

## **Police Act**

(493/1995; amendments up to 315/2001 included)

### **Chapter 1** **General provisions**

#### Section 1 *Police duties*

The duty of the police is to secure judicial and social order, maintain public order and security, prevent and investigate crimes and forward cases to a prosecutor for consideration of charges.

In order to maintain security, the police work in cooperation with other authorities and with local residents and organisations. (21/2001)

The police shall also carry out other duties separately provided for them by law and provide anyone with assistance if it falls within their sphere of duties. (21/2001)

#### Section 2 *General principles of police duties*

The police shall act in an appropriate and objective manner and promote a conciliatory spirit.

Police measures shall be taken without causing more damage or inconvenience than is necessary for carrying out the duty at hand. The measures shall be justifiable in relation to the importance and urgency of the duty and the factors affecting overall assessment of the situation.

The police shall attempt to maintain public order and security primarily through advice, requests and orders. The police shall not interfere in anyone's rights more than is necessary for carrying out their duties.

#### Section 3 *Performance of duties and their order of importance*

The police shall perform their duties with all due efficiency and expediency. If circumstances so require, duties shall be placed in order of importance.

#### Section 4 *Stating the grounds for measures*

A police officer shall inform the person subjected to a measure affecting his or her personal liberty or a representative of the person, of the grounds for the measure, unless this is impossible because of the person's condition or prevailing circumstances.

Unless otherwise provided in this or another Act, persons other than those subjected to a measure affecting their personal liberty or their representative, also have the right to know the grounds for the measure affecting their rights as soon as it is possible to do so without jeopardizing the completion of the measure.

Section 5  
*Refraining from taking measures*

The police have the right to refrain from taking measures if completion of the measure could lead to unreasonable consequences compared with the outcome sought.

Any person requesting police measures whose immediate rights are affected by the matter has the right to know the grounds for refraining from measures.

Section 6  
*Police officer*

Police officer means any commanding officer, senior officer or officer specified in the Police Decree (1112/1995).

Section 6a  
*Uniform (315/2001)*

Police officers under section 1 of the Police Decree (1112/1995) and guards as well as senior guards shall wear a uniform in performance of official duties, unless the type or nature of the duty requires otherwise.

In addition to official duties, a uniform may be worn during travel connected with an official duty and when representing the police. The head of the unit concerned decides whether or not a uniform can be worn in other situations.

Section 7  
*Police powers*

The powers vested in police officers under this or any other Act apply to police duties carried out anywhere in the country.

Police cadets have the powers of police officers when carrying out duties related to their training under the management and supervision of their instructor.

Section 8  
*Special police powers*

The Ministry of the Interior may grant in respect of the whole country, and a State Provincial Office in respect of a province, named individuals such police powers under this Act that they need for carrying out the duties assigned to them.

The power to use forcible means under this Act may be granted only to named civil servants. In addition, only the Ministry of the Interior may grant civil servants powers to carry out pre-trial investigations of offences which relate to their administrative sector and are specified in the decision granting the powers.

The body granting police powers shall supervise the appropriate use of those powers.

## Section 9

### *A police officer's geographical area of operation and duty to take measures*

Police officers have a duty to take measures in matters occurring within the geographical area of operation of the police unit to which they are assigned.

A police officer may also be ordered to take measures outside the geographical area of operation of the police unit to which he or she is assigned.

Without requiring a separate order, police officers are obliged to take urgent measures anywhere in the country, including areas outside their geographical area of operation and even in their leisure time, if this is necessary to prevent a serious offence, to start an investigation of such an offence or to prevent a serious danger threatening public order and security, or for other special reasons.

## Chapter 2

### Provisions on police powers

## Section 10

### *Establishing identity*

In order to carry out an individual duty, police officers have the right to obtain from anyone information on his or her name, personal identity code, or, if this does not exist, date of birth and nationality, and a place where they can be contacted.

Police officers have the right to apprehend anyone who refuses to give the information referred to in subsection 1 or gives what is likely to be false information on the matters referred to therein. Persons so apprehended shall be released as soon as the necessary information has been obtained, but no later than 24 hours after being apprehended.

## Section 10a

### *Border checks and customs measures (21/2001)*

In order to seize illegally produced, imported or possessed objects or substances and to prevent illegal immigration, police officers have the right to carry out border checks under the Frontier Guard Act (320/1999) and to take customs measures under the Customs Act (1466/1994).

In order to carry out a border check, police officers have the powers laid down in sections 15(1), 15(2), 16, 17 and 21 of Chapter 3 of the Frontier Guard Act, and to carry out a customs check such powers as are provided for other competent authorities in section 14 of the Customs Act. Police officers also have the same right to carry out border checks and take related measures at those border crossing points where passport control is handled by the police or customs authority.

If a customs measure requires a bodily search or check other than on the person's luggage or outer clothing without conducting a pre-trial investigation, the provisions of section 15 of the Customs Act shall be observed. The decision on the measure required shall, however, be taken by a commanding police officer.

## Section 11

### *Apprehension to protect a person*

Police officers have the right to apprehend a person to protect him or her from an immediate serious danger to life, bodily integrity, security or health if said person is unable to take care of himself or herself and the danger cannot be otherwise eliminated or the person otherwise looked after.

