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"LAW ENFORCEMENT AND ITS ROLE  
IN THE FIGHT AGAINST DRUG TRAFFICKING"  
REPORT ON FINLAND

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THE EUROPEAN UNION**

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REV 1**

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**EVALUATION REPORT ON**  
**SECOND ROUND OF MUTUAL EVALUATIONS**  
**"LAW ENFORCEMENT AND ITS ROLE**  
**IN THE FIGHT AGAINST DRUG TRAFFICKING"**

**REPORT ON FINLAND**

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## PART I

### 1. INTRODUCTION

#### 1.1. General

Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.

Finland was the twelfth Member State to be evaluated as part of the second round of mutual evaluations concerning law enforcement and its role in the fight against drug trafficking.

#### 1.2. Persons involved in the evaluation

The examiners for the evaluation were Mr. Miguel Angel Alonso (Head of International Relations of the Investigation Brigade, Central Drugs Unit, Madrid, Spain), Mr. João Ramos (State Prosecutor at the court of Feira da Xira, Portugal) and Mr. Jørn Sørensen (Senior Customs Officer, Central Customs and Tax Administration, Copenhagen, Denmark). This team, accompanied by two members of the General Secretariat and one member of the Commission, visited Finland for five days from 8 October 2001 to 12 October 2001.

#### 1.3. Programme

The programme of the evaluation team is at annex A. The list of the persons seen during the evaluation visit, and from whom information was received, is at annex B.

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## 1.4. Preparation of the report

Following these meetings, the evaluation team prepared this report, with the assistance of the Council Secretariat, based on the observations and conclusions of the experts in the team together with the answers to the Questionnaire (Council document 12972/1/99 CRIMORG 171 REV 1) which the Finnish authorities had provided. The principle purpose of this report is to evaluate the application and implementation at national level of instruments dealing with law enforcement and drug trafficking, of the resulting legislation and practices at national level and of international cooperation in the fight against drug trafficking. The evaluation seeks in particular to assess cooperation and coordination between different law enforcement structures and operational practices in them. The main focus of the evaluation is the practical day-to-day cooperation between different units both at national and international level.

## 1.5. Structure of the report

The report first describes the organisational structures, intelligence systems, special investigation techniques and methods of coordination and cooperation utilised in Finland in the fight against drug trafficking. The report then evaluates the effectiveness of these systems and finally, the experts draw conclusions and make recommendations.

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## PART II

### 2. GENERAL INFORMATION AND STRUCTURES <sup>1</sup>

This chapter is aimed at describing the institutional and legal framework in Finland that is employed in the fight against drug crime.

#### 2.1. Government Structures

##### 2.1.1. General Structures

The competent authorities in Finland concerned with combating organised illegal drug trafficking are the police, the customs and the Frontier Guard (*PTR - Poliisi, Tulli, Rajavartiolaitos*).

Organisationally, the police and the Frontier Guard come under the Ministry of the Interior and the customs under the Ministry of Finance.

##### 2.1.2. Drugs Policy Coordination Working Party

Under the national drugs programme, the Government required the Ministry of Social and Health Affairs to set up a drug coordination working party. It includes representatives from the Ministry of Foreign Affairs, the Ministry of Social and Health Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education, the National Health Board and the Customs. In addition to this body, coordination of drug policy takes place at all levels of government: in the local authorities, at regional level and between ministries. The local authorities have an operational network made up of liaison officers for preventive drug work, which coordinates drugs work done by authorities and organisations at local level. The regional administrations coordinate drugs work and the corresponding information management in the area.

##### 2.1.3. PTR drugs working party

A PTR drugs working party, set up by the PTR management team, has the task of monitoring changes in the drug situation and drawing up proposals in matters concerning drugs for discussion by the latter. The PTR drugs working party has also drafted the PTR drugs strategy backed by the heads of the PTR authorities, the implementation and monitoring of which are among the working party's central tasks. In addition, PTR regional drugs working parties have been set up with the task of agreeing in more detail on data exchange and task allocation at district level.

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<sup>1</sup> This part is mainly based on the answers of the Finnish authorities to the questionnaire.

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## *2.1.4. Drug policies*

The general objective of drugs policy is determined by government through decisions it has already taken in the framework of its Government Programme. Drugs policy in Finland is founded on the 1997 national drugs strategy drawn up in 1997, on the government decision of principle of 1998 based thereon, and on the Government decision of principle of 2000 concerning reinforcement of the drugs policy.

Finnish drugs policy is based on general social policy measures, national legislation and international agreements tightening up controls under the general ban on the importation, distribution and use of drugs, preventing experimentation and use of drugs, organising adequate care and making it easier to obtain care.

The aim of drugs policy is to prevent the importation, distribution and use of drugs and keep the individual and economic damage caused by them as low as possible, by means of prevention, care and control action.

In its drugs policy, Finland applies the aims set out at the special session of the United Nations General Assembly on drugs in 1998, the European Union's drugs strategy and Action Plan, the guidelines adopted in the European Union foreign and security policy and the aims of the Council of Europe Pompidou Group's operational programme.

The worsening drugs situation has resulted in a Government decision of principle, taken in 2000. In accordance with this decision, measures aimed at reducing demand and supply of drugs have been reinforced. Their aim is to bring about a halt in the growth of drug use and drugs offences.

The Government's decisions of principle gave additional resources to authorities dealing with drug matters.

In the 2000 decision of principle, the Government gave the **national coordination working party** the task of preparing a reinforced operational programme over the longer term.



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## 2.2. Legal Bases, Regulating Guidelines and Strategies

### 2.2.1. Legal provisions with regard to drugs trafficking

The provisions on narcotic offences are laid down in the Penal Code (last amended in 2001) while the rules how to conduct an investigation are laid down in the Criminal Investigations Act (last amended in 1987).

The 1987 Coercive Measures Act lays down the rules for applying coercive measures by the law enforcement services.

The 1993 Narcotics Act regulates the control of narcotic drugs and the substances used in manufacturing them.

Provisions on prevention of drug abuse and welfare for drug abusers are laid down in the Temperance Work Act (1982) and the Act on Welfare for Substance Abusers (1986).

### 2.2.2. Decisions of principle by government

Government decisions of principle are designed to determine the general outlines of the government's policy to counteract drugs and the problems connected with them.

The Government decision of principle adopted on 22.12.1998 on drugs policy and the European Union drugs strategy adopted during the Finnish European Union Presidency for the years 2000-2004 and the action plan based thereon, for instance, provide the guidelines for the common *PTR* drugs strategy.

### 2.2.3. Common *PTR* drugs strategy

The services with responsibility for fighting drugs trafficking on the law enforcement side, police, customs and Frontier Guard authorities (*PTR*), are working according to a common *PTR* drugs strategy, which is based on the legislation in force.

In the *PTR* drugs strategy and the associated action plan, particular account is taken of the EU recommendations for surveillance measures to be taken on the EU and Schengen external borders, especially in matters of drugs.

The strategic aim of drugs cooperation between the *PTR* authorities is to further improve and support their cooperation in preventing, detecting and investigating illegal importation, distribution and use of drugs. Its particular objective is to combat organised, serious cross-border drugs crime.

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Under the strategy, operational cooperation by the *PTR* authorities includes the following:

- the most important surveillance targets are identified jointly, and forces are joined to concentrate surveillance and investigation on organised criminal groups involved in drugs offences
- investigation methods (e.g. analysis, computer software, tactical methods) are developed jointly in accordance with the authorities' joint requirements
- the possibility of setting up joint permanent investigation groups is being explored
- requirements for data protection and protection of the individual
- joint crime analyses regarding e.g. new crime trends and the monitoring of the crime situation
- *PTR* authorities actively share information on their operational activities concerning drugs crime
- the exchange of information on intelligence activity will be increased and expedited, also with regard to feedback
- authorities will endeavour to participate jointly in national and international surveillance operations for the detection of drugs crime (*PTR*, *PTN*, Interpol, Europol, BSTF, European Union, WCO). More effective use must be made of experience and information gained from operations
- drugs liaison officers from the customs and the police will have central importance in international intelligence gathering. Preparations must be made within *PTR* cooperation for posting possible liaison officers. A widespread distribution of the present liaison officers' reports must be ensured.

## 2.2.4. Police strategies

Political decisions of principle on combating drugs crime are implemented in accordance with the management system in use within the police. A plan guiding all police strategic operations (for the next four years) was drawn up by the police supreme command in the Ministry of the Interior. The guidance system takes into account and implements the strategy drawn up by the Ministry, to be accompanied, as the strategy requires, by practical police work at local level.

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The police plans specify concrete aims and methods for each region and police force for combating, detecting and investigating drugs offences and related crime in accordance with the directives issued by the Ministry of the Interior on combating drugs offences, on criminal intelligence and on cooperation between police and the armed forces in combating drugs offences. The aim of the police drugs strategy is to put a stop to the rise in drugs crime.

The police drugs strategy emphasises the detection and investigation of professional and other serious drugs crime, increasing street-level vigilance, developing capacity for the preliminary investigation of drugs offences, stepping up confiscation of proceeds from crime, prevention and early intervention.

The police have endeavoured through training to include every police officer (neighbourhood police) in anti-drugs work. The identification, detection and investigation of a basic drugs offence is becoming more and more a part of normal neighbourhood policing. On the other hand, police criminal intelligence and surveillance to detect professional and organised crime is under intensive development.

In accordance with the 2001 government decisions of principle, additional staff has been allocated at street level to prevent peddling and the recruitment of new users.

Under the Finnish drugs policy the police also operates as a preventive body, in particular through advisory work and local policing activity.

### *2.2.5. Police regional management*

The police often takes the initiative in drafting crime-fighting plans and municipal protection plans.

Police regional management organises the combating, detection and investigation of drugs offences through the instructions it issues and concludes agreements with police national units on the effective organisation of anti-drugs operations, as well as drawing up the necessary operational plans on the basis of the principles set out below.

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The NBI and the mobile police provide official assistance to police in jurisdictional districts, who bear the main responsibility for detection and investigation of drugs offences.

## 2.2.6. Customs strategies

As in the police administration, the customs authorities implement decisions of principle on drug policy in accordance with the Ministry of Finance and Customs Board agreement. Through the agreement the Ministry gives guidelines for customs operations, *inter alia* on combating drugs offences. The agreement sets the customs clear objectives and methods in prevention, detection and investigation of drugs crime.

The Customs Board annually concludes corresponding agreements, including objectives, with the customs districts. The customs districts organise drugs crime prevention independently, each in the area of its own district. The local customs carry out practical preventive work with the special crime prevention units of the customs districts.

The Customs Board is currently preparing a drug strategy for the customs administration jointly with the customs districts. It is intended that the strategy should be completed in the course of 2001.

## 2.2.7. Precursor substances

The control of precursor substances is based on EU legislation <sup>1</sup> and on the 1988 UN Convention. Finnish national law provides for the control of substances in the regulation on drugs. Substances are grouped under 3 different categories; the category and exporting country determine the type of control and of authorisation procedures. Community legislation and Decision (652/94) of the Ministry for Social Affairs and Health require operators to notify the authorities of any circumstances which may indicate that a substance has ended up in illegal use.

## 2.2.8. Cooperation with other authorities and NGOs

The evaluation team was told that there are approximately 15 MoUs with the private sector.

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<sup>1</sup> Regulation 3677/90/EEC, Regulation 1485/96/EU and Directive 92/109/EEC and amendments thereto.

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The police have, for example, concluded agreements with pharmaceutical wholesale companies (e.g. *TAMRO*, *Yliopiston apteekki*) for the reporting of suspect procurement of raw materials for drugs to the NBI.

At present, the Customs Board has national agreements with fifteen of the most important Finnish players in the foreign trade and international transport sectors. In these MoUs it has been agreed that the customs authorities will train the staff of co-operating partners to identify *inter alia* attempts to smuggle drugs. In this way customs' resources can be targeted more effectively, because of the higher awareness of the MoU partners.

