

Two Decades of Criminal Sanctions

New Public Management in the Finnish Criminal Sanctions
Agency

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Master's thesis

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ABSTRACT

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The purpose of the study is to examine how New Public Management (NPM) impacted Finnish criminal sanctions during the years 2001–2019. For this qualitative examination, the monitoring and evaluation documents of the Finnish Criminal Sanctions Agency were analysed by the method of discourse analysis. The analysis period represents the time when Finnish criminal sanctions went through substantial changes in the organisational structure. From the sample it can be observed that NPM has significantly impacted the structure and implementation of criminal sanctions in Finland. It can be seen that the efficiency drive of NPM has forced criminal sanctions to bring an increased focus on its core functions and perform well in their implementation. From the results it can be concluded that the biggest epitome of NPM in Finnish criminal sanctions has been bringing greater emphasis on cost-efficient open sanctions, which also support the goals of Nordic moderate criminal policy by promoting the reduction of recidivism.

Keywords: Criminal Sanctions Agency, social and public policy, moderate criminal policy, New Public Management

TIIVISTELMÄ

KAKSI VUOSIKYMMENTÄ RIKOSSEURAAMUKSIA

Uusi julkisjohtaminen Rikosseuraamuslaitoksessa

Armi Korhonen

Yhteiskuntapolitiikka

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Tutkimuksen tarkoituksena oli selvittää, kuinka New Public Management (NPM) on vaikuttanut Rikosseuraamuslaitoksen ja sen edeltäjän, Rikosseuraamusviraston, toimintatapaan vuosina 2001–2019. Tutkimuksen aineistona oli Rikosseuraamusviraston ja Rikosseuraamuslaitoksen vuosiraportointi, josta valittiin tutkimukseen vuosiraportit vuosilta 2001–2019. Tutkimuksessa käytettiin diskurssianalyttistä lähestymistapaa tulkittaessa vuosiraporteissa tärkeinä pidettyjä asioita. Aineiston rajausta edustaa ajanjakso, jolloin Rikosseuraamusvirasto ja Rikosseuraamuslaitos kävivät läpi suuria muutoksia organisaatorakenteissaan. Johtopäätöksenä voidaan todeta, että NPM on vaikuttanut huomattavasti Rikosseuraamuslaitoksen nykyiseen organisaatiomalliin ja toiminnan painopisteisiin. NPM on pakottanut rikosseuraamukset keskittymään niiden päätehtävään ja suoriutumaan hyvin niiden implementoinnissa. Seurauksena on ollut siirtymä kohti aiempaa avoimempia ja taloudellisesti edullisimpia rangaistuksia. Nämä rangaistukset tukevat pohjoismaisen maltillisen kriminaalipolitiikan tavoitteita pyrkimällä uusintarikollisuuden vähentämiseen.

Avainsanat: Rikosseuraamuslaitos, yhteiskuntapolitiikka, maltillinen kriminaalipolitiikka, uusi julkisjohtaminen

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1 INTRODUCTION

1.1 Criminal sanctions: from punishments to services?

Crime has been, and most likely will always be, a part of human societies. As Tonry (2011) writes, “[s]tupidity, cupidity, psychopathy, greed, intoxication, strong emotion, and impulsiveness are part of the human condition, much as we might wish it were otherwise, and all societies have to deal with their effects” (Tonry, 2011). Societies throughout history have created codes for dealing with criminal activities. Many of us are familiar with the Code of Hammurabi, also known as *lex talionis*, dating back to about 1754 BC (Cursi, 2016). The Code of Hammurabi is fairly straightforward in its approach to punishments: “an eye for an eye, a tooth for a tooth”. Criminal policies are not only a product of laws but also of social rules. Since the time of the Code of Hammurabi, societies have recognized criminal law and policy to be more complex than a mere retaliation. The reasoning behind criminal sanctions and the scope of legally recognised punishments has gotten more multi-dimensional. Especially in the Nordic welfare regime we now recognise a vast spectrum of ‘shades of grey’ in crime. Straightforward solutions such as *lex talionis* have ceased to exist. Finnish criminal sanctions are not a stranger to this development. The Ministry of Justice, alongside its Nordic peers, avowedly promotes public policy-oriented outlooks to criminal sanctions. As often mentioned in Finnish criminal policy discussions: “best criminal policy is good social policy”.

This thesis attaches to the academic discussion on Nordic criminal policy by examining the modern criminal sanctions in Finland. How do modern criminal sanctions look like Finland? What is the principle after which they are organised? By the methods of social science, the thesis will provide outlooks on how changes in the ethos of public policy attaches to criminal policy, especially to criminal sanctions. The Ministry of Justice (2007) defines criminal policy broadly as all the actions that affect criminality, notwithstanding the fact who the actors are or whether the actions are intended. Criminal policy is more than just “politics of criminal law”, and studying criminal policy in terms of social science can be highly beneficial for effective and comprehensive policy-making. This thesis brings a social scientific approach to the examination of criminal sanctions and their implementation in Finland during the past two decades.

The sole implementer of criminal sanctions in Finland is the Criminal Sanctions Agency. Criminal Sanctions Agency has operated under its current name since 2001. Since the early 2000s, the Criminal Sanctions Agency has experienced major developments. Its structure was reformed in 2002, 2006, and 2010. At the same time, legislation introduced new sanction types which significantly diversified criminal sanctions. These changes align with a vaster trend that has been taking place in public administration: New Public Management (NPM). According to policy researchers, reforms of the public sector during the past three to four decades have been heavily influenced by NPM (cf. Hood 1991; Lane 2000). The concept of NPM promotes a new way of organising public services by introducing theories and practices of economics into the public sector. The leading thought is that by introducing practices inspired by the private sector, the public sector can become more efficient and deliver the services that citizens, who are seen as *clients*, want and need. In Finland, NPM was influential especially in the 1980s and 1990s (Yliaska 2014; Hansen 2011). Yet reforming the criminal sanction system is slow and the reforms of the 2000s have been in progress since the 1970s (cf. Tapani and Tolvanen 2011). It is not fully clear when the ‘era of NPM’ ended, or if it ever did (Yliaska 2014; Hansen 2011). This suggests that the two processes – reform of the criminal sanctions and implementation of NPM in public services – may align.

