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# International Summaries

A Series of Selected Translations in Law Enforcement and Criminal Justice

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From Finland

## Narcotics Control in Finland

*Broad police powers contribute to successful narcotics control.*

By Osmo Kontula

Prior to the 1960's, Finland opposed the international control of narcotics because the use of narcotics in the country was insignificant. Although people were using opiates as far back as the 1930's, it was not until the 1960's that officials in charge of narcotics control identified an increase in the use of hashish. After pressure from the League of Nations, Finland agreed to adhere to international agreements on narcotics. As a result, the police established special narcotics units. The use of narcotics (other than for medical purposes) was criminalized in 1966 and further restricted by the 1972 Narcotics Act.

One purpose in criminalizing narcotics use was to provide the police with additional powers in the investigation of narcotics offenses. Criminalization makes it possible to arrest suspects and conduct searches of premises even for very minor offenses.

A new Narcotics Decree in 1981 criminalizes the abuse of a large number of medical substances, particularly

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psychoactive (mind-altering) drugs. The intensification of narcotics control at this time was not connected with international agreements—it was not until 1984 that the United Nations Commission on Narcotics included psychoactive drugs on its list of narcotics. Even after this list was expanded in 1984, the list of criminalized substances in Finland was longer than was required by the international agreements.

The 1981 expansion of the Narcotics Decree was justified once again primarily on the basis of the need to increase the effectiveness of police investigations. This latest amendment of the Decree broadened police powers to include cases involving abuse of medical substances. In practice, this signified the widening of the control of abusers of various intoxicants.

In comparison to the personnel resources available in other Nordic countries, those available in Finland are limited and have not expanded during the 1980's at the same rate as in other countries. Since about one-half of all narcotics offenses in Finland occur in Helsinki, narcotics control activities center on that city. The narcotics unit in Helsinki now has a staff of 40 persons. In addition, the Central Criminal Investigation Police based in Helsinki have an eight-person narcotics squad who assist local police in investigating narcotics offenses outside of Helsinki.

Other large cities in Finland have separate narcotics units with a few persons each. The police have a total of about 50 narcotics dogs. Other resources are the national customs network, with 45 people specialized in narcotics control and 25 narcotics dogs.

Resources allocated to narcotics control have increased in many ways over the past few years. The resources of the Helsinki narcotics police increased by one-third at the beginning of the 1980's, when the investigation of alcohol offenses was transferred to another branch. Several new narcotics police departments have been established elsewhere in Finland. Since the end of the 1970's, police training in narcotics control has clearly increased, as have the resources provided to customs. At the same time, the National Board of Medicine considerably intensified its supervision of psychoactive medical substances and prescriptions for narcotics.

Police investigation of narcotics offenses in Finland differs in many ways from the procedure in other countries. This is primarily due to the considerable powers that Finnish law provides to the police, including being able to detain a suspect for questioning for up to 17 days, even if there is no concrete evidence of the suspect's guilt at the time of arrest. The maximum detention occurs often, and on

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the basis of a preliminary analysis, it is used more often than is the case for other offenses. The police also make liberal use of informers, who are not used as witnesses in court. Long detentions have been used in cases of even very trivial offenses in the hope that new information will come to light, but the court cannot sentence the accused to a greater number of days than the number for which he has already been confined.

According to the assessment of the narcotics police themselves, detention for questioning makes it relatively easy to obtain confessions and information regarding narcotics offenses committed by other persons. Because the risk of detection is fairly large, there have not been many so-called narcotics rings in Finland. Although the police make a concerted effort to link persons together and thus establish narcotics cases that are as wide as possible, three-fourths of the narcotics cases in Finland over the past year have led to the prosecution of only one or two persons. Thus, most narcotics cases have little connection with others, and evidence of narcotics rings has been rare.