The customs districts have recently also concluded regional MoUs, in particular with regionally important carriers.

## 2.3. Competent Authorities

### 2.3.1. General - PTR (*Poliisi, Tulli, Rajavartiolaitos*)

The Government has introduced a regulation on police, customs and Frontier Guard (*PTR*) cooperation <sup>1</sup>, which came into force on 25 March 2001, i.e. the same day that Finland and the other Nordic countries began applying the *Schengen* legislation. The regulation aims at promoting cooperation between these services such that the fields of activity and parallel duties assigned to these authorities will be covered in an appropriate, economical and flexible manner. Under the regulation *PTR* are each responsible for their own part in preserving the internal security of the State in accordance with the legislation covering their respective competencies. The regulation requires *PTR* to agree on the tasks on which they will co-operate, draw up cooperation plans and issue joint instructions and guidelines for the administrations under their control.

The areas of cooperation are, in particular:

1. prevention, detection and investigation of offences;
2. monitoring the lawfulness of imports and exports of goods;
3. monitoring the lawfulness of entries to and departures from the country and of aliens' residence in the country;

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<sup>1</sup> (257/22.3.2001).

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4. *PTR* authorities' joint operations relating to international cooperation.

### 2.3.2. Joint operations bodies

For purposes of planning, harmonising and executing joint actions in the *PTR* framework, the following bodies have been installed:

1. a **national management team**, the members of which are the chief of police, the head of the customs administration and the head of the Frontier Guard, together with other members nominated by them;
2. **regional management groups**, whose operational areas are *PTR* districts . The *PTR* regional management group consists of the provincial police chief, the head of the customs district, the commander of the coastguard district <sup>1</sup> and the commander of the Frontier Guard district, along with other members nominated or invited by them;
3. **local *PTR* joint operations units**, which carry out tasks assigned to police, customs and Frontier Guard units in the *PTR* district's area.

The management groups meet whenever necessary, at least once a year. The chairmanship of the management group is passed on to another service every meeting.

### 2.3.3. Joint operations systems

According to the information provided, joint operations may extend in particular to the following fields of application:

1. making use of joint representatives when participating in international joint operations between *PTR* authorities;

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<sup>1</sup> The coastguard is not an independent service but a service of the Finnish Border Guard.

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2. carrying out surveillance, customs checks and border controls on border-crossing traffic in operational pairs or groups made up of one or more police officers, customs officers and Frontier Guard officers; monitoring of compliance with the rules for police, customs and Frontier Guard areas of operation, customs control and border control, together with the concomitant surveillance of Finnish territorial integrity and control of aliens resident in Finland;
3. participating, as an aid to the joint operations partner with principal responsibility for carrying out preliminary investigation, in preliminary investigation work concerning criminal suspects or unlawful acts or negligence;
4. investigating major accidents;
5. organising joint staff training;
6. harmonising *PTR* authorities' information activities;
7. improving, to facilitate the tasks specific to each authority, the collection of necessary data, the joint use of all the authorities' records and forms, and the compatibility of computer systems;
8. participating in discussions concerning procurement of premises, surveillance equipment and instruments, furnishing and supplies;
9. harmonising the planning of *PTR* authorities' operations and finances;
10. improving information exchange, surveillance methods, data analysis and joint operations.

Although it lies within the responsibility of each individual *PTR* authority to collect and distribute information, they would under certain conditions proceed towards a harmonisation of some aspects of information sharing. During joint operations or any other joint activity they would agree on joint intelligence gathering, to avoid the provision of divergent or duplicated information.

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## 2.3.4. Structures and competencies of the police authorities

### 23.4.1. General

Units specialising in combating drugs offences exist only in the NBI and in the largest cities. Local police units incorporate teams whose responsibilities include dealing with drugs-related matters or officers handling drugs cases at local level. It is planned to introduce police investigation teams for certain cases incorporating representatives from the various police units and, where necessary, also from customs. Presently there are approximately 300 full-time investigators into drugs-related offences.

The direction and priority of an investigation are determined in jurisdictional districts or separate units on the principle of "management by results", i.e. special funding can be channelled towards an investigation of serious drugs offences. It is also one of the principles the "national target" is based on.

### 2.3.4.2. National Bureau of Investigation

The National Bureau of Investigation, which comes under the responsibility of the Ministry of the Interior, coordinates, guides and is responsible for the part played by the police in national drugs crime prevention. NBI is a national information centre on drugs, collecting and passing on data relating to drugs offences. The NBI has the right to obtain the information it requires in order to carry out its work on the detection and investigation of drugs offences from police bodies.

The NBI is conducting police operations against criminal activity, such as undercover work and controlled deliveries and in particular is in charge of combating organised importation and distribution of drugs in cooperation with other police units as well as with customs and Frontier Guard authorities.

Under the police drugs strategy for 2000-2003 the NBI coordinates action combating national, international, professional and organised drugs-related crime, information relating to this and real-time linking of offences and series of offences.



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Furthermore, the NBI

- is in charge of drugs crime prevention work, organising *inter alia* national information activity
- takes part in the production of material relating to drugs for information, education etc.
- carries out research where necessary into wide-ranging drugs offences which require the organisation of investigations and activity extending into the areas of several police districts or administrative regions, or extensive international cooperation
- makes proposals to police senior management for developing preventive action against drugs crime and the relevant training, and takes part in the implementation thereof
- is in charge of cooperation between international and national authorities
- acts as a national centre in matters of administrative assistance relating to drugs offences
- collects data on drugs crime from the police and other authorities, and produces national statistics and surveys on such offences
- acts as a police cooperation authority in "controlled delivery" drugs operations.

### 2.3.4.3. *Helsinki District Police Department*

Due to the concentration of population and hence crime in the Helsinki area the Helsinki District Police Department is partly supervised directly by the Ministry of the Interior, with its own budget responsibility.

The Helsinki District Police Department is split into three operational units: law and order police, criminal police and administrative police. The job of the criminal police is to investigate and expose serious forms of crime which call for special expertise, rather than petty crime.

The drugs crime unit forms part of the criminal police and is split into investigation teams. The job of the latter is to expose and investigate drugs offences committed in the Helsinki region. The teams operate in tandem with the customs in individual cases. The drug crime unit also includes a regional intelligence unit, whose job it is to gather and analyse, among other things, information on organised crime.

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The drug crime unit numbers about 80 officers. Its activity is financed from the Helsinki District Police Department budget, out of which the unit's share of funding is determined each year in discussions on objectives to be reached.

## *2.3.5. Structures and competencies of the Frontier Guard (Rajavartiolaitos)*

According to the Frontier Guard Act, drug control is one of the Frontier Guard's tasks, to be carried out along with border controls at border crossing points, ports and airports, particularly at the EU-external borders, by preventing persons and goods from crossing the border without authorisation.

They also handle customs control in areas where the customs administration cannot perform the task.

The Frontier Guard cooperates closely with police and customs. In maritime areas, they work closely together with the maritime administration and the defence forces. The chief of the Frontier Guard exercises operational command from the Frontier Guard headquarters, which at the same time forms the Ministry of the Interior's Frontier Guard department. The four Frontier Guard districts, the three coast guard districts with six patrol vessels and the Air Patrol Squadron are responsible for the Frontier Guard's duties within the respective area.

They are the only force among *PTR* that have an air component; this will also be available to police and customs on request and will assist on surveillance and interception missions.

The Frontier Guard's tools to implement its tasks are the following:

- practical cooperation with customs and police on every level (including pre-planned joint surveillance and control operations)
- exchange of information (criminal intelligence) with national and international authorities
- joint databases (clues, hints) with customs and police, also the Schengen Information System (SIS)
- drug-trained dogs (presently about 15, the number is set for a major increase in the future)
- skilled professionals; passenger profiling

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In 2000-2001 (up to 24.9.2001) there were 14 drug smuggling cases at border control points involving the Frontier Guard, which were registered in the Frontier Guard's databases

## 2.3.6. Customs (Tulli)

### 2.3.6.1. General

With regard to customs administrations, the Customs Board is responsible at national level for the organisation, coordination and direction of the customs' drugs-related crime prevention work. The customs districts for their part have quite independent responsibility for the practical organisation of the groundwork for operational activity.

### 2.3.6.2. Structures and competencies of the customs authorities

The southern customs district control unit contains a special "drug squad", the task of which is to conduct field investigations aimed at exposing drugs offences. The unit also incorporates a special team with the task of carrying out special monitoring operations with the same primary aim. Both teams operate with the administrative powers laid down in Finnish customs law, which include among other things the right to prevent and bring to light customs offences by carrying out checks and technical controls and to find evidence of customs offences by carrying out technical checks.

Funding for all the aforementioned teams is provided from the southern customs district's budget, which is determined each year according to objectives set by the southern customs district customs administration.

Elsewhere, customs administration crime investigators investigate other customs offences as well as drugs offences. Depending on the case, police and customs may operate jointly. Temporary joint investigation teams with investigating officers from both organisations may, if necessary, be established for the purpose.

### 2.3.6.3. Information sharing between "national contact point" and Customs

The customs keeps a record of information on customs offences and drugs offences it has uncovered in its crime database. In 2001 the customs and police completed arrangements whereby all PTR authorities/both authorities will work with the same crime database.

## 2.4. Prosecution Services and Judges

Unlike in most of the other EU Member States the preliminary investigation in Finland is conducted by a police or customs official above a certain rank, so that inquiry-stage information is not passed on to the prosecution in all cases. In large-scale, demanding cases, however, the prosecution services will from the outset be aware of all facts that might influence the investigation and the prosecution of the case at a later stage.

### 2.4.1. General organisation

The Finnish prosecution service is two-tiered. At the head stands the Prosecutor General, who decides independently whether a case will be prosecuted. His status is independent of both government and the Ministry of Justice, which looks after the prosecution service's finances. The Prosecutor General's office employs state prosecutors whose remit covers the whole country and who handle cases with major implications for society, such as, for example, offences related to organised crime.

The second tier consists of jurisdictional district prosecution services operating in local prosecution offices. Local prosecution services also act as prosecutors in the last instance in criminal cases brought before a court of first instance. However, the Prosecutor General takes decisions concerning Supreme Court appeals and applications therefor.

In 2001, a number of 345 prosecutors were serving in 77 prosecution units.

The prosecution service has developed a key-prosecutor system for dealing with cases calling for specialist treatment. Prosecutors specialising in drug offences constitute one key group. Their remit may, where necessary, extend countrywide on the orders of the Prosecutor General. In addition, on the basis of a government decision of principle to introduce a tougher drugs policy adopted in October 2000, one temporary state prosecutor was engaged by the Prosecutor General's office and seven temporary rural district prosecutors were engaged by local prosecution units, all of whom are specialised in drugs crime and money laundering offences. These special prosecutors are part of the key-prosecutor system and may also act on the orders of the Prosecutor General in all areas of the country.

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## *2.4.2. Operational coordination*

The Prosecutor General's office coordinates arrangements in drugs-related matters. In accordance with general directives issued by the Prosecutor General, local prosecutors' offices are required to notify the Prosecutor General's office of cases involving socially significant offences, i.e. offences that are linked to organised criminal activity and to offences, such as drugs offences, of an international character. Where the nature and scope of the case call for it, the special prosecutor is instructed to handle proceedings on orders from the state prosecution office.

The Prosecutor General has issued a general directive to address the problem of waiving prosecution in connection with drug offences. The aim of the directive is to create a uniform national prosecution practice in respect particularly of crimes relating to drug use, crimes committed by young persons under the age of 18 and drugs offences committed in prison. Since the beginning of 2000, moreover, the one aim of the annual quality objectives drawn up by the Prosecutor General's office has been to standardise practice with regard to the prosecution of drug offences.