Criminal sanctions are tied to a time and place. Historic reviews tell us how they have changed throughout centuries: we do not have any more executioners with pointy hats or pillories in front of churches. Examinations of the current criminal sanctions can reveal where criminal sanctions are going at the moment. What are the criminal sanctions of the third millennium? What are their guiding principles? This thesis aims to examine whether the ideas of NPM have been present in the reform of Finnish criminal sanctions, and if so, how they have affected sanctions in practice.

1.2 Previous research

The relationship between New Public Management and Criminal Sanctions Agency has not been explicitly studied. However, for example Harrikari and Westerholm (2014) have touched upon the topic by suggesting that NPM has influenced criminal sanctions in Finland, especially in how social work is organised as a part of criminal sanctions. Haikkola et al. (2019) have made similar observations by mentioning the plausible connection between

NPM and criminal sanctions. Lahti (2017) has examined the reforms of Finnish criminal sanctions since the 1970s. He notes that in the 2000s, cost-benefit thinking in policy-making contributed to the general objectives and values of criminal policy (Lahti, 2017). However, in these studies, the relationship between NPM and criminal sanctions remain as a suggestion rather than a point of interest, as they do not go in-depth to examine whether or how NPM has affected Finnish criminal sanctions. This thesis aims to contribute to this discussion by linking NPM and criminal sanctions directly.

In foreign studies, NPM has been more explicitly studied in relation to criminal justice. However, even globally, criminal justice has remained somewhat under the radar in NPM-related studies (Faulkner, 2010). In England, Faulkner (2010) noticed that administration styles promoted in NPM had caused reforms such as application of “the principles of decentralisation, clear accountability, and greater use of the voluntary and private sectors”, “trust for professionals who would have new powers and freedoms ... to run rehabilitation services both in and out of prison” and “smaller, local prisons” (Faulkner 2010, 12). Faulkner raises concerns that the expectation of efficiency for criminal sanctions might lower their quality, especially in the reduction of recidivism. In other sectors of criminal justice research, especially the police, judiciaries, and courts have been linked to NPM. Raine and Willson (1995) observed that managerialism has pushed courts towards greater efficiency and limited the autonomy of judges. Police and NPM in relation to corruption have been studied for example by Mann (2017) in Australia and by den Heyer (2010) in developing countries, both stressing the transparency and accountability of criminal justice and the police. Visser et al. (2019) interviewed Dutch judges and recognised that the Dutch judiciary has adopted NPM practices and processes especially during the 2000s. Dadich et al. (2014) examined what kind of effects NPM-inspired changes had produced in juvenile justice centres in New South Wales. As a conclusion, they noticed that different juvenile justice units have applied the change differently, and suggest that there is a strong case for further studies on NPM in relation to justice. They propose especially study settings that can summarise the outputs and outcomes associated with reforms to enrich the discourse on NPM (Dadich et al. 2014).

In the international research literature, NPM has been widely examined (see for example Hood 1991; Ferlie et al. 1996; Pollitt and Bouckaert 2011; Christensen and Lægveid 2011), and has attracted a fair share of criticism (see for example Boston 2011). In Finnish studies, similar examinations of NPM as a phenomenon have been widely conducted (for example

Hyyryläinen and Viinamäki 2011, Yliaska 2014, Kulovaara 2016), or in relation to a specific sector, inter alia libraries (Tuomi and Saarti 2015), social services (Eräsaari 2011; Koskiaho 2008), municipality administration (Eräsaari 2009; Kokko et al. 2018), mental health services (Salo 2019) or higher education (Siekkinen 2019). These examinations are usually on the critical side, criticising the applicability of economics-inspired practices to the public sector. Especially in the Nordic regime, where the public sector has traditionally been strong, the studies with almost no exceptions criticise how NPM has brought the value of ‘money’ to replace the value of a ‘good service’. Van de Walle and Hammerschmidt (2011) have made similar observations from European literature: often the theory of NPM is criticised, yet there is only a limited number of studies that empirically examine and evaluate NPM-driven programmes.

There is a call for qualitative studies on criminal sanctions in Finland. Linderborg et al. (2012) state that imprisonment and other sanctions have not been comprehensively assessed in relation to their guiding principles (Linderborg et al. 2012, 146). In 2015, Linderborg et al. (2015) contributed to this need by studying the quality of sanctions and different working cultures between the sanction units by qualitative and quantitative analysis methods. They observed that challenges in ensuring the quality of sanctions arise on eight levels: 1) clarifying the mission statement, 2) utilising skills of staff in a multidisciplinary manner, 3) improving relationships between staff and prisoners to support rehabilitation, 4) ensuring that all units follow the same principles in all activities, 5) unifying the core functions of Criminal Sanctions Agency to support its expert role in the society, 6) clarifying the protocols, 7) clarifying the organisational structure and responsibilities of bodies, and 8) better assessment of quality by monitoring and evaluation. This thesis can contribute to the question of the mission statement by examining the guiding principles that have formed the criminal sanctions to their current form.

Tapani and Tolvanen (2011) note that while sanctions have been an interest of academics, research on their actual implementation has been limited. Lahti (2013) adds that it is important to develop multidisciplinary theory about criminal justice and criminal policy, and this theory should take into how the law is being enacted and applied, and include the whole control system of criminal justice. Often social science research on criminal sanctions in Finland focuses on social work and rehabilitation of prisoners, or historic reviews on sanctions in practice. Analysis of their administrative models is often limited to comparative

research, where Finland is grouped with other Nordic countries as the ‘Nordic criminal justice regime’ (for example Ward et al. 2012, Lahti 2017).