A person apprehended for a reason laid down in subsection 1 who is under 18 years of age shall be immediately taken to his or her legal guardian or, if this is not possible, to the child welfare authority. Other persons apprehended shall be allowed to leave as soon as the reason for their apprehension has ceased to exist, but no later than 24 hours after being apprehended. A person who has not been released by 20:00 may be held until 08:00 the following day if this is justifiable on the basis of a lack of a home address or a night's lodging or for some other special reason. (21/2001)

Provisions on keeping an intoxicated person in custody are laid down in the Act on Treating Intoxicated Persons (461/73). Provisions on delivering an apparently mentally ill person into medical care and on other executive assistance in matters concerning mentally ill persons are laid down in the Mental Health Act (1116/90).

## Section 12

### *Apprehension of wanted persons*

Police officers have the right to apprehend wanted persons who, in accordance with a search warrant issued by a competent authority, are to be detained or taken into custody.

If requested by a police officer, persons other than those referred to in subsection 1 are obliged to present themselves at a police station or other place where the measures indicated in the search warrant can be taken. If the person does not follow the request, or if it is apparent that he or she is attempting to avoid the measures mentioned in the search warrant, police officers have the right to apprehend the person in order to take the measures mentioned in the search warrant.

Unless provisions are otherwise laid down on the duration of measures required in a search warrant, wanted persons are obliged to remain available for the measures to be taken for a period of up to six hours after being apprehended.

## Section 13

### *Conducting a search to apprehend a person*

In addition to the provisions of Chapter 5, section 1 of the Coercive Measures Act, police officers seeking to contact a person to be brought for interview have the right, on the order of a commanding police officer, to conduct a search at the person's home or in some other building, room or vehicle where the person can, for very good reason, be assumed to be staying.

The provisions of subsection 1 also apply to other forms of executive assistance provided by law and rendered to other authorities by the police in order to apprehend a person.

## Section 14

### *Protecting domestic and public premises (21/2001)*

At the request of the occupant of domestic or public premises or his or her representative, police officers have the right to remove anyone who unlawfully intrudes, enters in secret or by diversion, or conceals himself or herself therein or neglects an order to leave.

Police officers have the right to remove anyone with permission to be in an area or place referred to in subsection 1 if he or she disturbs the domestic or public peace of other persons or causes considerable disturbance in other ways and there are reasonable grounds to suspect that disturbance would recur.

If it is likely that removal would not prevent the disturbance from recurring, police officers have the right to apprehend the person causing the disturbance and keep him or her in custody. The apprehended person may be kept in custody only for as long as the disturbance is likely to recur, but no longer than 12 hours after being apprehended.

## Section 15

### *Searching for persons in danger and missing persons*

In order to assist someone, to find a missing person or to investigate a death, police officers have the right to enter a residence or other place and conduct a necessary search if there are reasons to suspect that the person's life or health is in danger or that the person has become a victim of a crime or an accident, or that the person can be assumed on other grounds to be in need of immediate help or to be dead.

## Section 16

### *Preventing a dangerous act or event*

On the order of a commanding police officer, and in urgent cases even without such an order, police officers have the right to enter a building, other domestic premises or a vehicle if there are reasonable grounds to suspect that an act or event causing a serious threat to life, personal liberty or health, or notable damage to property or to the environment is taking place or about to take place. A further precondition is that the measure is essential to prevent danger or to search and take possession of explosives, weapons or other dangerous substances or objects.

## Section 17

### *Taking measures (21/2001)*

In cases referred to in sections 13-16 above, a room or place of storage may be entered using forcible means. After the measure has been taken, the place shall be closed again in a suitable manner.

A search under section 13 may not be made between 21:00. and 06:00. without a special reason.

An official record shall be made or a note entered in some other document of the measures taken under sections 13-16 of this Act.

## Section 18

### *Cordoning off a place or an area*

Police officers have the right to cordon off, close or clear a place or area in public use, or to prohibit or restrict movement there, if this is necessary to maintain public order and security, to secure an investigation, or to protect measures taken at the scene of an accident, the privacy of persons subjected to measures and any endangered property.

On the order of a commanding police officer, and in urgent cases even without such an order, police officers have the right to cordon off or clear domestic or public premises if this is necessary for preventing an immediate danger to life or health and the persons in the area cannot be protected in any other way. (21/2001)

Provisions on the right of the police to issue orders concerning a place of a public meeting are laid down in section 10 of the Assembly Act (530/1999). (531/1999)

Police officers have the right to prohibit or restrict the moving of any object or to order an object to be moved from a place or area in public use if this is necessary to secure a police investigation. Police officers also have the same right in domestic premises if the measure is necessary to prevent danger to life or health or to protect property.

Section 19  
*Dispersing a crowd*

Police officers have the right to order a crowd to disperse or move if the gathering threatens public order and security or obstructs traffic. If an order to disperse or move is not obeyed, police officers have the right to use forcible means to disperse the crowd and to apprehend noncompliant persons. Apprehended persons shall be released as soon as the purpose of the measure has been served, but no later than 12 hours after being apprehended.

Provisions on interruption and dispersal of public meetings are laid down in section 21 of the Assembly Act, and provisions on prevention, interruption and dispersal of public events are laid down in section 22 of the same Act. (531/1999)

Section 20  
*Preventing an offence or disturbance*

Police officers have the right to remove a person if, on the basis of the person's threats or general behaviour, it can be concluded that he or she would be likely to commit an offence against life, health, liberty, domestic premises or property.