## *2.4.3. Cooperation between prosecution services and law enforcement authorities*

The role of the prosecution service in Finland differs considerably from that in other Member States. Preliminary investigation is carried out by the appropriate competent authorities headed by the police, customs or Frontier Guard services leading the investigation. Pursuant to the law governing preliminary investigations, it is the duty of the preliminary investigation authorities to notify to the prosecution service any criminal matters that it may have for investigation, with the exception of cases involving simple offences. The prosecution service is empowered and required to direct a preliminary investigation in such a way as to ensure that there is a proper decision on prosecution and that the proceedings take place in one concentrated session of the court. At the request of the prosecutor, the competent preliminary investigation authorities must proceed with a preliminary or further investigation and comply with the prosecutor's instructions. During the investigation, decisions on the use of coercive measures or on applying to the courts for permission to use coercive measures are taken by the person in charge of the investigation. However, the prosecution service must be notified before an arrest warrant is issued and before a ban on travel is imposed; on receiving such notification, the prosecutor may take decisions on how to proceed.

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## 2.5. Training

### 2.5.1. Police

Since 2001 special training, ongoing training and supplementary training have been arranged for police officers involved in investigation of drugs offences and control operations in line with the police drugs strategy-training model. This training includes five 1-to-3 week modular courses in all, dealing with both basic matters of drugs offences investigation and control and any special questions and phenomena occurring, which are also discussed at seminars held every year for drugs offences investigators and heads of drugs offences investigation units.

The training programme is closely vetted each year.

Training focused on combating drug trafficking is already provided for the basic police qualification, a significant part of which is generally devoted to instruction in crime prevention. Basic training closely covers psychotropic substances and provides trainees with the basic skills for drug surveillance work and investigation of drug offences.

In addition to the national training programme, the police administration organises provincial and local training, which endeavours to take better account of, among other things, special regional features and requirements.

### 2.5.2. Prosecution services

Every year the Prosecutor General's Office organises two one-week-long courses on drug offences. These courses cover matters relating to coercive measures and any evidence acquired thereby, types of drugs and their effects and risks, cooperation between police and prosecutor, the exercise of discretion and planning of trial proceedings, sentencing practice, international agreements and international legal assistance. The courses are attended by prosecutors, police officers and judges from various levels of courts. Prosecutors also attend courses on drugs-related crime organised by the customs.

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## 2.5.3. *Inter-service training*

Police training modules in drug prevention and crime intelligence, as well as in control, are also in operation for customs and Frontier Guard officers. Similarly, the police can take part in customs drugs-offences training. Each authority also contributes to the lectures in its own specialist area on other authorities' courses.

Representatives from the customs, Frontier Guard service, prison administration, defence establishment and prosecution service attend training in accordance with separately determined training quotas.

## 2.5.4. *Coordination of training*

Coordination of training between the various law enforcement authorities is particularly ensured by the PTR drugs working party's subgroup. The subgroup was commissioned to draft a report on organising special joint training in combating drugs offences in order to develop joint training, which was due to be completed on 31 August 2001. There is however no more recent information available.

In addition, the Prosecutor General's Office and the police have agreed to arrange training (covering, *inter alia* drug use offences) in individual instances.

## 2.6. **Monitoring**

### 2.6.1. *Legality*

The legality of all action by the law enforcement authorities is overseen by the controlling unit within each service. Furthermore, the supreme law enforcement authorities (parliamentary ombudsman and general prosecutor) oversee the legality of all actions by the authorities.

Where the combating of illegal drug trafficking is concerned, no separate system exists for monitoring or evaluating whether an action is lawful or appropriate.

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## *2.6.2. Performance monitoring*

Every year the police department within the Ministry of the Interior reviews the success of its objectives with its subordinate administrative bodies.

The Helsinki Police Department, with no intermediate provincial level, also defines operational aims and the financial framework for their achievement with the Ministry. The system also includes monitoring to evaluate how far the activity has been successful and whether targets have been reached and, if not, why not.

## *2.6.3. Evaluation study on the police drug prevention project in the metropolitan area*

An evaluation of the independent police drug prevention project implemented over the period 1999-2000 is being carried out at the Police Institute. The project was a joint exercise involving the police departments of the Helsinki, Espoo, Vantaa and Järvenpää jurisdictional districts and both the NBI and mobile police units. Sections of those cities were chosen as particular target areas. The aim was to put a stop to drug sales, mainly taking place in flats and houses, in these target areas of the project. This led to efforts to introduce operational models and working procedures having the longest possible impact.

## **3. INTELLIGENCE**

### **3.1. General**

Close cooperation and intensive exchange of information between *PTR* already exists through joint meetings between the *PTR* Steering Group and the various subsidiary working groups which, among other things, review the present situation regarding drugs-related crime.

The *PTR* Steering Group determines any need for change and focus regarding the investigation of drug offences. In individual cases joint investigation teams can also be formed and provisional user ID's issued for other authorities' databases.

Regular meetings between the various units and authorities to review and to exchange information on current and future crime investigations are organised on a regional basis.



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The various services are entitled to access each other's data under the appropriate legislation for each of the single *PTR* services. Regarding operational work, the regulations provide for the development of access to necessary data, joint use of records and forms and development of compatibility of data systems. The overall objective is cooperation between authorities with budgetary autonomy.

To verify and gather relevant information, the law enforcement authorities take part in international meetings of bodies dealing with drug-related crime (UN, Interpol, Europol, PTN, Baltic Sea Region Task Force on Organised Crime). The various means of international cooperation and their use are centred on the NBI's crime data service, known as the **drug information service**, which is in charge of legal and administrative assistance and the system of police cooperation on drug-related crime. The drug information service forwards information acquired from both national and international fora to the other police administrations and to the various public authorities, *inter alia* via the drug information service forum.

Operations directed at the various crime phenomena are planned nationally between *PTR* services. The analysis of their results provides important intelligence information on the situation that will be available to all services jointly, for later analysis.

### 3.1.1. Sources

The registers employed by Finnish law enforcement agencies are used by all crime investigators, except the register of suspected persons (*EPRI*), which is the so-called intelligence register. Access to *EPRI* is extended to all police officers assigned to intelligence work, i.e. in principle to all drug investigators, the law governing the police register of persons can, however, not be extended to the customs or Frontier Guard.

#### 3.1.1.1. National police computer systems/databases intended for both gathering and dissemination of information

- *PATJA*: Police information database (*RIKI*, *TUTTI* and other sub-systems and records) containing *PATJA* and browser enquiries.

## RESTREINT UE

- *PATJA* - inputs for investigative and administrative assistance. *RIKI* contains crime reports, notices on individuals, property and vehicles, arrests, modus operandi, missing persons and unidentified bodies and work safety information.
- *RIKI* (crime reporting system) contains data on police and customs crime reports. Crime reports normally identify persons, modus operandi, dates and times, and other facts connected with the crime in question.
- *RIKI* archives index: is a list of statute-barred crime cases removed from the investigation and administrative assistance database, which indicates where further archive information on a particular case is to be found.
- The *EPRI* register of suspected persons contains intelligence data and access to it may be restricted to police officers assigned to intelligence work. Drug trafficking investigators are normally part of this group of users.
- *KUVA-MINTTU (TUNT + ULKO)* contains a register of descriptions of criminals, an aliens identification register and a weapons classification register.
- The *PoliTRIP* search text system contains the following databases: *Epri*, *Polilex* (police guidelines system), *Päike*, *Kath* (missing persons and unidentified bodies), *Omas*, *Pidä*, *Raid* (railway gauge), *Rake* (fund-raising permits), *Tari* and *Tark* (inspection cards), *Teko*, *Tilastot* (statistics), *Potti* and *RikiTrip*. The *Omas* register contains a list of current reports.
- *PÄIKE* is the police central standby system containing information on police alerts.
- *ASEPASSI* is an administrative affairs information system containing registers of weapons, passports, identity cards, security officers and security guards and a register of lost foreign passports (*KAPA*).
- The *Tiimi* office. The office's *TiimiForum* system contains a bulletin board of important current cases and information. A separate "drug information service" table in *TiimiForum* contains valuable information on drug offences prevention. This bulletin board is maintained by the NBI's drug information service and disseminates essential national and international information on combating drug offences. It is not designed for the communication of sensitive information since reading rights are not restricted (entire police administration).

## RESTREINT UE

- At the end of 2000 the Vaalimaa customs station on the Russian border began using an automatic system for recognition of vehicle registration plates and container identification marks, *LIPRE*, the use of which will soon be extended to the Frontier Guard and the police. With this system, it will be possible to stop wanted vehicles and consignments more effectively at the busiest border-crossing point on Finland's eastern border. The *LIPRE* system can also be interrogated retrospectively concerning border crossings which have taken place.

Other national records used are:

- Customer information register: Finland's register of companies maintained by *Asiakastieto Oy* (customer information plc). It contains basic data on companies: the company's name, address, registered office, branch of activity, persons responsible, mortgages on company assets, shareholders.
- Population data system: Data concerning a person's identity and family status, nationality and legal capacity. The system also stores information on property, buildings and apartments. The central population recording authority is the population registration centre.
- Traffic data system: Contains vehicles registered in Finland, their owners and holders. Administered by the vehicle administration centre.
- RVT system: The system maintained by the Frontier Guard Service. Records requests for tip-offs and surveillance on persons, vehicles and documents.
- Frontier Guard inspection card index: Border crossings by persons who entered Finland on visas from outside the Schengen area. Maintained by the Frontier Guard.
- Surveillance data register: Maintained by customs service. Contains surveillance and intelligence data on persons, companies and vehicles etc. compiled by the customs.

### 3.1.1.2. *International police information systems/databases*

- SIS (Schengen Information System). The *PTR* authorities have a direct inquiry link-up with the SIS system and inquiries may also be made via *ULKONET*. All system hits recorded during the process of inquiry, together with the measures which they necessarily entail, are corroborated with the Finnish SIRENE office. All Schengen notifications in Finland are fed in via *PATJA*.

# RESTREINT UE

- EIS (European Information System) is a new system developed from Europol's IIS analysis database and contains information on convictions, suspects, suspected crime and crimes under investigation within Europol's remit (counterfeiting, drug trafficking, illegal immigration networks, child pornography, traffic in human beings, illegal trade in nuclear materials, terrorism, money laundering and other forms of organised crime). The system will begin to operate in 2002, with the advent of the €. Access rights will also be extended to the customs, the Frontier Guard service and the Army General Staff investigation bureau. The *PTR* authorities may feed information into the Finnish Europol database, whence it is transferred to the international EIS system by the NBI.
- ASF (Automatic Search Facility) is an Interpol system containing VIN (Vehicle Identification Number) search reports on stolen vehicles and search reports on wanted persons and stolen works of art. Measures arising from all inquiry hits have to be separately agreed among the authorities concerned. Right of access to ASF databases will be extended to the police administration and to the customs and Frontier Guard services.

Other international records used are:

- MARINFO communication system
- CUSTOMS INFORMATION SYSTEM, I AND II SECOND PILLAR - *Not yet operational* -
- BALKAN INFORMATION SYSTEM
- WCO / CUSTOMS ENFORCEMENT NETWORK (CEN)
- DUN & BRADSTREET / WORLD BASE

### 3.1.2. Specific aspects of Frontier Guard

The Frontier Guard uses a machine-reading system for travel documents in border controls, which enables information in the register to be checked quickly. This system also contains personal entry bans, which can be used in intelligence and crime investigation operations.

At Vaalimaa border station the evaluation team was given a demonstration of an entirely computerised fingerprint system that directly scanned the fingerprint into a computer system and allowed it to be checked against existing databases.

# RESTREINT UE

### *3.1.3. Specific aspects of Customs (Tulli)*

Findings concerning possible criminal activity arising during investigations or daily customs surveillance work are brought to the attention of either the intelligence unit of the local customs district or the customs administration's intelligence unit, to be recorded in the customs surveillance computer system for use in intelligence work. This information is also disseminated to the police and the Frontier Guard service as appropriate.