From the previous research we can see that the concept of NPM has been widely studied both in Finland and abroad. This research gives strong suggestions that NPM has also affected criminal sanctions in Finland. However, no analytical review of how NPM has affected Finnish criminal sanctions has been conducted. Moreover, the values and guiding principles of Finnish criminal sanctions, in general, need more research.

1.3 Research objectives

This thesis will create a direct link between NPM and criminal sanctions in Finland by examining how NPM has affected criminal sanctions in Finland throughout the years 2001–2019. As the sole implementer of criminal sanctions, in practice the examination focuses on Criminal Sanctions Agency. Criminal Sanctions Agency was formed in 2001, and hence this examination period covers all its full operational years so far. I will analyse what elements of NPM can be observed to have affected the Criminal Sanctions Agency during the past two decades. The analysis will focus on guiding principles of criminal sanctions, and the practical outcomes of NPM in criminal sanctions work.

The research question this thesis asks is:

What elements of NPM we can recognise from the planning and monitoring documents of the Finnish Criminal Sanctions Agency?

The research question is approached by the methodology of public policy analysis and discourse analysis. The research question will be answered by examining the planning and monitoring documents of the Criminal Sanctions Agency from the years 2001–2019.

1.4 Thesis outline

After this introduction, Chapter 2 will introduce the concept of NPM, its theoretical underpinnings, and practical implementations. The chapter describes how NPM made its way to public administration at the end of the 1970s, and to Finnish public policy in the

1980s. NPM was widely influenced by ideas of neoliberalism, public choice theory, and managerialism, yet it became more than a sum of its pieces by introducing a bunch of trends that swooped over public administration. Ferlie et al. (1996) recognise four main categories of trends that ‘NPM umbrella’ promoted: the efficiency drive, downsizing and decentralisation, the search for excellence, and public service orientation. In this thesis, these categories serve as a basis for the analysis.

In Chapter 3, I will introduce the reader to the Finnish criminal sanctions and their enforcer, Criminal Sanctions Agency. The chapter follows the timeline established in Chapter 2: criminal sanctions are briefly discussed starting from the 1970s. The main focus of the chapter however is in the Criminal Sanctions Agency as it has been in place during the years 2001–2019. The chapter goes through the structural reforms of the Criminal Sanctions Agency during the years 2001–2019 and introduces the guiding strategy of the Criminal Sanctions Agency. It will also familiarise the reader with the selection of sanction types that are available in the Finnish Criminal Code: imprisonment, conditional imprisonment, and community sanctions including community sentence, monitoring sentence, and juvenile punishment.

Chapter 4 will describe the methodological choices and considerations of the study. It will first revisit the research question and describe the sample in detail. The methodological framework of public policy analysis and discourse analysis is described as applicable to the purpose of this research. Chapter 4 will also introduce the reader to the practical execution of the study and how the sample was coded in Atlas.ti according to the NPM themes recognised in Chapter 2. The selected sample and study setting sets also limitations, which are discussed in Chapter 4. Chapter 4 concludes by outlining the ethical considerations of the study setting.

Chapter 5 proceeds to analyse the sample as described in Chapter 4. Chapter 5 introduces four subchapters, all named after the four NPM themes recognised in Chapter 2: the efficiency drive, downsizing and decentralisation, the search for excellence, and public service orientation. All these subchapters dissect the sample based on observations that can be made within each theme. The fifth subchapter summarises the findings of each to formulate more overarching pictures across themes. The main observations in the summary are that during the examination period, there are ‘stages of NPM’ during the years 2001–

2005, 2006–2010, 2011–2015, and 2015–2019. The subchapter also recognises that specific implications of the reforms can be set on a vertical-horizontal model of administration. The key takeaway is that NPM culminates to more open sanctions, which are seen to serve all NPM goals simultaneously.

Chapter 6 will conclude the thesis by setting the results to the 'bigger picture' in society and research. The result of the analysis is that the Criminal Sanctions Agency has found a lot of positive attributes in the application of NPM, and the principles of NPM have enabled the Criminal Sanctions Agency to find and focus on its core functions. This finding challenges the critical works of research by suggesting that NPM has two sides of the coin.

2 NEW PUBLIC MANAGEMENT

In this chapter, I will discuss the concept of New Public Management (NPM). While there are multiple approaches to examining NPM as a phenomenon, here I mainly focus on NPM from the perspective on how it affects organisations and why. I will start by introducing the reader to the definition of NPM, after which I will discuss the theoretical underpinnings of NPM. Then I will go over what NPM means in practice by examining different practices that organisations have implemented. To finish the chapter, I will make a few remarks on how New Public Management has been adopted in Finland.

2.1 What is New Public Management?

One of the biggest reforms of the era in public management has been a reform theory called New Public Management. The term, coined by Christopher Hood in 1991, refers to one of “the most striking international trends in public administration” (Hood 1991). In the year 2000, Lane (2000, 3) agreed with Hood by stating, “[n]ew public management (NPM) is the theory of the most recent paradigm change in how the public sector is to be governed”. For both of these influential authors, NPM represented something that does not have a single definition but what definitively characterises the change in public administration starting from the 1970s. In 1991, Hood analysed the phenomenon of NPM and described what it entails. Hood (1991) recognised NPM to be in line with other administrative ‘megatrends’ of the time, namely privatisation, globalisation, automatisisation and control of government growth. With time, the definitions of NPM has gotten clearer. In 2011, Pollitt and Bouckaert (2011, 3) defined NPM’s core claim to be, “to make government more efficient and ‘consumer-responsive’ by injecting business-like methods”. This definition of public administration absorbing values, theories, and practices of the business world has become the leading definition of NPM.