Any person whose behaviour is causing considerable disturbance or immediate danger to public order and security may also be removed.

If it is apparent that the person's removal from a place is an inadequate measure and the disturbance or danger cannot otherwise be eliminated, the person may be apprehended. The apprehended person may be kept in custody for as long as it is likely that he or she would commit an offence referred to in subsection 1 or cause a disturbance or danger, but the period may not exceed 24 hours from the time of apprehension.

Section 21  
*Stopping and moving a vehicle*

Police officers have the right to order a vehicle to stop if this is necessary for locating a wanted person or some other person to be apprehended, or for inspecting the vehicle, maintaining public order and security or preventing or investigating an offence.

Police officers have the right to move a vehicle or to order it to be moved if this is necessary for inspecting the vehicle, maintaining public order and security or preventing an offence. Provisions on road traffic surveillance are laid down in the Road Traffic Act (267/1981). Provisions on ordering an airplane or other airborne craft to land are laid down in the Aviation Act (595/1964).

Section 22  
*Security check (21/2001)*

When apprehending, arresting, placing in detention, taking into custody or carrying out executive assistance affecting personal liberty, police officers have the right to frisk the persons in question and their personal goods in order to ensure that they are not carrying any objects or substances that could be used to jeopardize their custody arrangements, or to cause danger to themselves or to others.

In situations referred to in subsection 1, the person and the personal goods they are carrying can also be frisked in order to find documents necessary for their identification.

To secure the safety of persons present in a court proceeding or public meeting, public event or any similar event requiring special protection, police officers have the right to frisk persons arriving at such proceedings or events or persons in the immediate vicinity as well as the personal goods they are carrying to ensure that they do not have objects or substances that could endanger the safety of persons present at the proceeding or event.

Provisions on security checks arranged on the basis of a court order are laid down in the Act on Security Checks in Courts (1121/1999).

If necessary, dangerous objects or substances referred to in subsections 1 and 3 shall be removed from the person concerned.

#### Section 22a

##### *Powers of a police officer of a foreign State (315/2001)*

Police officers of a foreign State applying the Schengen acquis who are referred to in article 40 or 41 of the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (hereafter the Schengen Convention) have the right to pursue in the territory of Finland an offender who has been caught in the act of committing an offence in or has escaped from the territory of the police officer's country, and to apprehend and carry out a security check on the person in the territory of Finland, as provided in the Schengen acquis binding on Finland. In addition, the provisions of sections 21(1), 22(1) and 22(5) apply to stopping a vehicle and conducting a security check.

However, the right to use forcible means to apprehend a person caught in the act of committing an offence or escaping only exists if the person attempts to avoid capture by resisting and there is no Finnish police officer available to render immediate assistance in the apprehension. In addition, the provisions laid down elsewhere in this Act and in the Penal Code (39/1889) apply to preconditions for and the use of forcible means.

A person apprehended under subsection 1 of this section shall be handed over without delay to the district police of the place of apprehension, who shall also be informed of any other measures taken in the territory of Finland and of their consequences.

The provisions of section 47(2) on paying damages apply to compensating any damage caused to a third party by the measures of a police officer referred to in subsection 1 above.

#### Section 23

##### *Taking possession of dangerous objects and substances (2/1998)*

In addition to what is provided under this or another Act, police officers have the right to temporarily take possession of explosives and other dangerous objects or substances from any person whose age, state of intoxication, mental state or other circumstances can justifiably be thought to pose an immediate danger to public order and security.

Instead of the whole object, part of it or a part connected to it may be taken into possession if its removal could prevent the danger referred to in subsection 1.

An official record shall be made or a note entered in some other document of the property taken into possession.

Provisions on taking possession of weapons, components of weapons, cartridges and specially dangerous projectiles are laid down in the Firearms Act (1/1998).

## Section 24

### *Handling property taken into possession*

Objects and substances taken into possession under section 22(5) or section 23(1) shall be returned within 14 days, unless a measure to cancel the licence for possession or a measure referred to in subsection 2 or 3 is taken in the matter prior to this. Property taken into possession under section 23(2) shall always be returned, unless the object in question as a whole is before this taken into the possession of the police under section 23(1). (21/2001)

An object or substance taken into possession under section 23(1) that cannot be returned to its holder or owner without posing a danger may, with the consent of the owner, be sold or given to a person with a legal right to its possession. If this is not possible, property may be sold at a public auction on the owner's behalf.

If the object or substance cannot be returned, sold or given as provided under subsections 1 and 2 without posing a danger, or if it is a question of property of little value, a commanding police officer has the right to order the object or substance to be destroyed.

The owner or possessor shall be reserved an opportunity to be heard prior to the sale or destruction, unless it is a question of property of little value.

## Section 25

### *Capturing and putting down an animal (21/2001)*

Police officers have the right to capture or put down an animal causing danger to the life or health of a human being. Police officers have the same right if an animal is causing significant damage to property or serious danger to traffic. An animal may also be put down when it is in such a condition that keeping it alive would clearly represent cruelty towards it.

## Section 26

### *Authority of police officers*

When using powers provided under this or another Act, police officers have the right to issue necessary orders and prohibitions applying to all persons in any individual case.