Customs Intelligence also has a drug information telephone line and an Internet homepage, on which drug information may be left anonymously. The validity of such information material is checked using computer databases and is recorded in the customs surveillance information system, so that it is available to all personnel involved in surveillance work.

### *3.1.4. Information exchange - national*

Finnish legislation allows extensive use to be made of the various law enforcement authorities' records, so that as a rule there are no problems when exchanging data on a national level. The only snag is the limitation under the legislation on police records concerning the EPRI register of suspects which is for police use (*EPRI*) only. However, consultations have been held with a view to amending the legislation in order to give customs access to this information as well.

No difficulties in Finland regarding the input and transmission of sensitive data other than those referred to above have been reported.

In their answers to the questionnaire, the Finnish authorities revealed that, despite the existing systems for information exchange, there are problems with gathering data from different authorities and the police force. Though guidelines for transmission of data from the local police to the NBI do exist, it was reported that the system did not operate satisfactorily. The police districts do not follow the guidelines issued on the notification requirement. To some extent this is attributed to limited resources, but the main reason seems to be that the importance of free exchange of information is not perceived.

## RESTREINT UE

As a consequence police crime intelligence and control regulations have been changed. The most significant shortcoming is the diversity of uses of *RIKI*: It is the main database that is supposed to cover all questions concerning the combating of drug-related crime, such as individuals, nationalities, types of packaging, routes etc. *RIKI* is being developed further to meet national and international dissemination and participation needs.

In addition to developing the system, the significance of national and international exchange of information and cooperation has been discussed in many sector-related courses and seminars. The NBI's drug information service, responsible within the NBI for national and international legal and administrative assistance and police cooperation relating to drugs, has stepped up its activity.

The *PTR* cooperation group is studying how to make better use of their computer systems in fighting drugs-related crime.

Difficulties in the past were above all technical, because the different *PTR* authorities each had their own system as well as their own computer system architecture. The consequence of this was that although there was a desire to exchange information with others, it was difficult to transfer the data.

To counteract those shortcomings, customs began to use the police system for the recording and processing of crime reporting from 2001 onwards (from the time the *Schengen* agreement came into force in Finland). The experience to date has been encouraging and is said to have improved the investigation of drug offences, because cases processed by both authorities are in the same system.

Apart from this, customs and police are also examining joint use or harmonisation of their intelligence computer systems within the framework permitted by law, in a form such that the different authorities' intelligence information would also be more effective in shared use.

Both the police and the customs also make use of the Analyst Notebook software, which makes it easier to process large amounts of information and produce diagrams facilitating the understanding of connections with the case under investigation.

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## 3.1.5. Information exchange -international

The **NBI's crime information service** acts as the national information exchange centre in judicial and administrative assistance matters. The Ministry of Justice has principal responsibility in judicial assistance matters. The NBI acts as the central authority vis-à-vis those States with which Finland has a current crime prevention agreement. It is also possible to exchange soft information in some cases where intelligence is unclassified. Data protection legislation sets the limits. Amongst others, the police law, the law on coercive methods and the law on police records define what information can be collected, recorded and transferred.

The NBI is the national centre for both Interpol and Europol; responsibility for police participation in the activities of other international fora also lies with the NBI.

Within the NBI, communication and other day-to-day activity in matters relating to drug crime prevention is handled by the **drug information section** of the crime information service.

Its drug information group deals with all other international cooperation measures; these may be requests for judicial assistance, extradition matters, letters rogatory, police cooperation, Europol, Interpol and *PTN* (Nordic countries) projects, Baltic Sea Task Force projects and other close-range cooperation, if necessary national projects and other separately appointed working parties and participation by experts, also training for its own purposes and other activity-related information. In their answers to the questionnaire the Finnish authorities declared that the drug information service was undersized in relation to the above job definition.

The channel most convenient or case-appropriate at the time is used for information exchange. The choice of international channel will also be influenced by the target country's legislation and case-specific agreements on the channels to be used. The Nordic liaison officer system, the Finnish neighbouring region liaison officer system and liaison officers in Interpol and Europol are considered as channels and instruments for a more effective data exchange.

# RESTREINT UE

In principle an attempt is made to ensure that all drug crime prevention-related requests and intelligence are known to the NBI's drug information service and that at least requests for judicial assistance and both Interpol and Europol intelligence generally circulate via the crime information service. There is thus an endeavour to ensure that operational information contained in intelligence reports is collected and collated in one place, thereby improving the opportunities for data analysis.

Intelligence is often exchanged on the basis of various channels and agreements. The bilateral and multilateral customs cooperation agreements which Finland has signed with other States provide for information exchange, as will the future EU Convention on administrative cooperation (Naples II).

Intelligence can be exchanged between the country of posting and Finland through the liaison officers posted by Finland and the Nordic countries jointly. Finland also has two police liaison officers and one customs officer in Europol, through whom operational data is exchanged. The WCO's RILO offices, the agreements concluded between the EU Commission and third countries, the EU's Customs Information System, BALKAN INFO and MARINFO are also used as a basis for information exchange.

### *3.1.6. Intelligence - use and impact*

#### *3.1.6.1. Police*

Reports and analyses are regarded as vital for the implementation of the NBI's national duties. The Finnish authorities reported, however, that due to different practices and gaps in data input, reliability was suffering owing to insufficient information. In addition, no analyses for drug offences investigation purposes are available either, because there are insufficient staff to carry them out.

According to the NBI, the only nation wide and nearly accurate account are the annual statistics on drug crime and the associated survey of the situation and trends.



## RESTREINT UE

In addition to the aforementioned statistics the NBI endeavours to prepare annual surveys of the situation and trends regarding drug crime. Reports are compiled for national use and also for international requirements and participation.

Owing to problems in communicating basic data to the NBI, reports are not always based on complete information.

### 3.1.6.2. *Customs*

The Customs intelligence section within the National Board of Customs prepares both strategic and operational analyses. In addition it draws up situation reports on different areas of crime and revises as necessary the risk indicators established for surveillance needs.

The Customs intelligence section draws up a half-yearly strategic analysis report for the surveillance management of drugs, alcohol, cigarette and pharmaceuticals offences. The report contains a summary, customs memos, risk indicators, statistics and, as a new section, the threat assessment which is to be included at the end of 2001. The report is intended to assist in customs surveillance management so that surveillance resources can be targeted correctly according to the current situation and in the light of the threat profile in the near future for the offences concerned.

The Customs intelligence section also prepares operational reports on narcotics and pharmaceuticals classified as narcotics for the customs surveillance units, in order to help them concentrate resources on the problem identified. Customs intelligence units prepare an operational analysis on narcotics for their own sector in cooperation with crime investigators. The aim is to elucidate the pattern of crime for major offences and to detect the offenders.

In order to target customs surveillance at risk areas, Customs intelligence units and the Customs intelligence section have agreed on narcotics surveillance-related risk indicators, making use of all the intelligence material available from various sources. International surveillance operations are considered a valuable source of information. The Customs intelligence service is also responsible for updating risk indicators, so that information does not become obsolete.

# RESTREINT UE

## 3.2. Financial Intelligence

The Finnish Financial Intelligence Unit (FIU) is situated within the NBI and is a police unit. In all there are about 350 financial crime investigators working in Finland, the majority of whom are police officers who have received police training in financial investigation techniques. That training includes the tracing of crime proceeds. The police department also contains approximately 30 financial auditors, some of whom work on the tracing of crime proceeds. However, only a fraction of the aforementioned work full-time on the tracing of crime proceeds, and no-one works exclusively on the tracing of assets derived from drug crime.

As from a procedural point of view, a pre-trial investigation in cases of suspected money laundering constitutes an administrative investigation, not a police investigation.

For money laundering investigations, law enforcement agencies are authorised to intercept telecommunications. Transactions can be frozen for five banking days without a judge's order, a measure that may be authorised by a police officer of a certain rank.

Finland has reported a sharp rise in suspicious transaction reports; the number rose from 186 in 1998, when the FIU was established, to nearly 2 000 by October 2001, most of them submitted by exchange bureaux. The total assets seized since the FIU was set up amount to more than € 11.8m or FIM 70m.

## 4. SPECIAL INVESTIGATION TECHNIQUES

### 4.1. Financial investigations by police, customs and prosecutors

#### 4.1.1. Legislation

In principle the investigating authorities have to establish, for each case investigated, the possible proceeds of the offence in question.

## RESTREINT UE

Under § 5 of the Law on preliminary investigations, a preliminary investigation must establish *inter alia* the damage caused and the proceeds gained by the offence in order to secure a possible seizure. The extent of the inquiry into the financial proceeds of the offence is always a matter for the person leading the investigation.

Under Chapter 2 § 16 of the Penal Code the court must estimate at its own discretion the benefit derived from the offence and declare it forfeited to the State.

Government Bill 80/2000<sup>1</sup> contains a proposal for the amendment of Chapter 10 of the Penal Code to incorporate provisions on confiscation. The Bill includes a proposal to extend the forfeiture of the benefit, which means the possibility of ordering the forfeiture of property other than that in the offender's possession if it can be shown to be likely that it was acquired through the proceeds of crime.

The Law on the prevention and investigation of money laundering (1998) lays down, for certain sectors of economic activity, the obligation to report suspicious transactions. The law gives the Financial Intelligence Unit (FIU) broad powers to investigate suspicious transactions. The FIU can obtain necessary information from the parties concerned free of charge, regardless of the provisions laid down on business and professional secrecy or the confidentiality of information concerning the financial conditions or financial standing of individuals, corporations or trusts. The FIU also has the right to order that transactions be suspended.

Under § 36 of the police law, the police have the right to obtain prior information from a private body or individual for the prevention and investigation of an offence. In such cases they may, for example, obtain information on a bank or on the financial situation of an individual and investigate the possible accumulation of crime proceeds.

During the preliminary investigation the law on coercive methods provides for the possibility of seizing accounting material, bank statements etc. which can be used as evidence when investigating a change in financial situation.

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<sup>1</sup> The Finnish authorities provided notification, after the visit, that the law had entered into force on 1 January 2002.

## RESTREINT UE

In addition, under § 14 of the customs law the customs authorities have the right to check a person's funds in order to detect a money laundering offence.

Information may also be obtained to prevent the commission of an offence where there are good reasons to suspect that an offence is being prepared or planned.

Information from the preliminary investigation stage may be obtained provided there is reason to suspect that an offence has occurred from which it is suspected that financial benefit has been gained.

There are no special conditions for initiating a financial investigation.

In practice the investigation of the financial proceeds of an offence is undertaken by the police or the customs authorities at the preliminary investigation stage before any charges are brought.

Under Bill 80/2000<sup>1</sup> the prosecutor would have to make a separate request in the trial for an order that the proceeds be forfeited.

The FIU has proposed the adoption of a separate confiscation process whereby crime proceeds which came to light after the final judgement could be investigated, but the Ministry of Justice reacted negatively to the proposal, *inter alia* because of the effect of *res judicata* and legal protection.

The following provisional measures have been taken by the police and customs in Finland:

- Freezing (i.e. order that performance of a transaction be suspended). The law on the prevention and investigation of money laundering gives the police officers working at the FIU the power to order an operator referred to in the law to refrain from carrying out a transaction for a period of five business days. The order may be restricted to funds which are the object of the transaction;

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<sup>1</sup> Cf. footnote above.

# RESTREINT UE

- Temporary protective measures. Under the law on coercive methods the head of the investigation or the prosecutor may order in connection with the investigation a prohibition on the transfer, the confiscation as security or the seizure of property, if the suspect is likely to attempt to avoid a fine, damages or forfeiture by concealing or destroying his property. This measure must be confirmed by the court within a week of the seizure.

## *4.1.2. Responsible agencies*

### *4.1.2.1. FIU within the NBI*

To improve the efficiency of financial investigations the NBI's drugs crime unit includes a financial crime intelligence section (whose remit also covers other areas of crime). To ensure swift and flexible cooperation, representatives of the enforcement office and the tax authorities have been appointed to this unit. Their expertise is also called upon where necessary at the drug crime investigation and surveillance stage.

