

Vapaus – suuri vankila

Yhdyskuntapalvelu kansalaisyhteis-
kuntaan sijoittuvana rangaistuksena

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SUMMARY

Community service has not been studied widely in Finland although its use is relatively extensive. Community service substitutes for one large prison in Finland. The significance of community service both as a sanction and as a financial solution was one of the incentives to launch the study. As a researcher, I was interested in studying community service by approaching the phenomenon that is considered judicial as such from a social point of view with an aim to open up the dimensions related to criminal policy and social policy. The use and credibility of community service as part of the expanding community sanction field depend on how it is accepted by both the authorities and the general public. Therefore, this study focuses on the everyday activity, i.e., what happens in community service and how different operators regard it. An important element was to bring out a view of how community service is perceived as a sanction.

In this study, community service and the views on it are approached with the help of interview material. The interviewees included both the authorities and the contact people of the community service places operating in the field of the so-called civic society as well as the offenders sentenced to community service. The interviews were grouped as follows:

Interviews	Number of interviewees	Pages (12pt)
Service clients	24	314
Contact people of the service places	10	128
Probation officers	26 four group interviews and one individual interview	130
Prosecutors	4 one group interview and one individual interview	38
Judges	11 three group interviews	63
Total	75	673

Community service and its realisation were studied as an everyday activity. Based on the interviews with the operators, I seek answers to the following study questions.

What do the community service clients, the contact people of the service places, the authorities enforcing community service, as well as the prosecutors and the judges think about the significance of community service as a sanction and as a tool for promoting the integration into the society of the sentenced offenders?

How does the selection to community service happen in a process of requesting and preparing a suitability assessment and whom does it concern?

What do the community service clients, the contact people of the service places, the authorities enforcing community service, as well as the prosecutors and the judges think about the reform ideas of community service?

Studying community service as a sanction that is enforced in the course of everyday life brought out two viewpoints, which are aimed to be studied in more detail in a further research. The interviews revealed a so-called informal use of justice arisen from the practical solutions of the service places. Community service is regulated tightly and the regulations are also followed. Nevertheless, introducing a sentence as part of the operation of the civic society brings completely different elements to the sentence compared with those which are related to traditional prison sentences. In this study, the encounter between the juridical and bureaucratic norms and the civic society norms is referred to as "practical sense".

The empirical material is connected to two more extensive theoretical frameworks. Based on the material, it appears to be evident that a major part of the community service clients consider it a sentence that enables them to attach to some conventional social networks that do not promote criminality. The control theory developed by Travis Hirschi (2008 [1969]) and Gottfredson & Hirschi (1990) consists of two main forms: 1) social control theory and 2) self-control theory. With the help of these two dimensions, criminality and the detachment from it are explained by both social and individual factors (also Kivivuori 2008, 186–215). From the point of view of community service, the distinction is interesting.

If a weakened social control increases the committing of offences, it can be assumed that sanctions, which strengthen social control, social networks, and social support, are ideal for attaching back to the society or, in other words, promoting integration and, thus, reducing recidivism. Even though the interest of this study is in the extent of social control, it does not mean that it underestimates the responsibility of an individual. On the contrary, increased social interaction that does not promote criminality can improve the abilities of an individual to carry out his own change work.

Main results

The "practical sense" does not only refer to the fact that so-called laymen deal with sentenced offenders. In a much more serious sense, it may be a question of an element that is developed in the penal system and that enab-

les a wider understanding of the theoretical basis, the operating possibilities, and the operation limits of community sanctions.

Community service is a sentence where unpaid work is combined with social networks. At their best, these factors support the sentenced offender in his own change process and, at the worst, they offer the offender an opportunity to stop and evaluate his own situation. Thus, community service as a sanction opens a possibility to change at two levels. The work tasks and the communication and social relations built around the tasks offer the sentenced offender an opportunity to change. It can be reviewed based on the concept of social integration. On the other hand, community service as a sanction provides an opportunity of an individual examination of the life situation. In the interview material, this was often described with a term "stopping". Supporting both of the processes of the client requires a specific competence from the professional probation and social work. So far, carrying out this kind of probation work and social work that takes into account the special features of the offenders is random. The client has to be quite skilful to receive such help.