## Typical features of Finnish narcotics offenses

From the beginning of the 1970's, the number of narcotics offenses in Finland began to decline. This continued until 1981, when only 400 narcotics cases were brought to court in the entire country. At the same time, the average age of those brought to trial increased from 18.5 years (1971) to almost 25 years (1981). This increase in the average age can be explained by two factors. On the one hand, many young people who began using drugs at the beginning of the 1970's continued to use them and continued to be arrested. On the other hand, as the 1970's progressed, other young people lost their interest in hashish. The proportion of women among those arrested has remained at about one-fifth throughout the period in question, and their average age

has been below that of the average male. The proportion of tourists among those brought to court has remained below 5 percent.

After 1981, the number of narcotics offenses increased; during 1983, 900 people were brought to court. The 1980's also brought an increase in the number of arrests for offenses committed during earlier years; thus, a greater number of old offenses are emerging during police investigations. This has been made possible by the use of more effective investigation techniques. The effectiveness of the investigations is also reflected in the fact that narcotics have been confiscated from only one in four of those suspected of narcotics offenses. In three out of four cases, therefore, the evidence has been secured through other means, and primarily through questioning of suspects in connection with arrests.

Hashish is by far the most common narcotic found in connection with narcotics arrests. Together with marijuana, it accounts for 70 percent of the total over the last few years. Prescription drugs account for about 20 percent. Most of the remaining 10 percent involves amphetamines, with LSD and heroin rounding out the total. About two-thirds of all narcotics offenses have involved the use or possession of relatively small amounts for one's own use. Both the selling and smuggling of narcotics account for about 10 percent, most of which consists of passing narcotics and acting as an intermediary. An average of 4 percent of the narcotics offenses each year were classified as "aggravated"; the practical basis for this classification is usually the amount of narcotics involved.

With tightening of the narcotics supply and the subsequent increase in prices, some narcotics users resort to crime to obtain money for drugs. However, so far this supplementary criminal activity is not very common among offenders. During the 1980's, an average of 15 percent of those brought to court on narcotics charges also faced other counts. One-half of these

secondary counts have been property offenses. Therefore, one-tenth of those charged with a narcotics offense have also been charged with a property offense. Those charged with property offenses are usually those who deal narcotics on the street.

A considerably greater proportion—about one-half—of those brought to court in drug cases are repeat offenders. It is thus clear that recidivism is common for narcotics offenses, but that fairly little other criminality is involved. There are very few violent offenses connected with drug use; over the past few years there has been an average of only seven cases per year where narcotics use as well as a violent offense were involved.

About 70 percent of the narcotics cases brought to court in Finland result in a fine. Unconditional and conditional prison sentences account for 10 percent each. In the remainder of the cases, 10 percent, either punishment is waived or the accused is found not guilty for lack of evidence. On the basis of the 72 cases selected for analysis from the records of the Helsinki City Court, those who have been fined were in possession of, at most, 20 grams of hashish, or gave or sold very small amounts to their friends. Because the proportion of fines is so large in the total number of cases brought to court, it appears that most narcotics offenses in Finland are less serious than possession of 20 grams of hashish.

## Finnish narcotics offenses in comparison with other countries

At the time of this study, little was known of how narcotics offenses were defined in other European countries; the only information available was on the total number of offenses, confiscations, and persons arrested. A comparison of Nordic countries shows that the number of narcotics offenses in Finland is the lowest: only 10 percent of the Swedish total, 15 percent

of those in Denmark, and 50 percent of the number in Norway. In addition, the offenses in Finland appear, on the average, less serious than those in the other countries. The difference can also be seen in prison statistics: Narcotics offenders make up 22 percent of all prisoners in Norway, 14 percent in Denmark, 8 percent in Sweden, but less than 1 percent in Finland. Making these comparisons somewhat difficult is the relatively high prison population in Finland, but the primary reason for the low number of narcotics offenders incarcerated in Finland is that clearly there are fewer serious narcotics offenses committed. For example, there are 300 to 400 serious narcotics offenses in Sweden each year, but only 10 to 30 in Finland.