One of the FIU's tasks is also to investigate the laundering of funds derived from drug offences. In addition, regional asset-tracing groups estimate the amount of the various funds acquired through the offences.

In Finland there are no drug investigators specialising in financial offences. Where necessary expert assistance is obtained from financial crime investigators proper, who are concentrated in the financial side of the crime investigation unit. These offences are investigated jointly by the drug crime and property crime units.

### *4.1.2.2. Regional and local police*

In practice all units investigating drugs offences determine the financial benefit obtained in the course of the investigation by themselves. Depending on the scale of the case, a financial investigation may also be conducted as an investigation in its own right. The preliminary investigation, however, is conducted together with the drug crime investigation proper. In the courts the matters are usually dealt with separately because the investigation of the financial aspect can last significantly longer than that of the drugs offence.

# RESTREINT UE

## 4.1.2.3. Customs

The customs have no special units carrying out financial investigations in drug trafficking cases. A financial investigation forms part of the preliminary investigation and the crime investigators conduct this inquiry as part of the investigation process. The customs have been allocated seven university-educated financial investigators with economic expertise who can be used as financial specialists in drug trafficking cases.

## 4.1.3. Operational experience

During the investigation of a particular case the FIU seized a significant amount of assets derived from drug trafficking, including three properties and cash at an estimated value of € 235.000 (FIM 1,4m). This positive result is said to have depended on smooth collaboration between specialised police financial investigators and drug investigators.

While the Finnish authorities conceded that the central factors pointing to crime proceeds in drug cases were usually liquid assets and other moveable property taken from the suspects, they revealed that not much importance was attached to the conversion of property, or money laundering. This was supported by comparing the scale of drug trafficking (cautiously estimated at FIM 500 million or € 83m) and the crime proceeds recovered (FIM 200m or € 33m), particularly as the bulk of this has been recovered from financial crime investigations, and only a small proportion from drug crime.

Tracing assets from abroad has been described as a particularly burdensome process. In the case referred to, the investigation of assets derived from drug crime involved contacts with *inter alia* the German, French, Netherlands and Russian authorities.

As to their experience, the Finnish authorities stated that it was easiest to obtain information concerning bank transfers from abroad from Western European countries with money laundering intelligence authorities or other specialised financial investigators. They reported that there had not been any experience with Eastern Europe, but that cooperation with Estonia was good.

## RESTREINT UE

Only a few money laundering cases directly linked to drug offences are reported to have reached the courts, the problem being the burden of proof, that rests with the law enforcement agencies.

### *4.1.4. Exchange of fiscal information*

Under § 18(1) of the law on tax information the tax authorities may, on their own initiative, notwithstanding confidentiality rules, provide information to the preliminary investigation authorities if there is reason to suspect that an offence has been committed that would carry a penalty of more than six months' imprisonment.

In addition, in individual cases the tax authorities may release information in advance to prevent or investigate the commission of an offence, to conduct an inquiry for the prohibition of business activities and calculate fines. Information is released at the request of the preliminary investigation authorities and does not require a decision by the prosecution authorities or the courts.

The only notable obstacle to the release of information is that it may not be released on a large scale.

Customs have the possibility to obtain information from the tax authorities for all preliminary investigation authorities under the customs law as well as under the ordinary procedure. Under the law customs authorities are entitled to obtain information from the tax authorities' records for the prevention and investigation of customs offences. According to the rules information can be obtained even before the preliminary investigation is launched.

# RESTREINT UE

## 4.2. Controlled deliveries (CDs)

### 4.2.1. Legal bases, regulations, requirements

Although there are no explicit provisions on controlled deliveries in national legislation, the powers of the NBI and other central authorities derive from the Regulation on the implementation of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances <sup>1</sup>. The authorities referred to in Article 7(8) of the Convention are, in Finland, the Ministry of Justice, the NBI, the customs administration and the Frontier Guard service <sup>2</sup>.

The law on international judicial assistance in criminal matters contains provisions covering both international judicial cooperation on individual criminal matters to be dealt with by the Finnish authorities and on how and under what conditions the Finnish authorities provide judicial assistance on criminal matters to be dealt with by the authorities of a foreign State.

As a result of changes in the authorities' working environment the Interior Ministry set up a working party with the task of submitting a proposal on the regulation of CDs in early autumn 2001. The NBI-led working party included representatives of customs, Frontier Guard and Helsinki district police. Its objective was to create binding instructions, which would be acceptable for the three authorities.

This revision of the current guidelines is part of a broader reform of guidelines specifically concerning criminal intelligence and surveillance in connection with commencement of the application of the *Schengen* rules.

The activities relating to this procedure are already said to have reduced or eliminated problems caused by shortcomings in the current rules and provisions.

### 4.2.2. PTR cooperation

Finnish guidelines and principles on controlled deliveries are based on the *PTR* joint agreement <sup>3</sup>.

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<sup>1</sup> No 44/1994, 1.6.1994.

<sup>2</sup> Article 7, Mutual Legal Assistance, 8. "Parties shall designate an authority, or when necessary authorities, which shall have the responsibility and power to execute requests for mutual legal assistance or to transmit them to the competent authorities for execution."

<sup>3</sup> Cooperation agreement between the police, the customs service and the Frontier Guard service on controlled deliveries of drugs, 7.3.1995.



# RESTREINT UE

In situations covered by the current *PTR* cooperation agreement, decisions on CDs are taken, for the police, by the head of the NBI investigation branch or of the criminal intelligence unit. For the customs, decisions on CDs may be taken by the head of the customs surveillance and inspection unit, the head of investigations and the head of surveillance. The three officers are empowered to take decisions concerning controlled deliveries irrespective of whether the deliveries are carried out entirely in Finland or whether other EU Member States are involved. Where the controlled delivery is carried out entirely in the area of one customs district, the respective decision may also be taken by the head of that customs district in addition to the aforementioned authorities. For the Frontier Guard service decisions are taken by the heads of the border and maritime departments at Frontier Guard headquarters.

Under the *PTR* agreement a decision on controlled deliveries is taken by the first authority to deal with the matter. In the Frontier Guard service the surveillance branch has the authority to institute measures on its own initiative, *inter alia* in the case of drug offences.

The provisions regulating the use of the procedure mean that as far as the police are concerned, decisions on controlled deliveries are in the hands of the NBI because a specific judicial assistance procedure is involved.

### 4.2.3. Availability

The time needed to provide a surveillance team can vary as the authorities do not have surveillance teams at their disposal for the sole purpose of controlled deliveries, nor is there any separate standby arrangement.

The NBI's communications standby service is available 24 hours a day, and decision-makers are always on call in accordance with the NBI standby scheme.

As far as customs are concerned, contacts outside office hours take place via the customs administration's crime-prevention standby service. The crime-prevention standby service is organised by the Customs Administration and is responsible outside office hours for maintaining contacts relating to crime-prevention between the various authorities.

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The Frontier Guard Service operates a 24-hour service.

## *4.2.4. Operational Experience*

As a rule the authority responsible for the implementation of controlled deliveries is the NBI or the customs administration in cooperation with other *PTR* authorities. No particular problems have emerged in international cooperation and no problems have been reported among any of the *PTR* authorities. However, as the NBI does not have any authority over other police units, this – according to the replies given by the Finnish authorities – has resulted in occasional problems because surveillance teams are set up on an ad hoc basis, and there is no absolute certainty or information in advance as to the involvement of other police units or the extent of their action.

## **4.3. Controlled money deliveries**

Controlled money deliveries are possible in principle although this is not referred to in the current *PTR* agreement. The matter was taken into account in the proceedings of the NBI-led working party referred to under 4.2.1, though at the time of the visit no result was available yet.

## **4.4. Replacement of drugs in cross border drug transactions**

In principle the Finnish system provides for so-called "cross-border" drug transactions. It cannot be ruled out that full replacement of drugs may cause problems under certain circumstances.

According to the Finnish authorities the matter was taken into account in the proceedings of the NBI-led working party referred to in 4.2.1. and the Prosecutor General's Office will be asked for its opinion on replacement in whole or in part.

## **5. COORDINATION AND COOPERATION**

### **5.1. Cooperation at national level**

#### *5.1.1. Operations*

As to information exchange, cooperation between police, customs and frontier guard is based on the *PTR* regulation and on mutual agreements based on it.

No national body has been set up to prevent overlap with ongoing investigations. The *PTR* working party on drugs is a strategic body that does not monitor individual investigations.

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However, NBI and the Helsinki Police in particular co-operate at an operational level with customs on a case-by-case basis.

The NBI assists and supports other police units and authorities with the aid of its drug intelligence service and by passing on requests for international legal assistance. The Customs Board deals with the transmission of requests for international legal assistance where the customs authorities are concerned.

Regional cooperation bodies have been set up for the exchange of information between the police and customs in order to avoid overlap of investigations. At local level information is exchanged between both services, as well as within the joint investigation groups. The police and customs also have a joint crime reporting system in which each has its own database although both have access to each other's records. The customs and Frontier Guard service also have their permanent representatives in the SIRENE office operating within the NBI.

The general objective in fighting drug offences is to create efficient teams operating on a regional principle, either following a project or a regular cooperation approach. The Frontier Guard and customs have seconded liaison staff to the police teams for a more effective exchange of information.

Although the law clearly defines the division of duties between the prosecuting and investigating services, a cooperation consultative committee has been set up for the purpose of improving cooperation between the prosecution service and the police. At present police and customs send advance information for the prosecutor on cases to be investigated via e-mail to the *SAKARI* information system administered by the Ministry of Justice.

At an earlier stage the turnover of prosecutors in drug offences cases was felt to be a problem but as time went on their expertise and familiarity with the subject made the situation easier, at least in those areas in which most drug crimes arise.

*PTR* have also agreed among themselves, in reciprocal national provisions and in regional and local cooperation agreements, on coordination of activities, mutual coordination and administrative assistance.

# RESTREINT UE

Technical equipment (e.g. monitoring devices, X-ray equipment) is mutually available from other authorities, if required. It is usual, for example, for customs sniffer dogs to be used in police house searches or for Frontier Guard service dogs trained in drug detection to be used to assist the customs at border crossing points.

## *5.1.2. Crime prevention*

A special regulation has been adopted on *PTR* cooperation. Bilateral rules on cooperation for the prevention of drug offences and other forms of crime have been drawn up between the cooperating parties, in addition to which they have worked out a joint action strategy aimed at the prevention of drug-related crime. Moreover, the *PTR* authorities run regional action programmes in which of course prevention of drug-related crime takes centre stage.

Rules are being drafted in the Ministry of the Interior on the definition and selection of serious crime prevention targets. The aim of the rules is to further step up cooperation between the police, customs and frontier guard so that the customs authorities can take part in police meetings at which targets are selected for combating organised crime. In this way duplication of effort can be prevented more effectively and in addition if necessary the required resources can be assembled with a view to following up and investigating an important target.

## *5.1.3. Joint investigation teams*

In their answer to the questionnaire, the Finnish authorities have clearly stated that the teams with members from the various police units, the customs and the Frontier Guard (*PTR*) established on a temporary basis to carry out the "national target" type of investigations, can be regarded as the "multidisciplinary teams on organised crime" in question. From the impressions the evaluation team was able to gather during its visit to several agencies and from practitioners it can confirm that, owing to the limited human resources in a sparsely populated country like Finland, there is a natural need for sharing resources and co-operating.

# RESTREINT UE

## 5.1.4. Precursor monitoring

Controlled chemicals are monitored in the national working group that consists of representatives of the Ministry for Finance, the Medicines Agency, customs and the police. The working group has not been given official instructions but the representatives of the various authorities work in cooperation whenever the need arises. According to the Working Group on Drugs Precursor Substances the control of precursor substances had received increased attention in the context of international cooperation and its importance had been emphasised more than before. The working group considered that hitherto it had been able to operate in its present form but that further control measures and intensification of international cooperation would require national cooperation structures to be made official.