## Section 27

### *Use of forcible means*

When carrying out official duties, police officers have the right to use necessary forms of force that can be considered justifiable to overcome opposition, remove a person from the scene, carry out an apprehension, prevent the escape of a person who has lost his or her liberty, eliminate an obstacle or avert immediate threat of a crime or other dangerous act or event.

When judging the justifiability of forcible means, the importance and urgency of the duty, the danger posed by the opposition, the available resources and other factors affecting the overall assessment of the situation shall be taken into consideration.

Persons temporarily assisting police officers at their request or with their consent in a situation in which it is vital to enlist the forcible aid of bystanders in carrying out an extremely important and urgent official police duty have the right, under a police officer's guidance, to exercise any essential forcible means authorized by a police officer acting within his or her powers.

Provisions on self-defence and emergency are laid down in the Penal Code.

## **Chapter 3**

### **Provisions on gathering information**

#### Section 28

##### *Definitions*

For the purposes of this Act:

- 1) *technical monitoring* means viewing or listening to members of the public, drivers of vehicles or pedestrians with the help of a technical device and recording the voice or image;
- 2) *surveillance* means continuous or repeated gathering of information on certain persons or their activities;
- 3) *technical surveillance* means continuous or repeated listening to certain persons with the help of a technical device and recording the voice (*interception*), viewing and photographing or videotaping (*technical observation*), and tracking the movements of a vehicle or goods (*technical tracking*);
- 4) *undercover activities* means continuous or repeated gathering of information on certain persons or groups of persons or on their activities and infiltration in which misleading or covert information or register entries are used or false documents prepared or used in order to prevent the information gathering and infiltration from being exposed;
- 5) *pseudo purchase* means an offer made by a police officer to buy an object, substance or property that is in a person's unlawful possession or is the subject of business in order to prevent or detect the possession, trade or illegal preparation of such objects, substances or property or to locate them, or to recover proceeds from a crime.
- 6) *telecommunications monitoring* means the acquisition of secret identification data on messages sent from a subscription or terminal connected to a public telecommunications network or another telecommunications network falling within the scope of application of the Telecommunications Market Act (396/1997) or received by such a subscription or terminal, and the temporary disconnection of such a subscription or terminal. (21/2001)

Provisions on telecommunications interception, telecommunications monitoring and technical surveillance for investigating an offence are laid down in the Coercive Measures Act (450/1987).

#### Section 29

##### *Preconditions for technical monitoring*

After giving prior notification, the police have the right to carry out technical monitoring in a public place or on a public road in order to maintain public order and security, prevent offences, identify a person suspected of an offence and guard special targets to be monitored.

#### Section 30

##### *Preconditions for surveillance*

Police officers have the right to keep persons under surveillance in places other than a residence in order to prevent or discontinue an offence if the person's behaviour or other circumstances give justifiable cause to suspect that he or she would commit an offence.

For a purpose referred to in subsection 1, surveillance can also apply to persons outside domestic premises who can with justifiable cause be suspected of contributing to an offence for which the maximum punishment provided is more severe than six months' imprisonment.

Section 30a  
*Surveillance by a police officer of a foreign State (315/2001)*

Police officers of a foreign State applying the Schengen acquis who are referred to in Article 40 or 41 of the Schengen Convention have the right to continue surveillance in the territory of Finland or technical surveillance of a person that was started in the territory of the police officer's country and that is taking place for investigating an offence, as provided in the Schengen acquis binding on Finland. A further precondition is that Finnish police officers are not immediately able to continue surveillance or technical surveillance in the territory of Finland.

Technical devices that Finnish police officers are authorised to use in accordance with the provisions on technical surveillance may be utilised in surveillance. A report on the surveillance and technical surveillance shall be submitted to the district police within whose geographical area of operation most of the measure was taken.

Section 31  
*Preconditions for technical surveillance (21/2001)*

Police officers have the right to keep a person, vehicle or goods under technical surveillance in places other than a room or space used for permanent living if it can be justifiably assumed that information necessary for preventing an offence can be obtained with such a measure. Under the same preconditions, persons serving a sentence in prison or confined in an institution for preventive detention or in pre-trial detention can be kept under technical surveillance while they are in their cell or in other premises of an institution used by inmates.

If technical surveillance so requires, a device used in technical surveillance may be placed in premises where technical surveillance is allowed under subsection 1. On the order of a commanding police officer, a police officer may access the premises in question in order to install and remove the device. If the device consumes energy produced by a vehicle or the premises in which it is placed, compensation shall be given for consumption which is higher than a minimal level.

Another precondition for technical surveillance is that the person's behaviour or other circumstances give justifiable cause to suspect that the person could commit an offence for which the maximum punishment is at least four years' imprisonment or could commit a narcotics offence. Correspondingly, the precondition for technical observation and technical tracking is that the person's behaviour or other circumstances give justifiable cause to suspect that the person could commit an offence for which the maximum punishment is more than six months' imprisonment or could contribute to committing such an offence. However, if technical observation is carried out on persons referred to in subsection 1 who are in the custody of the Prison Administration, the requirement is that their behaviour or other circumstances give justifiable cause to suspect that they could commit an offence for which the maximum punishment is at least four years' imprisonment or that they could commit a narcotics offence.