While Hood recognised NPM to stem from other public administration trends, Lane (2000) notes that NPM is not only a mere mixture of theories: it is a venture of its own, which has also been informed by its own applications. This is why NPM has become its own theory *and* approach, which appears to be ‘more than a sum of its pieces’. While there’s no single ‘guidebook to NPM’, it does not prohibit us from recognising similar themes that fall under the term (Boston 2010). As Lane (2000) mentioned: “New Public Management is the most

visible sign of the rapid changes in perspectives upon how government should run the public sector”. This implies that despite the lack of clear guidelines what NPM is or is not, we can recognise similar theories and practices affecting administrative regions during the peak of NPM. In the year 2000, there was a debate about whether NPM is merely a fashion or a fad (cf. e.g. Lane 2000). However, as Lane (2000) also notes, changes in public administration follow and build upon each other. As Boston (2010) described, NPM is partially just a ‘product of its time’ (Boston 2011). It relies on assumptions and principles that have been informed by other public management theories of the time. In 2020, NPM is still being referenced yet other concepts such as smart services (cf. Lim and Maglio 2019) and service design (cf. Sawatani 2019) have gained recent momentum, superseding NPM as the current ‘megatrend’. Yet, NPM has been widely recognised as influential and its legacy is still strong in the public sector (cf. Magiac 2017).

NPM theorists such as Pollitt and Bouckaert (2011) and Christensen and Lægreid (2011) recognise there to be two levels to NPM. The first and ‘higher’ level is a theoretical doctrine on how the public sector can be improved by the application of business theory and its concepts, techniques, and values. The key theories that NPM derives from are the public choice theory and theory of private management (or, as often referred to, managerialism) (Lane 2000). Boston (2011) also recognises neoliberalism as influential to NPM (Boston 2011). Second, the more everyday level, includes practical examples of what should be applied to the public sector (Pollitt and Bouckaert 2011; Christensen and Lægreid 2011). These are practices borrowed from business environments and are applied to the governing of public sector. Ferlie et al. (1996) recognise there to be four different models of applying NPM in practice: efficiency drive, downsizing and centralisation, the search for excellence, and public service orientation.

Below I will first discuss the theoretical (‘first’) level of NPM, after which I will go into detail about the practical (‘second’) level.

2.2 Theoretical underpinnings of New Public Management

New Public Management is often referred to as a ‘marriage’ between the public choice theory and managerialism (Hood 1991). It has clear attachments to neoliberalism, as NPM reforms started to take place at the same time the neoliberalism movement (Lane 2000;

Boston 2011). Below I will discuss this era of neoliberalism in relation to NPM, after which I will introduce the reader to the two theoretical partners of NPM: public choice theory and managerialism.

2.2.1 Neoliberal roots of New Public Management

The rise of NPM stems from neoliberalism and bourgeoning of economic and law, which took place in the 1980s and 1990s (Boston 2010). Most notably NPM gained momentum from the Reagan administration in the United States (1981–1989) and the Thatcher administration in the United Kingdom (1979–1990), and was widely adopted and further developed as the ‘appropriate model’ by international organisations such as the World Bank, OECD, and IMF (Pollitt and Bouckaert 2011; Boston 2010; Christensen and Læg Reid 2011). However, according to Hood (1991), NPM claimed to be politically neutral and portable to multiple governments regardless of their leading ideologies. Essentially NPM was criticism of the large public sector, and doctrine on how to govern it better (Lane 2000). Hood (1991) however claims that there was no single reason why NPM took on the success it did; while the political rise of the ‘New Right’ has been widely associated with the rise of the NPM, also Labour parties found interest in NPM. Pollitt and Bouckaert (2011) note that public reforms are essentially tied to changes in the economy, and NPM has been a way for politicians to make savings during low economy with less ‘cheese slicing’. According to Hood (1991), the rise of NPM was additionally a combination of multiple societal factors such as a change towards a socially more heterogeneous population who were less tolerant of static public policy. Hence, while NPM has been widely recognised to have its roots in neoliberalism, it is not simply its by-product.

2.2.2 Public choice theory

Hood (1991) describes the public choice theory as ‘new institutional economics’. This new doctrine took place after the Second World War, stressing the concept of ‘user choice’ over mere ‘good administration’ (Hood 1991). The public choice theory sees people’s decisions as subjective and rational, and eventually everything comes down to *what people want* (Hindmoore 2006). As public choice theory presumes individuals to be rational decision-makers, it is sometimes referred to as ‘rational choice theory’. Hence, the public choice theory emphasises individualism (be them bureaucrats, politicians, or service users) and

individual agency in structures. Theories of public choice often present ideas as mathematical models, much like economists, with a simplification of these models as a goal (Hindmoore 2006).

One of the benchmark additions to the public choice theory was the ‘Niskanen model’ (Lane 2000). Niskanen presumes that public servants (supply) act out of self-interest in relation to demand (politicians who pay for the public service) (Niskanen 1971). As a conclusion, Niskanen maintains that bureaucrats always aim to maximise their bureau’s budget and argues this to be the reason for the over-bloated public sector (Hindmoore 2006, 129). Essentially the Niskanen model is a criticism of Weber’s famous argument that the public sector is the most efficient of all (Lane 2000).

Gradually after the Second World War – especially after the 1970s – the theory of public choice trickled to practice as many Nobel Prize winners promoted its correctness (Lane 2000). New Public Management started to form around at the same time and public choice theory heavily influenced its ideas. While Lane (2000) notes that NPM principles go further than public choice theory and NPM should not be understood as an extension of public choice theory, Hindmoore (2006, 154) adds that the Niskanen model has been greatly influential for NPM and has since been widely adopted as a basis for bureaucratic structures and public services.