The role of the service places has unfolded to be more complex than I had expected as a researcher. The different abilities and needs of the community service clients as well as the service places call for a wide variety of service places. This brings out the fact that probation work is professional work in the interface of the formal and informal use of justice. In order for the work to be productive, it should be developed by taking into account the special features of this interface.

Community service is placed in the area of both formal and informal justice. In the area of formal justice, the suitability assessment of community service means an evaluation of the ability to carry out community service. Thus, it is a document that is produced for the prosecutor and the court. Although they are mainly interested in the final assessment of the suitability of the offender, they still consider meeting the client vitally important.

The community service suitability assessment also has other functions if it is reviewed from the viewpoint of informal use of justice. For the probation officers, it is a professional tool for intervening in the life of the client and helping him to stop and evaluate his own life. It is a tool also in that sense that while the ability to carry out community service is assessed, the search for a service place is often started. This mainly means considering the use of support activities and possible programmes. For the service places, the suitability assessment means that they can trust in that the community service client can be taken to serve the sentence in that exact place.

The suitability assessment often starts a quite long and demanding phase where an offender sentenced to community service is the object of some kind of attention and control.

1. The prosecutor evaluates the situation when deciding on whether to request a suitability assessment.
2. The probation officer evaluates the life situation of the client in connection with the preparation of the suitability assessment (1 [-2] interviews).
3. When necessary, the officer asks for assessment information from other authorities before the Probation Service completes the statement.
4. The prosecutor reads the suitability assessment statement and decides on whether he is going to propose a community service sentence.
5. The court reads the statement, evaluates it in relation to the information received during an oral hearing, and imposes the sentence.
6. The Probation Service reassesses the situation of the client together with him when the enforcement of community service begins.
7. The probation officer and the offender sentenced to community service visit the service place and assess whether the community service could be carried out at the service place in question. The contact person may have a quite active role in this situation.
8. Each service time is checked and, at the community service place, the current capacity of the community service client to carry out the service is assessed. The probation officers occasionally visit the service place without notifying beforehand.
9. The progress of the service is followed at the service place.
10. If community service includes programmes or different groups, the performance of the community service client is assessed and observed in them.
11. When the service is completed, a joint assessment is usually made of the progress of the community service.

The threshold of the suitability for community service is relatively low if it is assessed in relation to the made statements. The situation changes if the examination covers those who could formally be sentenced to community service. Only about 35% of those who could be sentenced to community service are sentenced to it. Thus, the threshold of sentencing to community service can be considered high.

From the viewpoint of criminal policy and its development, the significance of the results is that, at least for the duration of serving the sentence, community service seems to attach the sentenced offender to the society where he is expected to live without committing offences in future. The difference compared with prison sentence is fundamental. From the perspective of further study, an important question is whether it would be realistic to think that community sanctions would be defined and their number would increase based on such structures where the main goal would be citizenship, participation in social networks, and even permanent attachment of people to those networks.