## 5.2. Cooperation at international level

### 5.2.1. Bilateral and multilateral agreements

#### 5.2.1.1. Russia and the Baltic States

In Finland bilateral agreements on the prevention of crime are in force with Russia (1994), Estonia (1995), Latvia (1997) and Lithuania (2000). Under the agreements the competent surveillance authorities in Finland are the *PTR* services. The respective agreements on the prevention of crime cover cooperation between the competent authorities of the two parties for the purpose of preventing, detecting, combating and investigating crime.

The agreements make it possible to step up and facilitate the implementation of the preliminary investigation authorities' duties and the exchange of information. All agreements contain provisions *inter alia* on the form and content of requests for administrative assistance and on the procedures for applying them. The measures referred to in the agreements can also be carried out directly at local level if the central authorities agree on such procedures.

Despite the fact that the central authorities have not agreed on direct contacts at local level, direct contacts between Helsinki and Tallinn are being negotiated. With Russia it has been agreed that regional units of the NBI may engage in direct contact.

## RESTREINT UE

In June 2001 a joint action agreement was signed between the Ministries of the Interior of Finland, Estonia, Latvia and Lithuania. The agreement places emphasis on joint operational action and on changes in the command structure for tactical police operations moving from one country to another in unforeseeable circumstances.

In 1999 cooperation was launched between the police, customs and the Frontier Guard services of Finland, Estonia, Latvia and Lithuania. Agreement was reached on targets, priority areas and on types of joint action. In the spring of 2001 a joint operation was implemented in those four countries. Senior level meetings are held once a year. *PTR* cooperation with Russia was started in 2001.

As to the Helsinki metropolitan area, one of the most important agreements on crime prevention is the cooperation agreement concluded in 1995 between Finland and Estonia. On the basis of the agreement a special cooperation body entitled *FINESTO* was set up between the two countries. Cooperation between drug working groups in Helsinki and Tallinn has taken the shape of daily exchanges of information and practical action, due to the fact that the bulk of the drugs arriving on the Helsinki market are transported via Estonia. The Finnish authorities reported that due to advanced forms of cooperation it was now possible to have a search conducted at the Estonian residence of an Estonian arrested in Helsinki within a matter of hours.

At the beginning of 2001 Finland's liaison prosecutor began work at the Estonian Ministry of Justice and the Estonian liaison prosecutor at the Finnish Ministry of Justice at the beginning of March 2001.

### 5.2.1.2. *Nordic countries*

Cooperation between the Nordic countries is well established and intensive. Meetings of police chiefs, assistant police chiefs and the *PTN* steering group take place twice a year between the Nordic countries. A significant example of cooperation between the Nordic countries is cooperation between their police and customs services, including also the Nordic countries' liaison officer system.

# RESTREINT UE

## 5.2.1.3. *Specific Customs Agreements*

Finnish customs are among the parties to Finland's international agreements on crime prevention. In addition, customs have their specific international agreements relating to customs matters, i.e. customs cooperation agreements. Finland has a multilateral customs cooperation agreement with the Nordic countries and 14 bilateral customs cooperation agreements. These agreements cover direct communication channels between the customs authorities of the parties involved. In addition, the agreements (usually) contain a direct reference to the 1998 UN Vienna Convention and to other UN conventions on drugs.

## 5.2.1.4. *Task Force on Organised Crime in the Baltic Sea Region*

Finland is a member of the Task Force on Organised Crime in the Baltic Sea Region. Finland's responsibility covers the combating of money laundering, the practical implementation of which falls to the Finnish FIU, situated within the NBI.

As a country responsible for combating money laundering within the framework of the Operational Committee (OPC), Finland has organised one large-scale operation and 2 large-scale training events. During the particular operation, information was collected on the amount, routes and possible couriers involved in the transport of cash in the Baltic Sea Region and efforts were made to start preliminary investigations in suspect money laundering cases. A total of US \$ 80 million in cash assets was reported over a three-month period.

In September 2001 a staff exchange programme was implemented between the authorities responsible for the prevention of money laundering in the Baltic Sea countries, partly with the financial backing of FALCONE, and a shorter-term operation was said to be in progress. Finland has furthermore drafted a Manual on Combating Money Laundering and Asset Tracing and updated the laws on money laundering in the Baltic Sea Region and on contact points.

## **5.3. Information channels used**

The choice of channel is made on a case-by-case basis, determined by the complexity of the request, time required for the receipt of answers, operability, target country etc.

# RESTREINT UE

Interpol channels are the most intensively used channels for the exchange of information. The Europol channel is used on a case-by-case basis for the exchange of information between the Member States. The Baltic Sea Region Task Force is the region's exchange channel.

The Nordic countries' liaison officer network (*PTN*) is important for the purpose of rapid exchanges of operational information.

At local level use is made of direct personal contacts *inter alia* with Estonia, in urgent situations. These contacts are based on well-established cooperation and the confidential relations, based on mutual trust, developed there last year.

## 5.4. Operational experience

The Finnish authorities reported that as a rule cooperation was easy if based on conventional legal or administrative assistance. The different legal systems of the various countries have, however, given rise to problems and delays.

Under current Finnish law and the regulations adopted in accordance with it the competent legal authorities in international legal assistance matters are not only the official prosecutors but also the *PTR* services, which act as preliminary investigation authorities and are empowered to call for international legal assistance.

This might cause problems in some specific cases because the legal systems of some EU countries confer corresponding powers only on the prosecutor or the courts.

The compatibility, acquisition and use of equipment are emphasised in the joint *PTR* drug strategy and Interior Ministry provisions on acquiring information on crime prevention.

## 5.5. Europol

The Finnish authorities reported that Europol has been given a role in coordination and cooperation at operational level, which is reported to be well supported and functioning. This rating was proven during a particular operation in which Europol coordinated different countries' actions through Finland's Europol Liaison Officer (ELO).



## RESTREINT UE

Finland takes part in the exchange of information through the ELO. It is also participating in Europol's operational role, which has been used to facilitate the coordination of a number of controlled deliveries. Europol's analytical work files (AWF) are used for the exchange of information on criminal phenomena/individuals as are the databases for the analysis of illegal immigration, East European organised crime and drug trafficking.

Regarding the utilisation of Europol's cooperation role, the Finnish authorities noted that they had observed a shifting of channels from Europol to Interpol once the investigations had reached the legal assistance stage.

### 5.6. Drugs liaison officers (DLOs)

#### 5.6.1. Foreign LOs posted in Finland

There are no dedicated drug liaison officers detached to Finland at present. One Russian police liaison officer and a Russian customs committee representative are posted in the embassy; both can, if required, also assist in drug offence investigations.

#### 5.6.2. Finnish LOs posted abroad

##### 5.6.2.1. Activities of the Nordic countries' police and customs LOs

One important part of the Nordic countries' police and customs cooperation (*PTN*) consists of the activities of the Nordic countries' liaison officers, one of the primary principles being that the liaison officer acts on behalf of all the Nordic countries and maintains and develops relations with the authorities where he or she is based.

There are guidelines that have been worked out for liaison officers' activities and their postings are assessed in the *PTN* management group, which meets twice a year.

Finland's police has *PTN* liaison officers in Cyprus (covering Lebanon, Syria, Jordan and Egypt) and in Moscow.

##### 5.6.2.2. National liaison officers

The appointment of liaison officers and strategic coordination between them is the responsibility of the police high command, while practical activities are directed and coordinated by the NBI. They can also help in drug investigations although this is not their main activity.

# RESTREINT UE

Finland's police has 6 permanent liaison officers, 4 of whom are posted to Russia. Two liaison officers are posted in Moscow. One of the Moscow-based liaison officers is also a *PTN* liaison officer. Two liaison officers are posted at the St. Petersburg consul general's office. In addition, two liaison officers are posted in Tallinn. Finland's police also has two part-time liaison officers in Murmansk and Petrozavodsk.

Finnish customs have two drugs liaison officers, one in Estonia (Tallinn) and another in Denmark (Copenhagen). Liaison officers' areas of activity are the countries where they are posted. Liaison officers come under the supervision of Finland's customs administration's surveillance and control management unit. Both customs administration officials and regional customs authorities can, when the need arises, establish contact with them from Finland. The Tallinn liaison officer acts as a *PTN* liaison officer. In practice, the Copenhagen-based liaison officer also participates, whenever the need arises and with the support of the Finnish police, in measures taken in Denmark.

Finland has police and customs liaison officers in Europol. Their tasks are directed and coordinated by the NBI as regards police matters and by the customs administration as regards customs matters.

The Frontier Guard service has no international liaison officers.

### *5.6.3. Use and coordination of DLO information*

Intelligence gathered is used at national level by the police, customs and the Frontier Guard in following up criminal trends and in operational investigations in combination with other information. In principle, there is one contact point although recourse can also be had to other channels in individual cases. All police and customs liaison officers have direct technical user access to e.g. police crime-prevention data banks.

Customs drugs liaison officers report to the customs surveillance and control unit. These reports are also submitted for information to the NBI and the Frontier Guard service. Liaison officers' information is therefore systematically available to all law enforcement authorities.

## RESTREINT UE

### 5.6.4. Role of DLOs

Police liaison officers act as liaison officers at all levels, whether what is involved is the provision of intelligence information or an operational matter such as, for example, a controlled delivery. Liaison officers may also process information relating to other crimes.

Customs drugs liaison officers also help the customs authorities of the host country - in addition to the Finnish customs authorities - with investigative measures directed from Finland to the host country or vice versa. If required, they can with the consent of the host country's competent authorities even question persons in the host country on behalf of Finland's customs authorities. In the main liaison officers' "investigative duties" are connected with the acquisition and transmission of investigation data. Liaison officers can deal with information relating to all customs crimes and, within limits, with information relating to any kind of crime on special police assignment.

### 5.6.5. DLOs at Europol

DLOs at Europol have been employed in operations relating to national targets. The role of the police's Europol liaison officers, *inter alia* in the coordination of controlled deliveries and other legal assistance cases whereby a quantity of drugs is transported through several Member States, has been described as remarkable by the Finnish authorities.

Finland's customs authorities have not had recourse to Europol liaison officers in the organisation of controlled deliveries.

# RESTREINT UE

## P A R T I I I

### 6. EVALUATION OF THE EFFECTIVENESS OF SYSTEMS IN FINLAND RELATING TO THE FIGHT AGAINST DRUG TRAFFICKING

#### 6.1. Findings

##### 6.1.1. General

One of the most outstanding features of Finnish law enforcement appeared to be the cooperation between the three law enforcement services, Police, Customs and Frontier Guard (*PTR*), which was described by practitioners as uncomplicated, although there were no established rules or procedures for cooperation between all levels.

The evaluation team learnt that, taking into account the geographical size of the country in comparison to its relatively small population, the spirit of cooperation was also a consequence of the circumstances, particularly in the sparsely populated areas further up north. This also applies to cooperation with those Nordic countries that share borders with Finland. In the NBI the evaluation team was told that cooperation with the Nordic countries had indeed the greatest impact on the daily work.

The excellent cooperation between the three services was also confirmed when visiting Vaalimaa border station: it was described as being superior, a fact that was also attributed to the common use of databases.

The evaluation team did raise some minor issues concerning *PTR* cooperation, but this should not detract from the fact that this form of cooperation between different law enforcement bodies appeared exemplary to them. It would therefore be a suitable subject for study by other EU Member States.

##### 6.1.2. Adoption of international instruments

All the questions asked by the experts during the evaluation were related in one degree or another to various international instruments relating to cooperation between law enforcement authorities on a national and international level with regard to drug trafficking. Unless specifically commented upon within the report, the experts were assured that all actions concerning the following related instruments have or are in the process of being adopted.