2.2.3 Managerialism

The idea of managerialism is older than the one of NPM, dating back to the United States at the around early 1970s (Painter 2011). Within NPM, managerialism was a movement, or more so a ‘set of waves’, during which business-like management styles were introduced to the public sector (Hood 1991). Simply put, managerialism refers to a “belief system that highlights the role of management and managers in providing solutions to social and economic problems” (Painter 2011, 228). Managerialism is a flexible idea, and research literature recognises there to be multiple ‘managerialisms’, such as ‘new managerialism’, ‘neoliberal managerialism’, ‘post-NPM managerialism’, and so forth (Painter 2011). However, for this thesis, I will focus on the core elements of managerialism and how they have affected NPM.

To define managerialism more elaborately, the meaning of managerialism is two-folded: it emphasises the ‘the manager’ as a role, but also ‘managing’ in relation to managing changes in organisations (Koikkalainen 2012). The first fold of managerialism emphasises the idea of ‘professional managers’ and their central role in achieving outputs, giving managers high discretionary power (‘free to manage’), and measuring and evaluating outputs (Hood 1991). In managerialism, the basic assumption is that managers are the most important people in the organisation (Painter 2011). The other fold in managerialism focuses on the managing of reform – changes in the global environment, technology, and social environments (Koikkalainen 2012). According to Koikkalainen (2012), this two-folded managerialism does not represent any ‘grand theory’ in the field of economics or social science. Instead of providing an ideology, it is just a ‘small idea’ in the sea of multiple ideas on how to talk about the relationships in organisations and their impact. Managerialism is often attached to neoliberalism; however, especially modern managerialism does not go hand-in-hand with neoliberalism. Neoliberalism was (and is) a political movement, while managerialism is a tool for civil servants and experts (Koikkalainen 2012). This reflects also NPM: NPM was (and is) also a way to organise the public sector, not a political ideology (cf. Hood 1991). While managerialism is not a grand theory, for example Shepherd (2017) does recognise it to be a belief system. For Shepherd, the main advocates for managerialism are, in fact, the managers themselves (Shepherd 2017). This reflects similar beliefs as public choice theory’s ‘rational decision-maker’ who has a vested interest in decision-making.

While we have established that theoretical underpinnings of NPM do not fully define it, public choice theory and managerialism do explain how NPM is located in the belief models that guide policy-making. Next, I will examine how these beliefs have manifested in practice.

2.3 New Public Management in practice: four models

New Public Management is a multifaceted concept which has been applied differently in different administrative regions based on their cultural and political context (Boston 2011). In practice, it is unclear how much and how intentionally NPM has been applied (Pollitt and Bouckaert 2011). However, it is clear that NPM has been influential to the majority of public sectors in Western countries (cf. Lane 2000; Pollitt and Bouckaert 2011). There are various ways of categorising the practical recommendations or implications of NPM. For the vast

pool of categorising what NPM is, Ferlie et al. (1996) distinguish four different NPM models. These models are not mutually inclusive or exclusive; they are observations on what kind of actions have been taken in the public sector as 'New Public Management'. Below I have used these models as a categorisation to examine actions that define New Public Management.

2.3.1 The efficiency drive

Drive for efficiency was one of the first traits to describe NPM (Ferlie et al. 1996; Toonen 2003; Löffler 2003). Thatcherite politics was highly influential to the efficiency drive, that took place throughout the early and mid-1980s (Ferlie et al. 1996; Boston 2010). Consultants from business environments were recruited to advise on organising the public sector, which was portrayed as bloated, inefficient, and wasteful (Ferlie et al. 1996). The practical implications included more financial control, stronger management hierarchy, assessment of professional performance, market-mindedness (especially with consumers), deregulation of the labour-market, a shift of power upwards to managers, and new forms of governance borrowed from corporates (such as directory boards) (Ferlie et al. 1996).

Christensen and Lægreid (2011) recognise the efficiency-driven practices to be 'hard NPM tools' of NPM. The concept from managerialism, 'free to manage', was often attached to the efficiency drive, meaning that in practice accountability of employees stemmed from clear assignments from their managers (Hood 1991). Within NPM, the concept of 'free to manage' evolved later on to two other concepts: 'let the managers manage' and 'make the managers manage' (Christensen and Lægreid 2011). In the first one, 'let the managers manage', managers are hands-on professionals, who are actively controlling the organisation by setting explicit standards and output expectations (Christensen and Lægreid 2011). The concept of 'make the managers manage' focuses on managers receiving incentives themselves for decision-making (Christensen and Lægreid 2011). As a result of the efficiency drive, the focus in the public sector shifted from the planning of processes to focus on outputs and results (Hood 1991). The basic idea was that good results are rewarded, and poor results are punished (Christensen and Lægreid 2011). These results were often compared to other organisations, creating a culture of competition in the public sector (Hood 1991; Christensen and Lægreid 2011). Since the 1990s, performance evaluation has been an integral part of public administration (Heinrich 2003; Toonen 2003; Löffler 2003). The use

of indicators such as Key Performance Indicators (KPIs) are essential in the evaluation process (Pollitt and Bouckaert 2011, 14). Especially privatisation and performance management has received attention and induced reform throughout Europe (Toonen 2003; Löffler 2003). Critics noted that this ‘efficiency way of thinking’ does not directly fit to the public sector (Ferlie et al. 1996). However, Christensen and Lægreid (2011) note that efficiency-driven thinking enabled also user-centred approach (cf. Chapter 2.3.4).

2.3.2 Downsizing and decentralisation

Ferlie et al. (1996) recognise the practical outcomes of downsizing and decentralisation to include further market-mindedness and developed quasi-markets, moving from hierarchical management to management by contract, splitting strategy and operations by developing smaller strategic core functions and outsourcing of operational support, reducing staff and moving towards flatter organisations, splitting public and private funding, implementing new ways of managing such as managing by influence, emphasising networks, and attempting to move away from standard forms of service towards flexible services (Ferlie et al., 1996). Christensen and Lægreid (2011) note that this decentralisation successfully connected the private and public sectors, involving both in decision-making (Christensen and Lægreid 2011).