As for the other countries in Europe, comparable data is available only on the number of arrests and confiscations in narcotics offenses. These data were gathered by Interpol from among its European member countries in 1984.

With the exception of Finland, the Nordic countries fall into the medium range in terms of the amount of narcotics confiscated. When the amount is compared in proportion to the population, however, the Nordic countries are in the low range. Finland stands in a class by itself, with the lowest proportion of confiscated narcotics per 100,000 population of all European countries. From the European perspective, thus, the number of Finnish narcotics problems is very small. The small variance from year to year in the amount of narcotics confiscated does not change this result.

### **Other data on the narcotics situation in Finland**

The Finnish narcotics situation is exceptionally minor from an international perspective—not only by the small number and type of narcotics offenses, but also by health and social care statistics as well as studies among young drug users.

The low use of psychoactive substances in Finland can be seen from consumption statistics. Some 50 DDD (defined daily dosages per 1,000 inhabitants) of psychoactive drugs have been used in Finland over the past few years. The consumption figures in other Nordic countries are clearly higher. These figures correlate well with data from studies of drug users: 6 percent of the Finnish population reports having used psychoactive drugs.

Data are available from a 1985 narcotics use study of military conscripts (males of about 20 years of age) and 14- to 20-year-olds from the city of Tampere. Eleven percent of all respondents in the conscripts study had some experience with narcotics. For more than half of these, one experiment had been enough. Only 0.5 percent of the conscripts had used narcotics more than 50 times. With the Tampere youth, the number who had tried drugs was even lower, at only 5 percent. Of these 5 percent, only one-third had tried drugs more than once, and none of the respondents reported having used narcotics more than eight times. The most common substances reported were glues (sniffing), hashish, and pharmaceutical products.

According to another study conducted in 1983, among those who had used the services intended for intoxicant abusers during the year were 300 to 400 narcotics abusers. For most of them, the use of narcotics had accompanied use of alcohol. The narcotics users made up 1.5 percent of the intoxicant abuser clients. Generally speaking, the abuse of pharmaceuticals is seen clearly to be a greater problem in Finland than the abuse of illegal narcotics.

During 1983, 32 persons were admitted to hospitals as a result of narcotics abuse; most of these cases involved use of narcotics and alcohol together. These cases of mixing narcotics and alcohol rarely involved an immediate danger to life—for example, during 1982 not one single narcotics-induced fatality was reported. Over the past few years, such a fatality has appeared in the cause-of-death statistics an average of once every 2 years. In this

respect also, the narcotics situation is essentially less in Finland than it is in the other Nordic countries.

### **Narcotics control as a factor in the growth of reported offenses**

The increasing number of narcotics cases reflects the direction of control; it is direct evidence of the performance and effectiveness of the authorities. In comparison with social and health-care statistics, the crime statistics show more narcotics cases. While the social and health-care statistics reflect the number of problem users of narcotics, narcotics use in crimes is not a criterion for including a criminal case in the social and health-care statistics; this explains why the narcotics police and the representatives of social and health care have differing views of the narcotics situation in Finland. The narcotics cases are crimes within the scope of present legislation, but they do not cause many social or health problems. Therefore, the narcotics problem is more limited than crime statistics indicate.

A typical feature in the development of the number and type of narcotics offenses in Finland over the past years has been that, relatively speaking, they include more and more trivial offenses. In part this is due to a reorientation of control, because the passage of the 1981 Narcotics Decree intensified the control of medicinal substances. Therefore, those who use pharmaceuticals combined with other intoxicants have been drawn into the sphere of control. To this extent the police effectively utilize their recent additional investigative powers leading to an annual increase of about one-fifth in the total number of narcotics offenses recorded.