# RESTREINT UE

- The Action Plan to combat Organised Crime of 28 April 1997
- The Joint Action of 14 October 1996
- The Joint Action of 29 November 1996
- The Council Resolution of 29 November 1996
- The Joint Action of 17 December 1996
- The Joint Action of 9 June 1997
- The Joint Action of 16 June 1997
- The Joint Action of 3 December 1998
- The United Nations Conventions of 1961, 1971 and 1988

### *6.1.3. Formalisation of PTR cooperation*

From the talks the evaluators were able to conduct with practitioners, they concluded that the absence of clearly defined responsibilities between individual *PTR* units (e.g. NBI and Helsinki City Police Department) might occasionally give rise to difficulties, particularly at an operational level.

It was admitted by the NBI, for instance, that in the field of analysis, customs risk assessment differed from the method employed by the NBI. The team was informed, however, that a system is being developed to overcome the deficiency.

In this context the evaluation team was surprised that the NBI had no powers to ask for support from the regional or district police forces.

### *6.1.4. Enhancement of PTR cooperation*

According to information given by the NBI and customs, an action plan covering several fields has been set up to strengthen the mutual efforts of customs and police.

- On an operational basis, equipment can be shared between the two services, particularly in larger operations.
- With respect to legal initiatives by a particular service, a process is in place to ensure mutual information and consultation.
- At an international level, the *PTR* forces act in a concerted fashion.

## RESTREINT UE

The action plan comprises a scoreboard for reviewing progress made. The regions have a considerable degree of autonomy as to how to implement the action plan.

### *6.1.5. Validity of databases*

Despite the fact that police and customs now share a crime reporting system (*RIKI*), it was suggested that insufficient data input at regional and local level made it difficult to assess the validity of the databases. While the police remarked that as a consequence databases were sometimes unrepresentative (cf. 3.1.6.1), customs reported that they had experienced no difficulties in collecting data.

### *6.1.6. Centralisation of information*

The evaluators were informed that the instruments of international cooperation had shifted from bilateral to multi-channel forms of cooperation.

The police side stressed that this required information to be centralised at the NBI, which was not easy to arrange at present, as the NBI had no powers to exercise pressure on police districts to comply with information requests.

### *6.1.7. Cooperation with Russia*

Owing to Finland's long border with Russia, cooperation with the Russians is of particular importance. The experts were given a number of examples of close cooperation between Finland and Russia. The eastern customs district carries out joint operations with Russia; however, Russian officials have no powers on Finnish territory.

The officers of the NBI office at Vaalimaa border station reported that there was close cooperation with the appropriate Russian authorities, including in the field of special investigative techniques. Some of the requests that relate to the Helsinki-St. Petersburg route are channelled through Vaalimaa and the working relationship was said to be good. Numerous problems remained, however: differences in the legal systems, definitions of offences, prosecution systems, police administrative systems, language problems, lack of resources and other organisational factors were only some of those cited by the NBI cell and also by the Frontier Guard at Vaalimaa.

## RESTREINT UE

### *6.1.8. Cooperation with Europol*

According to NBI sources, Europol has been used frequently, as drug cases are often linked to western Europe or the Iberian Peninsula; cooperation was described as very good. On the Finnish side this was attributed to the fact that the limited human resources to coordinate CDs across several European countries made Europol's assistance a welcome asset that had apparently proven to be very helpful. It was stated however, that Europol's Analytical Workfiles (AWF) did not produce any added value; this was attributed to the lack of intelligence fed into the AWF by other Member States.

### *6.1.9. Role of the prosecutor*

Although there is a clear-cut division of responsibilities between the investigating services and the prosecutor it was felt by the prosecution services that a greater degree of guidance for the police would benefit the investigation process in more complex cases. The traditional role of the Finnish police, however, seems to have prevented this more practical approach from developing.

### *6.1.10. Human resources*

During the presentation at the Ministry of the Interior the police side stated that they would require further resources should further tasks be assigned to them. No increase was planned, as existing resources were already taken up with emergencies and criminal investigations. It was hoped that the reform of the number of police districts would bring about a solution.

During its visit to the Finnish NBI the evaluation team was told that there were not enough staff to cover all tasks within the NBI's Criminal Intelligence Division. Thus the emphasis was placed on police cooperation, while other tasks had to be given a lower priority.

Not all areas of crime were necessarily covered by one or more officers.

An example was given by a member of the NBI, who stated that although the steering group for international police cooperation was attached directly to the head of division, it did not work efficiently enough, as the responsible staff had to attend meetings abroad quite frequently.

# RESTREINT UE

## 6.1.11. *Feedback from investigations for intelligence purposes*

In their answers to the questionnaire the Finnish authorities stated that there was no systematic feedback from investigations for intelligence purposes from the district level, due to a lack of human resources. This was confirmed during the evaluation visit; even though they prioritised the fight against drug trafficking, district police chiefs would not allocate staff to this task. The reason given was the size of the districts in relation to the number of officers, which made it impossible to allocate the staff required.

## 6.1.12. *Flagging of different information systems*

The evaluation team was told that there was no particular flagging or marking system for commonly used databases, by which to check whether another service or unit was interested in specific data or was already working on the same case.

## 6.1.13. *Interception of telecommunications*

Since changes in the law legalising the interception of telecommunications there had been a tremendous rise in the number of calls intercepted and the cost of intercepting them. The NBI stated that the cost of interception amounted to approximately 1m € in 2000, as compared to roughly 2 000 € in 1995.

About 75% of telecommunications intercepted in Finland were drug-related. The Finnish authorities explained that they had encountered practical and resource problems when trying to intercept telecommunications.

Due to the liberalisation of the telephone market, service providers are using different technical standards, so that the police has to provide the appropriate interception equipment for a particular network.

Due to a technical decision in favour of service providers, it is currently impossible to intercept foreign mobile phones in Finland. Furthermore, network companies refused to submit an intercepted subscriber's location information.

The evaluators were surprised that, due to a high court ruling, law enforcement agencies were not authorised to intercept data traffic.



# RESTREINT UE

Summing up, the NBI, catering for the interception facilities for police, customs and security police, stated that there remained a number of unsolved questions, both on the legal and budget side, which was a surprise to the evaluation team, particularly in the light of the frequent use of the latest telecommunications technology in drug trafficking.

## 6.1.14. *Controlled Deliveries*

The evaluation team was told that there was currently no special law for controlled deliveries in Finland, and that requests for them were treated as a form of mutual legal assistance (based on the 1988 Vienna Convention on Narcotic Drugs).

As for the operational side, Finnish guidelines and principles on controlled deliveries are based on the *PTR* joint agreement.

Although no exact figure could be given for the number of CDs, with international CDs being fewer in number, the customs side advocated a change in the regulations.

## 6.1.15. *Undercover agents (UCAs)*

The team was told that although the Finnish police have been conducting covert operations for the last two decades, it was not until March 2001 that the new police act introduced a legal basis for covert operations when investigating serious crimes (i.e. penalty not less than two years). These operations are subject to strict conditions. Only the heads of the NBI and the security police are empowered to authorise pseudo-purchases. The latter have to be authorised by at least a commanding-level officer.

As regards court procedures, the police can disclose information about the covert operation under certain circumstances. This also applies to information requests from the court relating to the undercover agent.

The Finnish police law does not allow foreigners to operate as undercover agents in Finland and for the moment, customs are not allowed to use UCAs either.

## 6.1.16. *Border controls at the EU external borders*

From the information provided by the Frontier Guard and the meticulous documentation of border incidents, the evaluation team was convinced of the high degree of vigilance shown by the service and its maritime component, the coast guard. The evaluation team gained an impression of the length of Finland's borderline with Russia, extending over about 1 200 km from the Gulf of Finland to the north of Lapland. The south-eastern border district covers a share of about 220 km of the border.

## RESTREINT UE

Since a change in visa issuing policy at Finland's consulate in St. Petersburg in the mid-1990s, passenger traffic between Russia and Finland has increased tremendously. Apart from the international border points there are a number of temporary border crossing points; these, however, are confined to Finnish and Russian citizens, mostly professionals in the timber industry. The Finnish Frontier Guard reported that, due to the small population and the suspicion which any stranger would arouse, they are highly unlikely to be used for drug trafficking; furthermore, the Frontier Guard have a policy of recruiting people from the local areas so that they know the terrain and the local population.

### 6.1.16.1. *Land border at Vaalimaa*

The evaluation team had the opportunity to visit the border post between Finland and Russia at Vaalimaa. The installations at this border station, that bears the brunt of road traffic between Finland and Russia, are of a very high technical standard. Particularly the scanning facilities for x-raying entire trucks and the *LIPRE*-system could serve as an example for other EU external borders to facilitate a high degree of control while allowing a traffic flow that does not hamper economic interests. The *LIPRE*-system, that is connected to the *TETRA* communications system, can trigger an alarm once a marked vehicle crosses the border.

There were, however some minor deficiencies: While the evaluation team was visiting the passport control and customs clearance, a customs official demonstrated that the building layout on the entry side towards Finland made it difficult for officers to screen persons during passport control, particularly if they arrived at a higher flow rate. The head of customs at Vaalimaa also noted that it was impossible to profile bus passengers before their arrival, since doing so would require a considerable increase in staff to perform such an operation under the given circumstances. Furthermore, one of the information systems used was web-based and, according to the reports given by the customs staff, it had proved unstable and not very efficient in ensuring a steady flow of passengers. According to customs, a proper risk analysis required not only a computer search but also a personal interview.

# RESTREINT UE

## 6.1.16.2. *Railway traffic*

The information given about the checks on the trains between St. Petersburg and Helsinki reveals a certain dilemma: although all passengers' passports are supposed to be checked twice, first in order to buy a ticket for the train and secondly on board the train, the travelling time does not necessarily allow for thorough checks on the train itself. Moreover, with a further reduction of travelling times in prospect, the Frontier Guard stated that there would be even less possibility for a comprehensive inspection.

The Finnish authorities were not in a position to provide any information concerning the possible use of goods trains between Russia and Finland for drug smuggling.

## 6.1.16.3. *Border at Helsinki West harbour*

As the main route for smuggling narcotics into Finland is from Estonia, the evaluation team found it particularly important to visit the Western Harbour Docks passenger terminal that is the main gateway for ferries to and from Tallinn. Customs describe drugs as their number one target effort on the Tallinn-Helsinki route.

The evaluation team concluded that all the technical facilities installed were of a high technical standard; they were, however, unable to assess whether better use could be made of them if more operational staff were available .

Frontier Guard officials in the passenger terminal for the Tallinn ferry pointed out, however, that the building layout made it difficult to perform a proper risk analysis of passengers while they were queuing for immigration control.

Having regard to the usually high technical standard, the team was astonished at the way in which the Frontier Guard were informed by customs of passengers for whom they should maintain a lookout, which was by means of hand-written notes.

## 6.1.16.4. *Territorial waters in the Gulf of Finland*

The close surveillance of the south-eastern territorial waters of Finland has not to date revealed any intelligence concerning the use of pleasure boats for smuggling drugs from Estonia into Finland. This was confirmed by the NBI, that usually traces back the route taken by seized consignments, a procedure which had not revealed that pleasure boats were being used.

# RESTREINT UE

## 6.1.17. *Financial Intelligence – Financial Investigations*

The evaluation team learnt that the Finnish anti-money laundering legislation was primarily designed to tackle economic crimes, and only to a lesser degree predicate offences in the area of drug trafficking. The fact that unintended money laundering is not penalised in Finland has attracted criticism by another FATF-evaluation group and is currently under review.

The pre-trial investigation in cases of money laundering is an administrative investigation, not a police investigation. According to the NBI its major objective is either to gather supporting evidence or rule out suspicions of a crime; the proceedings are laid down in a special pre-trial investigation act. All possible sources possessing intelligence considered useful in clarifying a suspicion (i.e. banks, financial bodies etc.) are obliged to disclose that information to the investigators. Wire tapping is a means that can be applied for the investigation of money laundering.