Ferlie et al. (1996) recognise downsizing and decentralisation to be in contradiction with the efficiency drive, as at the same time vertical and horizontal management styles were applied under the NPM umbrella. Christensen and Lægreid (2011) describe that this process “simultaneously prescribes both more autonomy and more central control” (Christensen and Lægreid 2011, 19). However, Ferlie et al. (1996) also note that the vertical management style took off especially in the 1980s, while the strive for flatter organisations took place in the 1990s. Downsizing and decentralisation allowed public services to better focus on their core functions. Christensen and Lægreid (2011) recognise a will to establish ‘single-purpose organisations’, which lead to structural fragmentation as each function was separated under one centralised command (Christensen and Lægreid 2011, 18). At the same time, organisations were given more autonomy within their core function (Christensen and Lægreid 2011, 18).

2.3.3 The search for excellence

Ferlie et al. (1996) attach to the search for excellence two types of actions: bottom-up and top-down. The bottom-up actions include emphasising development and learning, emphasising organisational culture, judging by results, decentralising, and managers backing up bottom-up initiatives. The top-down approach includes actions such as introducing workplace values and culture change from managers, emphasising charismatic leadership, emphasising corporate training, emphasising corporate branding via logos and mission statements, and implementing more assertive communications and HR strategies (Ferlie et al. 1996). In comparison to 'hard values' of efficiency, these strategies, especially the bottom-up actions, are described as 'soft NPM tools' by Christensen and Lægheid (2011).

2.3.4 Public service orientation

This fourth dimension, according to Ferlie et al. (1996) is defined by a strong emphasis on service mindset. Ideally, it successfully combines ideas from the private sector with a strong sense of identity of the public sector (Ferlie et al. 1996). According to Ferlie et al. (1996), key actions include having major concern with the quality of service, inclusion of reflections of user perspective in the management process, taking user satisfaction as an indication of success, favouring elected bodies rather than appointed ones, being sceptical of market forces in the public sector, stressing the culture of learning through user feedback even in routine tasks, and stressing the participation of users and accountability of providers (Ferlie et al., 1996).

Since the late twentieth century, this move towards more client-oriented strategies has taken place in public administration (Toonen 2003). Christensen and Lægheid (2011) note the service orientation to be the upside of the efficiency drive: when results were quantified, public satisfaction was one of the outputs for public services (Christensen and Lægheid 2011). Hence their categorisation of 'hard NPM tools' and 'soft NPM tools' are enablers of each other; without efficiency-driven actions, focus on soft values such as staff development and user satisfaction would not have taken place.

2.4 New Public Management in Finland

According to Pollitt and Bouckaert (2011, 264–266), Finland has generally been open to new ideas on management, especially by participating in many international organisations and programmes. Traditionally Finland has not however blindly followed fashions but has selected and piloted ideas that are the most suitable for the Finnish public sector. This is in part because high-level civil servants rather than elected politicians have a lot of power in reforms. One of the biggest reforms of the public sector took place under the Holkeri government in 1987, when, inter alia, results-based budgeting, state enterprises, framework budgeting, regional administration reform, and Administrative Development Agency providing support for the public sector were introduced (Pollitt and Bouckaert 2011, 264–266). According to Yliaska (2014) this was a big turning point in the administration of the Finnish public sector, where the ideals of the 1960s and 1970s were shifted towards marketisation. A second big wave of reform took place at the end of the 1990s under the Lipponen government, during which the first wave was evaluated and edited (Pollitt and Bouckaert 2011, 266). During this time, most notably, the number of provinces was reduced, a quality strategy for public services was developed, and more monitoring and evaluation of personnel was introduced (Pollitt and Bouckaert 2011, 266).

To summarise, there are various approaches to NPM; some of which are even contradictory (Hood, 1991). However, they all have been recognised to have taken place in practice, sometimes even in contradicting manners within one organisation. NPM is hence not a unified doctrine but a bundle of mechanisms that have taken place over three decades. It has become an umbrella term for many changes within the similar idea framework at approximately the same time, and is affected by the culture it is applied in. I will utilise these different approaches to NPM to examine if and how the different models of NPM are visible in the planning and monitoring of the Finnish Criminal Sanctions Agency. Next, I will introduce the reader to the Finnish Criminal Sanctions Agency, and the reforms it has gone through in the past years.

3 FINNISH CRIMINAL SANCTIONS AGENCY

The following chapter will introduce the reader to the Finnish Criminal Sanctions Agency, its guiding ideology, and major reforms in the 2000s. This is to provide context for the reforms that will be discussed in the analysis. I will start by shortly examining what are criminal sanctions and what is their role in society (Chapter 3.1), before moving on to introduce the Finnish Criminal Sanctions Agency as an organisation (Chapter 3.2). Shortly after I will take the reader through the most major changes in the administration of Finnish Criminal Sanctions Agency during the 2000s (Chapter 3.3), after which I will introduce the guiding strategy of the Finnish Criminal Sanctions Agency (Chapter 3.4). I will conclude by briefly introducing the types of sanctions enforced in Finland (Chapter 3.5).

3.1 What are criminal sanctions?

The purpose of criminal sanctions and the relationship between crime and punishment has been examined by many. At the end of the 1800s, Emile Durkheim theorised crime and punishment to be inseparable, and punishment to be necessary for a well-functioning society and common morality (Burkhardt and Connor 2014). Almost a hundred years later, Michel Foucault discussed how prisons are social constructs of time and place and serve a function of control in society (Foucault 1975). More practically, the Finnish Ministry of Justice outlines that criminal policy, including criminal sanctions, is an important part of ensuring the stability of the society and security of citizens (Ministry of Justice 2014). Criminal sanctions hence enforce the rule of law (cf. Hill and Hupe 2002, 24). Tapani and Tolvanen (2011) note that without effective enforcement of sanctions, they would be useless.