Police officers also have the right to keep a person under technical surveillance in a place of residence immediately before and during police measures if this is essential for the measures to be taken safely and to prevent immediate danger to the life or health of persons taking the measure or the person to be apprehended or protected.

Section 31a  
*Preconditions for undercover activities (21/2001)*

Police officers have the right to undertake undercover activities if these are necessary for preventing, detecting or investigating criminal activity referred to in Chapter 5a, section 2 of the Coercive Measures Act, and the behaviour of the persons on whom information will be gathered or

other circumstances give justifiable cause to suspect that they could commit the offence in question. Undercover activities in a place of residence are permitted if the person occupying the residence actively assists the entry or stay. However, provisions of the Coercive Measures Act apply to the search of premises.

Undercover activities are also justified if the activities referred to subsection 1 take place partly or fully outside Finland and the consequences of the offence could also become evident in Finland and the act in question would be punishable in Finland.

#### Section 31b

##### *Preconditions for a pseudo purchase (21/2001)*

Police officers have the right to make a pseudo purchase if this is essential to prevent, detect or investigate a receiving offence or an offence for which the maximum punishment is at least two years' imprisonment, or in order to find an object, substance or other property illegally possessed or sold or to recover proceeds from such an offence.

A pseudo purchase is also justified if the offence referred to in subsection 1 is committed partly or fully outside Finland and would be punishable in Finland or would justify making a seizure or sequestration had it been committed in Finland.

#### Section 31c

##### *Preconditions for telecommunications monitoring (21/2001)*

To prevent or detect an offence, police officers have the right to subject to telecommunications monitoring, a subscription or terminal in a person's possession or assumed to be otherwise used by the person, or to temporarily disconnect such a subscription or terminal, if the person's statements, threats or behaviour or other circumstances give justifiable cause to suspect that the person would commit an offence for which the punishment is no less than four months' imprisonment, an offence concerning an automatic data processing device and involving use of a terminal, an offence of menace or of threatening a person who is to be heard in judicial proceedings, or a narcotics offence. In addition, police officers have the right to use telecommunications monitoring in a situation referred to in section 18(2) or in any other situation if this is essential to prevent a danger to life or health.

#### Section 31d

##### *Prohibitions on interception (21/2001)*

Provisions on prohibition of interception concerning suspects laid down in Chapter 5a, section 10 of the Coercive Measures Act also apply to other interception activities under this Act than those that concern suspects.

#### Section 32

##### *Deciding on technical surveillance*

An order to carry out a measure referred to in section 31(1) shall be given by a commanding police officer or a police officer appointed as investigator in charge, or, in the case of interception lasting more than three days, by a police officer with the rank of chief of a police district, chief of a national police unit or deputy chief of such a unit.

A commanding police officer shall be informed without delay of any measure taken under section 31(4). (21/2001)

### Section 32a

#### *Deciding on undercover activities and pseudo purchases, and supervising undercover activities (21/2001)*

Decisions on undercover activities and register entries or preparing false documents as referred to in section 28(1)(4) are taken by the chief of the police unit appointed by the Ministry of the Interior. Decisions on making pseudo purchases are taken by a commanding police officer. The police unit that made the decision on undercover activities shall prepare a report on the activities for the Ministry of the Interior, which submits an annual report on undercover activities to the Parliamentary Ombudsman.

### Section 32b

#### *Court decisions on telecommunications monitoring and technical surveillance, and other handling of such matters (21/2001)*

The court referred to in Chapter 1, section 9 of the Coercive Measures Act, or another court in which the matter can be dealt with, shall decide on the use of telecommunications monitoring and technical surveillance in cases referred to in section 31(2) in which interception or technical observation requires placing a surveillance device in a room or premises where the person under surveillance is staying or inside a vehicle used by the person under surveillance or where a person in the custody of the Prison Administration is subjected to interception or technical observation. Matters referred to in subsection 1 above are decided without hearing the occupant of the facilities to be intercepted or observed. However, when a court deals with a case in which the person subjected to interception or technical observation is in the custody of the Prison Administration, the director of the prison shall be reserved an opportunity to be heard. The provisions in Chapter 5a, sections 5-9, 11(1), 12 and 14 of the Coercive Measures Act also apply, as appropriate, to processing cases referred to in subsection 1 above.

### Section 32c

#### *The right of a police officer to decide on telecommunications monitoring and technical surveillance in urgent situations (21/2001)*

A commanding police officer has the right to decide to start telecommunications monitoring or technical surveillance as referred to in section 32b(1) if it is essential to do so without delay due to the urgency of the matter. In such cases, the court referred to in section 32b(1) shall be notified of the measures without delay, and no later than 24 hours after the start of the measures. A request for telecommunications monitoring or technical surveillance shall be attached to the notification if the aim is to continue telecommunications monitoring or technical surveillance after the court has received the notification.

The right referred to in subsection 1 above does not apply to interception or technical observation concerning a person in the custody of the Prison Administration.

### Section 32d

#### *Continuing telecommunications monitoring and technical surveillance when the decision on the measures was made by a police officer (21/2001)*

When the court receives a notification under section 32c(1), it may prohibit the continuation of telecommunications monitoring or technical surveillance or set limitations on the use of the measures or conditions on the use of information as it sees fit.