Although some provisions are similar to those in other EU Member States, there are also diverging measures: transactions can be frozen for five working days without a court order; the order can be issued by a police officer of a given rank instead.

Although no reason was given, it is worth noting that the majority of STRs (an estimated 3.000 by the end of 2001) are submitted by exchange bureaux.

The evaluation team was informed that seized assets could not be used for the benefit of the law enforcement services.

## 6.1.18. *Liaison Officers*

The evaluation team noted with interest that apart from the well-known *PTN* system of liaison officers, Finland has posted a liaison prosecutor in Tallinn, thus taking account of the fact that the Tallinn-Helsinki route is considered to be the main influx route of drugs into Finland. It is also noteworthy that this liaison prosecutor has acquired a knowledge of the Estonian language, which has reportedly increased his efficiency in his working relations with the Estonian authorities.

## 6.2. Possible improvements

### 6.2.1. Role of the NBI

As suggested on some occasions during the visit, the NBI would consider itself in a better position to fulfil its tasks if certain issues could be re-addressed, namely the areas of the definition of responsibilities, provision of intelligence data from the districts and international cooperation.

The NBI particularly stressed that they face difficulties when trying to gather information from the district levels that are vital for fulfilling their international cooperation tasks, as they had no powers to make the districts comply with information requests.

The experts would therefore find it appropriate to consider a mechanism that would facilitate the NBI's task.

### 6.2.2. Feedback from investigations for intelligence purposes

The information received clearly indicated that there was a need for more comprehensive input of data at a regional and local level as well as post-investigation input of data. Being aware of the resource-related implications of post-investigative input, the evaluation team would nevertheless recommend promoting awareness of feedback intelligence in order to ensure valid databases. This would benefit all services employed in fighting drug trafficking and contribute to a comprehensive intelligence picture, safeguarding operational success.

### 6.2.3. Role of the prosecutor

From what the evaluation team was told they concluded that, given the formal allocation of roles between the prosecutor and the law enforcement services, it might be in the latter's interests to allow the prosecutor a more active and consultative role in order to secure convictions, particularly in more complex cases.

### 6.2.4. Human resources

With regard to the lack of resources in the NBI's Criminal Intelligence Division, it might be worthwhile considering pooling resources with other services, thus enabling the NBI to deal with those tasks that have had to be put aside due to the prioritisation of police cooperation. If there is not enough manpower to cover all the necessary tasks, institutional cooperation between *PTR* should offer a solution to the problem.

# RESTREINT UE

## 6.2.5. *Flagging of different information systems*

The evaluation team concluded that it would be for the benefit of coordination if PTR-shared databases had a flagging function in order to ensure early mutual information.

## 6.2.6. *Interception of telecommunications*

With a view to the *modi operandi* in drug trafficking and the widespread use of the latest information technology by perpetrators, the experts considered it necessary to review the legal constraints on intercepting data traffic as well as the technical constraints on the interception of calls on foreign cellular phones.

## 6.2.7. *Undercover agents*

Although the practical impact cannot be estimated the team thought it would be sensible to review the legal provisions regarding the operation of foreigners as undercover agents in Finland as well as their employment by customs.

## 6.2.8. *Financial Intelligence - Financial Investigations*

It should be considered whether law enforcement services should be allowed to make use of seized assets or to consider introducing legislative measures to regulate their use.

## 6.2.9. *Border controls at the EU external border with Russia*

### 6.2.9.1. *Land border at Vaalimaa*

Notwithstanding the fact that the technical facilities for checking vehicles, passengers and freight at Vaalimaa border station are of outstanding quality, consideration should be given to a review of the building layout to allow customs to screen travellers who are going through immigration control.

### 6.2.9.2. *Sea border at Helsinki West harbour*

Although it is understood that the number of passenger vehicles crossing to Finland on the ferry from Tallinn varies to a large extent between summer and winter, the evaluation team was told by Frontier Guard officials in the harbour that a higher allocation of staff would allow a more thorough search for drugs.

## RESTREINT UE

As in Vaalimaa, consideration should be given to a review of the building layout to allow customs to perform a risk analysis of travellers going through immigration control.

With regard to the notification of the Frontier Guard by the customs on suspicious passengers, consideration should be given to allowing the officers performing immigration control access to all relevant databases, even if only in order to draw their colleagues' attention to a passenger with a high risk profile.

### 6.2.9.3. *Railway traffic*

With reference to the intelligence gap concerning the possible misuse of freight railway traffic the evaluation team considered it useful to conduct a risk analysis for this kind of transport.

### 6.2.10. *International Cooperation with Russia*

On a personal and operational basis, cooperation with the Russians is reported to work well, and the evaluation team appreciates the progress that has been achieved by the Finnish authorities involved in enhancing cooperation on all levels with the Russian side. Owing to the large number of functional asymmetries cited by the NBI office at Vaalimaa, however, it might be a good idea to identify the particular problems and address them on a governmental level or, if appropriate, at an EU vis-à-vis Russia level.

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## 7. RECOMMENDATIONS TO FINLAND, AND, WHERE APPLICABLE, TO OTHER MEMBER STATES OF THE EUROPEAN UNION

The evaluation team found it appropriate to make a number of suggestions for the attention of the Finnish authorities. This should not detract from the fact that Finland has a justly deserved reputation for adopting an integrated policy with regard to drug trafficking, that allows a flexible response by employing deterrence, prevention and help. It appeared to the evaluation team that in general terms, cooperation works well between the different players and that all practitioners are highly motivated and dedicated to their tasks.

The experts would like to summarise their suggestions in the form of the following recommendations:

### to Finland:

- should, without questioning the long tested *PTR*-cooperation at a domestic level, study whether clear-cut responsibilities (e.g. between NBI and local police authorities, e.g. Helsinki) would add any value that might further enhance the cooperation process (cf. 6.1.3 and 6.2.1)
- should promote the importance of intelligence feedback from the regional and local level in order to enhance the information value of databases (cf. 6.1.5, 6.1.11 and 6.2.2)
- should consider a mechanism that would allow the NBI to make districts comply with its information requests so that it can fulfil its international cooperation tasks (cf. 6.1.6 and 6.2.1)
- should study whether a further developed cooperation among the *PTR* services could balance the lack of resources in the NBI's Criminal Intelligence Service (cf. 6.1.10 and 6.2.4)
- should review the building layout at Vaalimaa border station and the West harbour terminal (and other border crossings, should it be applicable) in order to enable customs staff to perform a visual screening of travellers (6.1.16.1, 6.1.16.3 and 6.2.9)
- should look into the possibilities of acquiring intelligence about the possible misuse of goods railway traffic crossing the border from Russia into Finland for drug trafficking (6.1.16.2 and 6.2.9.3)



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- should look into questions related to obstacles with regard to the interception of telecommunications (6.1.13 and 6.2.6)

### to other European Union Member States:

- Should study the Finnish model of cooperation between different law enforcement services as being practised in *PTR* cooperation (6.1.1)
- Should reflect on whether the exceptionally high technical standard of the border crossing at Vaalimaa, particularly the LIPRE-system, should be applied to other EU-external borders or other sensitive control points within the EU (6.1.16.1 and 6.1.16.4)

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ANNEX A

## Visiting Programme and List of Persons met

### Monday, 8 October 2001

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8.45 - 9.00 Transportation from the hotel to the Ministry of the Interior  
9.00 - 9.15 Welcome to the Evaluation Team by Mr Reijo Naulapää, National Police Commissioner  
9.15 - 12.00 Opening session, joint meeting with all relevant authorities for an initial discussion  
12.00 - 13.30 Lunch  
13.30 - 16.30 Meeting with the representative of National Board of Customs

### Tuesday, 9 October 2001

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8.30 - 9.00 Transportation from the hotel to the National Bureau of Investigation  
9.00 - 12.00 Welcome speech (Deputy Chief of the NBI Mr Kauko Aaltomaa)  
Investigation Process (Quality Assurance Manual) (Head of the Main Division Mr Anders Cederberg)  
Projects FINNESTO and GULF OF FINLAND. (Detective Chief Inspector Mr Jan Bergström)  
Criminal Intelligence Division (Head of the CID Mr Markku Ryymin)  
- desks  
- liaison officer arrangements  
- analysis  
- covert investigation techniques  
- new methods  
12.00 - 13.00 Lunch  
13.00 - 16.30 Money laundering  
(Head of the Money Laundering Clearing House Mr Liukku)  
Laboratory (Head of the Crime Laboratory Mr Himberg)

- drugs
- ecstasy project

### Wednesday, 10 October 2001

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8.30 - 9.00 Transportation from the hotel to Malmi airport  
9.00 - 10.00 Flight to Vaalimaa frontier station  
10.00 - 12.00 Presentation of the police, customs and Frontier Guard cooperation  
12.00 - 13.30 Lunch  
13.30 - 15.00 Presentations continue  
15.00 - 16.00 Flight to Helsinki  
16.00 - 16.30 Transportation to the hotel  
19.30 Dinner hosted by the National Police Commissioner Mr Reijo Naulapää

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## Thursday, 11 October 2001

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8.45 – 9.00	Transportation from the hotel to the Office of the Prosecutor General
9.00 – 12.00	Discussion with the representatives from the Office of the Prosecutor General
12.00 – 13.00	Lunch
13.00 – 15.00	Discussion with the representatives from the Frontier Guard
15.00 – 16.30	Visit to the Helsinki City Police
16.30 - 17.00	Transport to the West harbour
17.00 - 19.00	Visit to the West harbour terminal (ferry to Tallin) <sup>1</sup>

## Friday, 12 October 2001

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8.45 – 9.00	Transportation from the hotel to the Ministry of the Interior
9.00 – 12.00	Joint meeting with all relevant authorities for closing remarks, Ministry of the Interior

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<sup>1</sup> This item was arranged at short notice by the Finnish authorities at the request of the evaluation team.

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**ANNEX B**

## List of abbreviations / Glossary of Terms

ACRONYM ABBREVIATION TERM	ORIGINAL FINNISH	ENGLISH TRANSLATION OR EXPLANATION
ASEPASSI	Ase ja passirekisteri	Weapon and passport register
BSTF	-	Baltic Sea Task Force
EPRI	Epäiltyjen ekisteri	SuspectDataBase
Kath	Kadonneet henkilöt ja tuntemattomat vainajat	Missing persons and unidentified dead persons
KAPA	Kadonneiden ulkomaalaisten passien rekisteri	Register of lost foreign passports
KUVA-MINTTU	Ohjelma, jolla käsitellään tekstitietoja ja kuvia	Image management system
LIPRE	-	Licence Plate Recognition
PÄIKE	Poliisin päivystyskeskusjärjestelmä, joka sisältää tietoja poliisin hälytystehtävistä	Command and control system
PATJA	Poliisiasiain tietojärjestelmä	Police information database
Polilex	Poliisin ohjeistojärjestelmä	System concerning regulations for police matters
PTN	Polis och Tull i Norden mot narkotika	Nordic countries' liaison officer network
PTR	Poliisi, Tulli, Rajavartiolaitos	Police, Customs, Frontier Guard

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ACRONYM ABBREVIATION TERM	ORIGINAL FINNISH	ENGLISH TRANSLATION OR EXPLANATION
Raid	Raideleveys	Railway gauge
Rake	Rahankeräysluvut	Fund-raising permits
RIKI	-	Crime Reporting System
RikiTrip	-	Text analyses for police matters
SAKARI	-	Criminal Case Management System
Tari	Tarkastuskortti	Inspection cards
Tark	Tarkastuskortti	Inspection cards
Teko	-	Wordprocessor
TETRA	-	Terrestrial Trunked Radio
Tunt	-	Photograph description registration
Tutti	-	Investigations databases
ULKO	Ulkomaalaisrekisteri	Register for foreign people
ULKONET	Ulkomaalaisia henkilöitä ja asiakirjoja koskeva kyselyjärjestelmä	Query system concerning foreign people and documents