What is apparent in criminal sanctions is their retributive role: one of the clear purposes of sanctions is to punish a person who has committed a criminal act against their society. Criminal sanctions however also serve other functions. According to Tonry (2001), ideals of criminal justice (including criminal sanctions) in Western countries generally include the commitment to democracy, institutions, criminal law doctrine, procedures, and other formal commitments. Tonry notes however that there are differences between the leading beliefs amongst the policy-makers. For example, England and the United States follow a principle of harsh and restricting punishments, while the Finnish system is the opposite: socialising law-breakers via primary institutions such as family, church, and school is seen as equally

important to the punishment as the retribution. In Western comparison, Nordic countries have relatively low sentence durations and criminal sanctions are less politicised than in, for example, the United States (Tonry 2001). Lahti (2017) notes that "the Nordic penal model has its roots in consensual and corporatist political culture, high level of social trust and political legitimacy as well as a strong welfare state", having direct and indirect influences to criminal sanctions in Nordic countries including Finland. In this thesis I will focus on the Nordic view on criminal sanctions, especially from the perspective on how the Criminal Sanctions Agency itself has talked about criminal sanctions. As the nature and purpose of sanctions has been already widely studied in the field, I will focus only on the enforcement of sanctions in practice.¹ By doing this, this thesis attaches to the grand theories about crime and punishment, especially to the social constructivist tradition, by examining how the Finnish society explains criminal sanctions.

3.2 The Finnish Criminal Sanctions Agency

In Finland, the primary responsibility of enforcing prison sentences and community sanctions is with the Criminal Sanctions Agency (Criminal Sanctions Agency 2010). The Finnish Criminal Sanctions Agency is an authority operating under the Ministry of Justice and its Department of Criminal Policy, which is responsible for strategic planning and monitoring of the current criminal law system (Ministry of Justice Finland 2012). Essentially, as Tonry (2001) notes, policy-making around criminal justice is also a reflection of policy-makers' belief system on what is the role of criminal sanctions in the society. Do they deter crime? Are they punitive, restorative, and/or rehabilitative? In Finland, The Finnish Ministry of Justice has outlined that the Finnish criminal policy bases its values on the Nordic welfare state model and states that welfare, education, and employment are the cornerstones of an effective criminal policy (Ministry of Justice Finland 2010). The Finnish Ministry of Justice practices *moderate criminal policy*: policy-making aiming for lower incarceration rates (Ministry of Justice Finland 2012). Hence, the sanctions and their enforcement in practice are a part of this goal. Criminal Sanctions Agency (2010) recognises that the Department of Criminal Justice in the Ministry of Justice provides conditions for Criminal Sanctions Agency's operations, monitors performance, and conducts strategic

¹ For example, Tapani and Tolvanen (2011) note that sanctions in practice have not been widely studied.

planning. Thus, the Criminal Sanctions Agency is always tied to the Ministry of Justice's line of moderate criminal policy (Criminal Sanctions Agency 2010).

While ultimately the politics set the course for Criminal Sanctions Agency (i.e. moderate criminal policy), it is however up to the administrators to decide, for example, how state-chosen policy affects each prisoner's personal incarceration time, or how community service is enforced in practice for each sentenced. Administrators in criminal sanctions are fairly protected due to security reasons; for example, their contact details or names are not available publicly. Moreover, criminal sanction clients need due protection. Due to this, individual cases remain hidden from the public. This "secrecy" around criminal sanctions emphasises the above-mentioned role of the policy implementors as policy formulators (cf. Peters and Pierre (2003, 3). However, as Peters and Pierre (2003) note, in public administration, accountability usually remains within politics. Criminal sanctioning is a topic that occasionally 'pops up' in media, and sanctions are usually discussed during the elections. While sanctions agencies have no power over sentencing guidelines, they are implementing the decisions and, for example, give their recommendations for probations (based on the provisions of law). In these situations, the role and accountability of an individual employee in criminal sanctions become highlighted (deLeon 2003). Therefore, while the Criminal Sanctions Agency remains partially hidden from the public, it has a role in ensuring that moderate criminal policy enjoys legitimacy (or, as Lynn 2003, 21, puts it: to ensure "a satisfactory balance among competing interests and values"). It is also the public's interest to eventually reduce crime in society (cf. Hill and Hupe 2002, 162; Lynn 2003). This ties in together with the democratic nature of social policy: as Fischer (2003) argues, social policy is an instrument for more democratic societies.

3.3 Two decades of reforms in criminal sanctions

According to Lappi-Seppälä (2001), until the 1970s, criminal sanctioning in Finland was noticeably more punitive than in other Nordic and European continental countries. Since the 1970s, there has been a long, purposeful reform taking place: moving Finland's criminal policy towards more lenient sanctions (Lappi-Seppälä 2001). Below I will outline the main changes that have taken place in the 2000s, all to be understood as a culmination of the long-standing process that started already in the 1970s.

3.3.1 The year 2001: the reform begins

Before 2001, the prison structure consisted of The Prison Department of the Ministry of Justice, which supervised the Prison Department and the Probation Association (Criminal Sanctions Agency 2017a). In 2001, a new central administration called Criminal Sanctions Agency [Rikosseuraamusvirasto] was established to manage the Probation Service and the Prison Service (Criminal Sanctions Agency 2017a). The Probation Service was formalised in 2001 from an association to an official authority and functioned with 21 regional offices and 11 local offices (Criminal Sanctions Agency 2003). The Prison Service was organised into three province areas, and the province supervisors were supervised by the manager of the Criminal Sanctions Agency (Criminal Sanctions Agency 2003). An additional tribunal called The Prison Tribunal² functioned to decide on specific cases such as solitary confinement or youth imprisonment (Criminal Sanctions Agency 2003). The administrative unit took responsibility for the shared services (Criminal Sanctions Agency 2003).