LÄHTEET #6 @C; F5 D<M

- Abel, Richard L. (1982) The Contradictions of Informal Justice. Teoksessa Richard L. Abel (ed.) The Politics of Informal Justice. Volume 1. The American Experience. ss. 267 – 320.
- Alasuutari, Pertti (1999) Laadullinen tutkimus. 3. uudistettu painos. Vastapaino.
- Bauman, Zygmunt (2001) Community. Seeking Safety in an Insecure World. Polity Press.
- Bottoms Anthony, Rex Sue and Robinson Gwen (2004) How did we get here? ss. 1–19. Teoksessa Bottoms Anthony, Rex Sue and Robinson Gwen (ed.) (2004) Alternatives to Prison. Options for an insecure society. Willan Publishing.
- Cohen, Stanley (1985) Visions of Social Control: Crime, Punishment and Classification. Polity Press. Cambridge.
- Council of Europe. To member states on the European rules on community sanctions and measures. Recommendation No R (92) 16 on the member states of European union.
- Forsberg, Hannele (2002) Asianosaiset ja marginalia koskeva kerronta. ss. 107–110. Teoksessa Juhila Kirsi & Forsberg Hannele & Roivainen Irene (toim.) Marginaalit ja sosiaalityö. SoPhi Jyväskylän Yliopisto.
- Foucault, Michel (2005) Tarkkailla ja rangaista. Otava.
- Garland, David (1985) Punishment and Welfare. A History of Penal Strategies. Ashgate Publishing Company Ltd. Aldershot. England.
- Garland, David (1990) Punishment and Modern Society. A Study in Social Theory. Clarendon Press. Oxford.
- Glaser, Barney G. & Strauss, Anselm L. (1967) The discovery of grounded theory: strategies for qualitative research. Aldine de Gruyter.
- Gottfredson, Michael R. & Hirschi, Travis (1990) Substantive Positivism and Idea of Crime. ss. 412 –428. Rationality and Society. Vol. 2 No. 4, October 1990. Sage Publications.
- Haajanen, Petri (2007) Yhdyskuntapalvelun sisältämät restoratiiviset piirteet – tutkimus yhdyskuntapalvelusta kolmatta sektoria edustavilla palvelupaikoilla. Pro gradu -tutkielma. Sosiaalityön ja sosiaalipedagogiikan laitos. Yhteiskuntatieteellinen tiedekunta. Kuopion yliopisto. Maaliskuu 2007 (julkaisematon).
- HE (1996) Hallituksen esitys Eduskunnalle laiksi yhdyskuntapalvelusta ja eräksi siihen liittyviksi laeiksi. VEPS-tunnus HE 144/1996. <http://www.eduskunta.fi/valtiopaivaasiat/he+144/1996> 16.5.2008.
- Hedderman, Carol (2007) Past, present and future sentences: what do we know about their effectiveness? ss. 459 – 484. Teoksessa Gelsthorpe Loraine and Morgan Rod (eds) Handbook of probation. Willan Publishing 2007.
- Hirschi, Travis (2008) Causes on Delinquence. With a new introduction by the author. Transaction Publishers. Originally published in 1969 by University of California Press.
- Hirsijärvi, Sirkka & Hurme Helena (1988) Teemahaastattelu. 4. painos. Yliopistopaino.
- Iivari, Juhani (1991) Rikosten ja riitojen vaihtoehtoinen sovittelu refleksiivisen oikeuden konseptiossa. Sosiaali- ja terveyshallitus 12/1991.
- Ilmonen, Kaj (2005) Kansalaisyhteiskunta ja yhteiskunnan uudistumiskyky. Yhteiskunnallisia muutostrendejä suomalaisessa kansalaisyhteiskunnassa 1900-luvun lopulla. Palkansaajien tutkimuslaitos. Tutkimuksia 94.
- Johnstone, Gerry & Van Ness, Daniel W. (2007) The meaning of restorative justice. ss. 5 – 24. Teoksessa Johnstone Gerry and Van Ness Daniel W. (ed.) Handbook of Restorative Justice. Willan Publishing.
- Juhila, Kirsi & Pösö Tarja (2000) Sosiaalityön toimintakulttuurit. ss.171–206. Teoksessa Synnöve Karvinen, Tarja Pösö & Mirja Satka (toim.) Sosiaalityön tutkimus. Metodologisia suunnistuksia. Jyväskylä: Jyväskylän yliopisto. Sophi.
- Juhila, Kirsi (2006) Sosiaalityöntekijöinä ja asiakkaina. Sosiaalityön yhteiskunnalliset tehtävät ja paikat. Vastapaino.
- Järvinen, Minna-Kaisa (2007) Asiakas-työntekijäsuhteen dialoginen arviointi kriminaalihuollossa. Rikosseuraamusviraston julkaisuja 1/2007. (Sosiaalityön ammatillinen lisensiaatintutkimus.

