official deciding on the search shall, if possible, be present.

Only a physician may take a blood sample or carry out other tests requiring medical expertise.

The bodily search of a person shall not be carried out by a member of the opposite sex, except for medical staff. In cases other than the taking of a blood sample and a clinical test of intoxication, no member of the opposite sex shall be present at the bodily search of a person, except the person having custody of a minor being searched.

**Section 13 Relation to other provisions**

The provisions of this chapter shall apply without prejudice to the application of specific provisions on search contained in other legislation.

**Chapter 6 Other coercive measures**

**Section 1 Prevention of departure**

The suspect of an offence who, in accordance with section 21, paragraph 2 of the Pre-trial Investigations Act, is obliged to be present in pre-trial investigations and, where not under arrest or detention, may in pre-trial investigations be kept in confinement where necessary to prevent his departure. However, he shall not be kept in premises intended for arrested persons unless the prerequisites for arrest referred to in chapter 1, section 3 have been fulfilled.

**Section 2 Cordonning off the site of investigations**

In order to secure the proper course of investigations, a building or room may be closed and entry into a certain area, the removal of an object or another corresponding act may be prohibited. The provisions in chapter 4 on seizure shall apply, where applicable, to the cordonning off of the site of an investigation.

**Section 3 Test to determine the consumption of alcohol or other intoxicants**

A police officer may order that the driver of a motor vehicle or another person acting in a capacity referred to in chapter 23 of the Penal Code shall submit to a test that is carried
out in order to ascertain the possible consumption of alcohol or another intoxicant. A person who refuses the test shall be obliged to submit to a bodily search referred to in chapter 5, section 9.

A customs and frontier guard officer as well as an official appointed by the National Board of Civil Aviation, the National Board of Navigation or the National Board of Railways to supervise traffic shall in the performance of his duties have the same competence as a police officer has in accordance with paragraph 1.

A test referred to above shall be carried out in a manner and with a method that does not cause unnecessary or unreasonable inconvenience to the person being tested.

The Ministry of the Interior shall issue supplementary regulations on the performance of the test.

Section 4 Recording of personal identifying characteristics

A police officer may record fingerprints, handprints and footprints, samples of handwriting and voice, photographs and information on identifying marks (personal identifying characteristics) for the purposes of identification of a person suspected of an offence, the solving of an offence and the registration of offenders.

For serious reasons pertaining to a criminal investigation a police officer may record the personal identifying characteristics for the purpose of identification and the solving of an offence also of a person other than one suspected for an offence, if the case involves an offence for which the maximum penalty provided exceeds six months of imprisonment.

The personal identifying characteristics referred to in paragraph 2 shall not be used for the solving of an offence other than that under investigation. They shall also not be retained or registered for any other purposes.

A prison administration authority may record the personal identifying characteristics of a person in a penal institution.

Chapter 7 Miscellaneous provisions

Section 1 The right of certain officials to use coercive measures

The Chancellor of Justice of the Council of State may grant an official ordered by him to carry out a pre-trial investigation the competence to use, within the scope provided in the order, coercive measures in accordance with this Act.

When granting a given official the competence to carry out a pre-trial investigation in accordance with section 3, paragraph 2 of the Police Act, the Ministry of the Interior may at the same time grant him the competence to use, within the scope provided in the order, coercive measures in accordance with this Act.

Section 2 Compensation

Provisions shall be enacted on the compensation for the arrest or detention of an innocent person and for the damage caused by the use of other coercive measures.

Section 3 Powers to issue Decrees

Supplementary provisions on coercive measures shall be issued by Decree.

Section 4 Entry into force and transitory provisions

This Act shall enter into force on the 1st day of January 1989.

Where another Act contains a reference to provisions in the Act on Search and Seizure in Criminal Matters (1959/260), the references shall be construed as references to this Act (29 December 1988/1258).

Section 5 Repealed provisions
This Act shall repeal:
2) the Act on Search and Seizure in Criminal Matters of 12 June 1959 (1959/260) as later amended; and
3) the Decree on the Recording of Personal Distinguishing Characteristics of 19 June 1936 (1936/245).