Provisions in Chapter 5a, sections 5-9, 11(1), 12 and 14 of the Coercive Measures Act apply, as appropriate, to processing a case in court.

### Section 33

#### *Notification of surveillance, technical surveillance and telecommunications monitoring*

Police officers who decided on the use of technical surveillance as referred to in section 31(1) above or on the placing of a technical surveillance device as referred to in section 31(2) or on the use of telecommunications monitoring under section 32c, or who notified the court shall inform the person subjected to technical surveillance or telecommunications monitoring of the measures after they have been concluded, unless such notification would endanger the purpose of gathering the information or the pre-trial investigation of an offence.

No notification is required of the use of surveillance or technical surveillance as referred to in section 31(4) or of the grounds for these measures.

Police officers who carried out interception as referred to in section 31 or telecommunications monitoring as referred to in sections 32b and 32c shall prepare an official record of the measures without delay. Further provisions on the content of the record are given by decree. The official record shall be submitted to the Ministry of the Interior, which submits an annual report to the Parliamentary Ombudsman on the use of the interception and telecommunications monitoring measures referred to in this subsection. A report on the use of technical surveillance in prisons shall also be given at the same time.

### Section 33a

#### *Correcting a register entry (21/2001)*

A register entry as referred to in section 28(1)(4) shall be corrected as soon as such correction would no longer endanger the purpose of gathering the information or the pre-trial investigation.

### Section 34

#### *Processing material*

A commanding police officer shall examine without delay the information obtained from measures referred to in sections 30-31 and the recordings acquired with the help of technical surveillance as referred to in section 31. Information solely concerning third parties shall be destroyed without delay after being examined if it is not needed for the investigation of an offence.

Separate provisions shall be issued regarding entry of the information referred to in subsection 1 in police personal data files. Information and recordings obtained that are not added to a data file or the pre-trial investigation material shall be destroyed no later than one year after being declared almost certainly unnecessary for the purpose for which it was obtained.

### Section 35

#### *Obtaining information from authorities*

The police have the right, notwithstanding the obligation to observe secrecy, to obtain free of charge from an authority or a body assigned to perform a public function any information and documents necessary to carry out an official duty unless disclosing such information or documents to the police or using information as evidence is prohibited or restricted by law.

When assessing the continued validity of a driving licence, firearms permit or other such licence, the police have the right, on making a justified request, to obtain information on the licence holder's state of health, use of intoxicants or violent behaviour, notwithstanding the obligation to observe secrecy, if there are reasons to suspect that the licence holder no longer meets the conditions set for obtaining a licence.

The decision on obtaining confidential information in cases referred to in subsections 1 and 2 is taken by a commanding police officer.

The police may only use confidential information received on the basis of subsection 2 above to assess the credibility and suitability of a licence holder or some other condition for validity of the licence or fulfilment of a condition included in the licence.

#### Section 36

##### *Obtaining information from a private organisation or person*

At the request of a commanding police officer, the police have the right to obtain any information necessary to prevent or investigate an offence, notwithstanding business, banking or insurance secrecy binding members, auditors, managing directors, board members or employees of an organisation. The police have the same right to obtain information needed in a police investigation as referred to in section 37 if an important public or private interest so requires. (21/2001)

The police have the right to obtain from organisations engaged in telecommunications services contact information of telecommunication subscriptions that are not listed in a public directory if the information is needed in an individual case to carry out a police duty. The police have a similar right to obtain information on postal addresses from organisations engaged in postal services.

For licence administration purposes, the police have the right to obtain information from private organisations and persons as provided in section 35(2)-(4).

### **Chapter 4**

#### **Provisions on police investigation**

#### Section 37

##### *Police investigation*

A police investigation means an investigation which is by law to be performed by the police, but does not include pre-trial investigations of an offence.

In conducting a police investigation, the procedure laid down for conducting pre-trial investigations shall be followed, as appropriate.

#### Section 38

##### *Status of a person in a police investigation*

If the investigation is conducted to clarify a matter affecting someone's rights or obligations, the status of the person shall be governed by the provisions on parties to a pre-trial investigation. Persons other than the party referred to in subsection 2 and their legal representatives and aids shall speak truthfully when clarifying the matter under investigation and replying to questions.

If the investigation is conducted to establish whether a sanction comparable to punishment should be either by sentence or order imposed on a person, the status of the person shall be governed by the provisions concerning suspects.

Provisions concerning witnesses or experts apply to the status of persons other than those referred to in subsection 1 or 2. Witnesses or experts shall speak truthfully and without concealing anything about the matter being investigated. However, in an investigation as referred to in subsection 2 witnesses and experts have the right or duty to refuse to give a statement, reveal a circumstance or answer a question if they have such a right or duty in court proceedings.

#### Section 39

##### *Duty to appear, and securing an investigation*

Persons who may have information required in a police investigation as referred to in section 37 are obliged, when summoned, to attend the police investigation within the geographical area of their local police unit, or within the area of another unit if the office of the police unit is located in another police unit's area or the police activities are carried out in cooperation with another unit.

If a person summoned to a police investigation does not comply with the summons without a valid reason, he or she may be brought there on the order of a commanding police officer, in compliance with the provisions of section 18 of the Pre-Trial Investigation Act on bringing a person to a pre-trial investigation.