- Marginalisaatiokysymysten sosiaalityö. Tampereen yliopisto, 2006).
- Karjalainen, Jouko (1989) Jäähvyäiset sosiaalityölle – lainrikkokien syrjäytyminen kriminaalihuoltotyön kontekstissa. Tampereen yliopisto. Sosiaalipolitiikan laitos. Tutkimuksia sarja B Nro 3.
- Karjalainen, Jouko & Rautniemi, Lasse (2006) Elämältä suunta puuttuu? ss. 80–86. Teoksessa Pekkola, Katariina & Sundman, Teija (2006) Lainrikkokaja-asiakkaiden näkökulma palveluihin ja niissä tehtäviin suunnitelmiin. Pikassos Oy, sosiaalialan osaamiskeskus Kanta-Hämeessä, Pirkanmaalla ja Satakunnassa 6/2006. <http://www.pikassos.fi/hankeet/raportit> 11.6.2008.
- Kekoni, Taru (2007) Kannabiksen käyttö, yhteiskunnallinen reagointi ja siihen vastaaminen. Cannabisaktivistien näkökulma. Akateeminen väitöskirja. Tampereen yliopisto. Sosiaalipolitiikan ja sosiaalityön laitos.
- Kendall, Kathleen (2004) Dangerous thinking: a critical history of correctional cognitive behavioralism. Teoksessa Mair, George (ed.) 2004 What Matters in Probation. Willan Publishing.
- Kivivuori, Janne (2008) Rikollisuuden syyt. Kustannusosakeyhtiö Nemo.
- Kokeilusuunnitelma (1990) Yhdyskuntapalvelu vankilan vaihtoehtona. Yhdyskuntapalvelun suunnitteluryhmän mietintö. Valtion painatuskeskus.
- Komiteamietintö (1989) Yhdyskuntapalvelutoimikunnan mietintö. Komiteamietintö 1989:41. Valtion painatuskeskus.
- Kriminaalihuoltolaitos (2008) Taulukko 21: Yhdyskuntapalvelun toimeenpano vuosina 2002–2006 www.kriminaalihuolto.fi/15139.htm 16.5.2008.
- Kääriäinen, Juha (1994) Seikkailijasta pummiksi. Tutkimus rikosurasta ja sosiaalisesta kontrollista. Vankeinhoidon koulutuskeskuksen julkaisuja 1/1994.
- Laine, Matti (2007) Kriminologia ja rankaisun sosiologia. Acta poenologica 1/2007. RSKK, Tietosanoma.
- Laki yhdyskuntapalvelusta 1996/1055. Säädöskokoelma. Helsinki
- Lappi-Seppälä, Tapio (2000) Rikosten seuraamukset. WSOY.
- Lavikkala, Raino (2007) Vankeuden vaihtoehtoja vai yhdyskuntaseuraamuksia. Haaste 1/2007.
- Rikoksantorjuntaneuvosto/Oikeusministeriö.
- Lehtonen, Heikki (1990) Yhteisö. Vastapaino.
- Linderborg, Henrik (2001) Brott och Straff. En undersökning av samhällstjänsten som straff. Åbo akademis förlag – Åbo akademi university press.
- Linderborg, Henrik (2005) Elektronisen valvonnan käyttö lisääntynyt Euroopassa. Haaste 3/2005. Rikoksantorjuntaneuvosto/Oikeusministeriö.
- Linderborg, Henrik (2006) Tukihenkilö yhdyskuntapalvelun suorittajien apuna. Yhteiskuntapolitiikka 71 6/2006.
- Linderborg, Henrik (2007) lislalten tukipalvelukokeilu 1.9.2004 – 30.11.2006. Rikosseuraamusvirasto. Kriminaalihuollon tuloslinja (julkaisematon versio).
- Linna, Väinö (1954) Tuntematon sotilas. Kolmaskymmesviides painos. WSOY.
- Maruna, Shadd & King, Anna (2004) Public opinion and community penalties. ss. 83 – 112. Teoksessa Bottoms, Anthony, Rex Sue & Robinson Gwen (ed.) Alternatives to Prison. Options for an insecure society. Willan Publishing.
- McIvor, Gill (2000) What Works in Community Service? CJSW Briefing Paper 6: November 2002. Criminal Justice Social Work Development Center for Scotland. www.cjsw.ac.uk/cjsw 23.4.2008.
- McIvor, Gill (2004) Reparative and restorative approaches. ss. 162 – 223. Teoksessa Bottoms, Anthony; Rex Sue & Robinson Gwen (ed.) Alternatives to Prison. Options for an insecure society. Willan Publishing.
- McIvor, Gill & McNeill, Fergus (2007) Probation in Scotland: past, present and future. ss. 131–154. Teoksessa Gesthorpe Loraine an Morgan Rod (ed.) Handbook of probation. Willan Publishing 2007.
- Moore, Robin & Gray, Emily & Roberts, Colin & Taylor, Emily & Merrington (2006) Managing Persistent and Serious Offenders in the Community. Intensive community programmes in theory and practise. Willan Publishing.
- Muilu, Marja-Liisa (1999) Yhdyskuntapalveluun tuomittujen uusintarikollisuus. Oikeusministeriön vankeinhoito-osaston julkaisuja. Helsinki 1999.
- Pösö, Tarja (2004) Vakavat silmät ja muita kokemuksia koulukodista. Stakes. Tutkimuksia 133.