The tightening of the legal market in narcotics has expanded the illegal narcotics market. This can be seen in the one-third decrease in the amount of legally imported narcotics since the 1960's, and in a drop from the 1970's to the 1980's in the

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amount of narcotics prescribed by physicians. Some users of previously legal narcotics have turned to the illegal markets, therefore exposing themselves to the possibility of arrest for use of narcotics. This reorientation of the control of narcotics appears as an increase in the crime statistics but not in narcotics use.

In controlling the use of narcotics, police select cases on the basis of sex, age, financial status, and lifestyle of the offenders. Although studies measuring the use of narcotics have not found an appreciable difference between men and women in the prevalence of the narcotics use, women account for only one-fifth of the known narcotics offenses. Since the use of narcotics by women comes to the attention of the police primarily only when their husbands or boyfriends are arrested for use of narcotics, it appears that those responsible for narcotics control in Finland are not very interested in women's use of drugs. The same observation has been made in Sweden. In addition, women receive shorter sentences than men for the same offenses, and their pretrial detentions are shorter. Apparently the main reason for this is that women are not considered as criminally responsible as men.

The control of narcotics in Finland is effectively directed not only to men, but also to youth; there is little interest in, for example, abuse of pharmaceuticals by middle-aged women. The authorities are particularly interested in young people who frequent public places and live "an irregular life."

This indicates that criminal cases are also selected on the basis of financial status. Of those who receive fines for narcotics offenses, one in every two lacks an income, and only a few earn as much as the national average. The proportion of narcotics offenders with a limited income is as large in all age groups—the low income cannot be explained by the large proportion of young people. It is determined by the selectiveness of control.

## The effect of control on the use of narcotics

The direction of control therefore provides a selective image of the narcotics situation, and the development of control would appear to lead to more and more recorded crimes even though there has been little change in the use of narcotics in Finland over the past few years. The control changes at least the prevailing public image of the narcotics situation. However, it is not clear whether the control has a direct effect on the use of narcotics or whether the special features of the control of narcotics explain the low level of the perceived narcotics problem in Finland. An estimated 8,000 to 10,000 intravenous drug abusers in Sweden and Denmark contrasts with an estimate for Finland of 200 to 300.

Due in part to the control of narcotics, and in part to the limited narcotics market in Finland, the prices of narcotics are 25 to 50 percent higher than in the other Nordic countries. This may contribute to slowing the spread of narcotics use in Finland. It may also contribute to users financing their use illegally; for example, by committing property offenses. However, the number of narcotics cases linked to property offenses has not proved very large in Finland.

Only very few reported narcotics offenses in Finland involve a broad degree of organization, even though the narcotics police and prosecutors try to tie as many people as possible to each case. In part, this low level of organization is due to the small market in Finland and in part to the fact that, with the present investigative practice of the police, the risk of detection is relatively great for narcotics-using members of any organized group.

Any assessment of the narcotics situation in Finland based on social and health-care statistics is made difficult by the criminalization of narcotics use. Not all those who need social and health care help are willing

to use these services for fear of coming to the attention of the police. However, the almost total absence of narcotics-induced fatalities in Finland permits the assumption either that, at least in serious cases, the person in question does not fear turning to the authorities for help, or that there are very few problem users. In Denmark, for example, the intensification of the control of narcotics has led to deaths following the use of substitutes of poor quality narcotics.

So far, this has not happened in Finland. There are also no indications that the increasing scarcity of narcotics has forced users to move from mild substances to harder substances, as the number of hard narcotics users in Finland has not increased appreciably since the beginning of the 1970's, when it was relatively common for young people to try hashish.

Even though there is no clear evidence that the control of narcotics affects their use, the control is significant to questions of due process for the individual. Exceptionally hard measures are used in the police investigation of narcotics offenses, and the police are calling for even broader authority in order to intensify their investigations. The most recent demand in Finland is that the police should receive the right to tap telephones. If this demand is acceded to in connection with narcotics offenses, it would be easy to transfer the new authority to more extensive control of the individual in general.

*The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.*