To conduct a police investigation, police officers have the right to gain access to the place or area in which the incident under investigation took place, to examine objects or documents which may be important for conduct of the investigation, to make tests necessary for carrying out the investigation and to detach and take samples necessary for examination. A further precondition is that the measures can justifiably be assumed to be important in clarifying the matter.

### **Chapter 5**

#### **Miscellaneous provisions**

#### Section 40

##### *Executive assistance by the police*

On request, the police shall give assistance to other authorities if the provisions to this effect are separately laid down by law. The police shall also give executive assistance to another authority in order to fulfil a supervisory duty provided by law. The police may also give assistance to private persons if this is necessary for the persons to have access to their legal rights and it is apparent that their rights have been violated. (21/2001)

A precondition for providing the executive assistance referred to in subsection 1 above is that the authority requesting such assistance is prevented from performing its official duties or the private person is prevented access to his or her rights and access requires the use of police powers. (21/2001)

Decisions on giving executive assistance shall be made by a commanding police officer unless otherwise provided or ordered.

#### Section 41

##### *Executive assistance to the police*

Authorities shall provide any executive assistance within their powers that is necessary for performance of a police duty. Decisions on requesting executive assistance are made by a commanding police officer unless otherwise provided or otherwise required by the urgency of the matter.

Separate provisions apply to assistance given to the police by the Defence Forces.

Section 42  
*Reinforcing the police personnel*

If the security of the State or exceptional circumstances so require, the Government may order police personnel to be reinforced with special reserve police personnel.

Persons suitable for the duties and with suitable personal traits, who, in accordance with an agreement they have made with the chief of the police district, commit themselves to the duties, may be recruited to the reserve police personnel.

In active service, members of the reserve police personnel have the same powers and obligations as police officers under this Act in maintaining public order and security. However, the provisions of section 27(3) of this Act apply to the right to use forcible means.

Provisions on duties, equipment, training, call-up and contract terms shall be issued by decree.

Section 43  
*Obligation to observe secrecy*

The provisions of section 17 of the State Civil Servants Act (750/94) apply to the obligation on members of the police personnel to observe secrecy. Anyone who has an employment contract relationship with the police and persons who by virtue of police powers granted to them or on other grounds carry out a police duty have the same obligation to secrecy.

No member of the police personnel or other persons referred to in subsection 1 may, in a manner incompatible with their duties, use to their advantage or disclose without authorisation such factors relating to the privacy of a person that have been learnt in the course of this duty and the disclosure of which may cause damage or detriment to said person.

However, the obligation to observe secrecy does not prevent the disclosure of the matter to an authority or an organisation performing a public function that due to its duty under the law has a need to obtain information on a matter otherwise confidential or related to the credibility or suitability of a person. Information on persons applying for security-sensitive duties or needed to ensure the reliability of a person already performing such duties may also be surrendered to a private organisation or person to the extent necessary.

The obligation to observe secrecy does not prevent the disclosure of information that is necessary in individual cases to avoid an event that would endanger life or health, an offence against liberty or significant environmental or material damage.

The provisions of subsections 1, 2 and 4 also apply when an employment relationship with the police has terminated.

The Act on Police Personal Data Files lays down provisions on surrendering data recorded in a police personal data file with the aid of a technical interface to parties other than the police as well as on the use of data from a personal data file in providing an opinion on security clearance.

Section 44  
*Right to remain silent*

When being heard as a witness or otherwise, members of the police personnel are not obliged to reveal the identity of any person who has provided them with confidential information during their employment or to reveal any confidential tactical or technical methods.

When being heard as a witness or otherwise, members of the police personnel are not obliged to reveal the identity of a person who made a pseudo purchase or who was involved in undercover activities if disclosure of the information would endanger the success of the undercover activities concerned, or if it would significantly endanger the handling of similar future duties by the person who made the pseudo purchase or was involved in the undercover activities, or if there is another extremely weighty cause not to disclose such information. (21/2001)

However, if extremely weighty cause exists, a court may order the information referred to in subsections 1 or 2 to be revealed if a public prosecutor is prosecuting for an offence carrying a possible sentence of six or more years in prison. Even then the court cannot order the identity of persons who provided information or of a person who made a pseudo purchase or was involved in undercover activities to be revealed if this would manifestly pose a serious threat to their safety or that of their family. (21/2001)

#### Section 45 *Obligation to assist*

On the order of a commanding police officer, any person of at least 18 and at most 54 years of age in the area of a local police unit is obliged to assist the police in searching for a missing person whose life is in danger, saving a human life, aiding an injured person or preventing significant material or environmental damage unless this is unreasonable in view of the person's state of health, personal circumstances or another special reason.

In the cases referred to above in subsection 1 and in the search for a person who has drowned, private persons and organisations shall, on the order of a commanding police officer, provide the police with a reasonable amount of food, means of communication, transport equipment and tools and any other necessary devices and substances, against full compensation.

#### Section 46 *Powers of a person assisting a police officer*

A person assisting a police officer in the performance of an official duty, at the officer's request, has the right to exercise police powers that fall within the authority of the police officer as indicated by the officer. However, the provisions of section 27(3) apply to the right to use forcible means.

#### Section 47 *Paying compensation*

Compensation for direct expenses incurred in the assistance referred to in section 45 above is made from State funds. Persons ordered to assist with such duties have the right to receive a reasonable compensation from State funds according to the time taken in the duty.