- Raynor, Peter (2004) Rehabilitative and reintegrative approaches. ss. 195 – 223. Teoksessa Bottoms, Anthony & Rex Sue & Robinson Gwen (ed.) Alternatives to Prison. Options for an insecure society. Willan Publishing.
- Rex, Sue (2004) Punishment as communication. ss. 113 – 134. Teoksessa Bottoms, Anthony & Rex Sue & Robinson Gwen (ed.) Alternatives to Prison. Options for an insecure society. Willan Publishing.
- Rex, Sue (2005) Reforming Community Penalties. Cullompton. Willan Publishing.
- Rikoksettomaa elämänhallintaa (2001). Seuraamusjärjestelmän ja yhteiskunnan tukijärjestelmien yhteensovittamista selvittäneen toimikunnan mietintö. Komiteamietintö 2001:2.
- RISE (2007). Julkaisematon tilastotieto. Oikeusministeriö/Rikosseuraamusvirasto.
- Roberts, Julian V. (2004) The Virtual Prison. Community Custody and Evolution on Imprisonment. Cambridge University Press.
- Saarijärvi, Anne (2005) Sosiaalityön mahdollisuudet yhdyskunta-palvelussa. Tampereen yliopisto. Sosiaalipolitiikan ja sosiaalityön laitos. Marginalisaatiokysymysten erikoisala. Tampereen yliopisto. 2005. <http://www.arcticcentre.org/?depid=16345> 7.5.2008.
- Sampson, Robert J. & Laub, John H. (1993) Crime in the Making. Pathways and Turning Points through Life. Harvard University Press.
- Smolej, Mirka (2005) Rikosseuraamusten tutkimus Suomessa. Katsaus tutkimuksen painopisteisiin ja resursseihin. Oikeuspoliittisen tutkimuslaitoksen tutkimustiedon-antoja 66. 2005.
- Tombs, Jacqueline (2006) Sentencing: making choices between prison and the community? CJSW Briefing Paper 10: May 2006. Criminal Justice Social Work Development Center for Scotland. http://www.cjsw.ac.uk/cjsw/files/CJSW%20Briefing%2010_printers%20version.pdf 24.4.2008.
- Valokivi, Heli (2008) Kansalainen asiakkaana. Tutkimus vanhusten ja lainrikkokojen osallisuudesta, oikeuksista ja velvollisuuksista. Acta Universitatis Tamperensis 1286. Tampere University Press.
- Worrall, Anne & Hoy, Clare (1997) Punishment in the Community: The Future of Criminal Justice. Addison Wesley Longman Limited.
- Worrall, Anne & Hoy, Clare (2005) Punishment in the Community. Managing offenders, making choices. Second edition. Willan Publishing.
- Yhdyskuntaseuraamustyön kehittämisen linjaukset (2006) Rikosseuraamusalan käsikirjoja 1/2006. Kriminaalihuoltolaitos.
- Young, Jock (1999) The Exclusive Society. Social Exclusion, Crime and Difference in Late Modernity. Sage Publications.