Direct expenses incurred by a third party as a result of coercive measures taken by the police are compensated from State funds. Compensation can be adjusted or denied if the party that suffered the loss significantly contributed to causing the damage through its own actions or by negligence.

An injury caused to a person involved in assisting the police in accordance with section 45 is compensated from State funds according to the same principles as those provided on compensating an employment accident unless the injured party is otherwise entitled to receive compensation under the Employment Accidents Insurance Act (608/48) or the Military Injuries Act (404/48). Matters concerning compensation referred to in this section are, in the first instance, processed by the State Treasury.

If an injured person's employer or municipality has paid wages or an advance or made other payments in the matter of an injury to be compensated under this Act, the provisions of section 26 of the Employment Accidents Insurance Act shall apply to the right of the employer and municipality.

#### Section 48

##### *Commissioning right*

If a person, despite being requested by the police, neglects to carry out a duty which he or she under an act, decree or a properly given order is obliged to carry out, and if the negligence may cause significant harm to traffic or public order, safety or health, the police have the right to get the duty carried out at the expense of the person concerned. Decisions on taking such measures are made by a commanding police officer.

When protecting property from further damage after an accident or offence so requires, the police may take or commission urgent, necessary measures to be taken at the expense of the owner if the owner or occupant cannot immediately be reached.

The costs of measures referred to in subsections 1 and 2 may be paid in advance from State funds. They may be claimed from the party that neglected to carry out the duty or the owner of the property without a judgement or order, as laid down in the provisions on claiming taxes and other payments through debt recovery measures.

#### Section 49

##### *Personal injury and material damage*

Police officers shall notify their superiors without delay about any personal injury or material damage caused in the performance of a duty, unless the injury or damage is minor. When necessary or requested by the party suffering the injury or damage or the person performing the official duty, an investigation of the occurrence shall be undertaken.

In connection with the measures referred to above in subsection 1, a party receiving injuries shall be given treatment without delay and assistance from a physician arranged if necessary. If a party states that the injuries were received because of the police measure, the party shall be given the opportunity to have a medical examination as soon as possible or, if this is not immediately possible, shall be examined by an impartial person.

The costs of measures referred to in subsection 2 shall be paid in advance from State funds.

#### Section 50

##### *Measures by other authorities in police duties*

Provisions can be laid down by law requiring the Defence Forces, the Frontier Guard, the customs authority or another authority to carry out police duties.

#### Section 51

##### *Penal provisions (569/1998)*

Provisions on the punishment for disobeying a police officer are laid down in Chapter 16, section 4 of the Penal Code.

#### Section 52

##### *Restrictions on movement and sojourn (315/2001)*

In order to secure a very important activity or asset or to protect people, movement or sojourn in a secured or protected location or its surroundings may be restricted due to a danger posed by or to the location, or the bringing of objects or substances that would endanger the safety of the location may be prohibited by a decree of the Ministry of the Interior. A fine may be imposed for violating the order or restriction, unless a more severe punishment has been otherwise provided by law.

Section 53  
*International cooperation*

What is separately laid down by law or agreed on by international agreement binding on Finland applies to assistance given by the police to police officers of a foreign State.

In matters not covered by legislation or not otherwise requiring the consent of Parliament, the Ministry of the Interior can make cooperation agreements of a conventional kind that fall within the scope of the police with the authorities responsible for police functions in States bordering on Finland and with coastal states around the Baltic Sea.

Section 54  
*Further provisions*

Provisions on the Cross of Merit and Medal of Merit of the Police are laid down by decree of the President of the Republic. (21/2001)

Provisions on the following are laid down by Government decree:

- 1) the ethical oath of a police officer, the operational chain of command of the police, a police officer's duty to act, a police officer's duty to report for duty, ordering a police officer to operational readiness, special duties related to certain police investigations, procedures on applying for and payment of damages referred to in section 47, the insignia of the police, use of the uniform, badge of office, and police arms;
- 2) the use of powers, reports and clarifications based on international agreement, and
- 3) the integration of the duties of the police, the customs authority and the Frontier Guard, and their mutual cooperation and procedures relating to executive assistance. (315/2001)

The Ministry of the Interior can issue further provisions on granting police powers, dealing with apprehended persons, keeping property taken into possession, carrying out a police investigation, halting a vehicle, automatic surveillance of road traffic, use of forcible means and capturing, keeping and putting down an animal, giving executive assistance in cases other than those referred to in subsection 2(3), organising undercover activities, pseudo purchases, telecommunications monitoring and surveillance, entering official records of police measures taken and the design of the uniform and the badges worn with it. (315/2001)

Chapter 6  
**Entry into force**

Section 55  
*Entry into force*

This Act enters into force on 1 October 1995.

This Act repeals the Police Act of 18 February 1966 (84/66) as amended.

Entry into force and application of amendments:

(2/1998) This Act enters into force on 1 March 1998.

(569/1998) This Act enters into force on 1 January 1999.

(531/1999) This Act enters into force on 1 September 1999.

(21/2001) This Act enters into force on 1 March 2001. However, section 54(2)(2) will enter into force on a date to be defined by decree.

(315/2001) This Act enters into force on 15 April 2001.