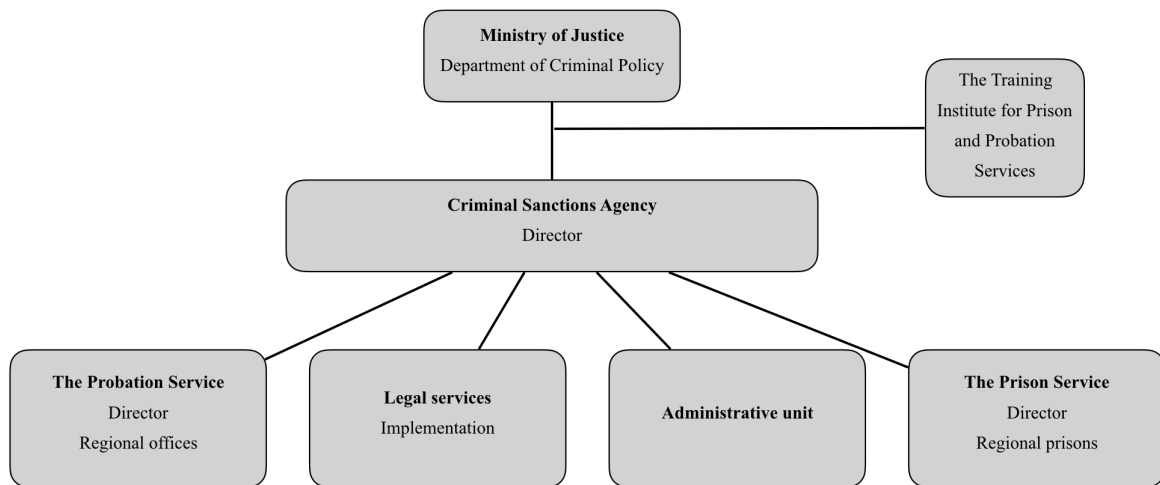


FIGURE 1 Organisational structure of Criminal Sanctions Agency in 2001–2006³

² In Finnish: Vankilaoikeus (VANKO)

³ The figure is based on a figure presented in Criminal Sanction Agency's Annual Statement of 2002. The figure structure is unedited; the only edit is translation from Finnish to English. The translation is based on official English materials by Criminal Sanctions Agency. When official translation has not been available, I have translated the unit name with intention of staying true to the source material.

In May 2002, the Finnish Ministry of Justice (2003) set up a new working group called “Renewal of the Prison Service organisation, institutions, and their operating models”.⁴ This new task force commenced producing full-scope studies and proposals on improving correctional services. This effort was a part of the renewal of the Imprisonment and Remand Imprisonment Act, and the new strategical goals of Finnish legal policy. This undertaking was notably long and ambitious, with a goal to plan a comprehensive reform during a 10-year timespan. In 2003, the reform stressed the need for one central administrative authority within the criminal sanctions (which eventually lead to the reform of 2010), the establishment of district prisons, and establishing a national service centre for criminal sanctions. The reform plan also suggested better facilitation for authority cooperation by streamlining practices (made possible by the new legislation), streamlining cooperation between prison services and community service centres, and the creation of overarching support services (Ministry of Justice Finland 2003).

3.3.2 The year 2006: implementation of the Imprisonment Act

As a result of “Renewal of the Prison Service organisation, institutions, and their operating models”, in 2006 the legislation on criminal sanctions was renewed notably (Criminal Sanctions Agency 2007). This change was part of a longer reform process in criminal sanctions towards a more lenient system (cf. Lappi-Seppälä 2001). According to the Criminal Sanctions Agency (2006), the new legislation consisted of approximately 400 sections of law. This grand reform was called the ‘Imprisonment Act’.⁵

In 2006, the Imprisonment Act went into effect. Reduction of recidivism was embedded in this legislation and new possibilities for the implementation of criminal sanctions were introduced (Criminal Sanctions Agency 2007). The Imprisonment Act (2005) obliges the sanctioning agency to create a strategy for each inmate, which includes a personal plan for work and rehabilitation activities during their time in the criminal sanctions system. The Imprisonment Act also enhanced the due processes for prisoners and clarified the prison code of conduct (Criminal Sanctions Agency 2007). The first chapter of the Imprisonment Act (2005) states that the goal of imprisonment is to increase offenders’ readiness for a

⁴ Often referred in Finnish as ‘Rake-hanke’.

⁵ In Finnish: Vankeuspaketti 2006.

crime-free lifestyle by enhancing their skills in life management, to promote their rehabilitation back to society and to prevent reoffending during incarceration (Imprisonment Act 23.9.2005/767).

The Imprisonment Act induced a series of reforms in correctional services, including a reform of the prison service structure. According to the Criminal Sanctions Agency (2007), the new prison structure was set to support the Imprisonment Act and implement more efficient administration. In 2006, the new prison service structure was implemented alongside with Imprisonment Act. The new prison structure was set to support the Imprisonment Act and implement more efficient administration. Authority was shifted “downwards” from the Criminal Sanctions Agency by creating five new assessment and allocation units. Before 2006, there were 22 prisons in Finland without regional management. In 2006, when the structure of district prisons went into effect, five district prisons started to manage, develop, and monitor other prisons in their district. In the new structure, under the Ministry of Justice operated the Criminal Sanctions Agency, which managed two separate institutions for community service/probation (The Probation Service) and incarceration (The Prison Service). In practice this meant that an inmate moving from incarceration to probation was moved from an administrative institution to another. The structure also lacked a central administration. However, the new structure was not meant to last, and preparations for another new structure commenced shortly (Criminal Sanctions Agency 2007).

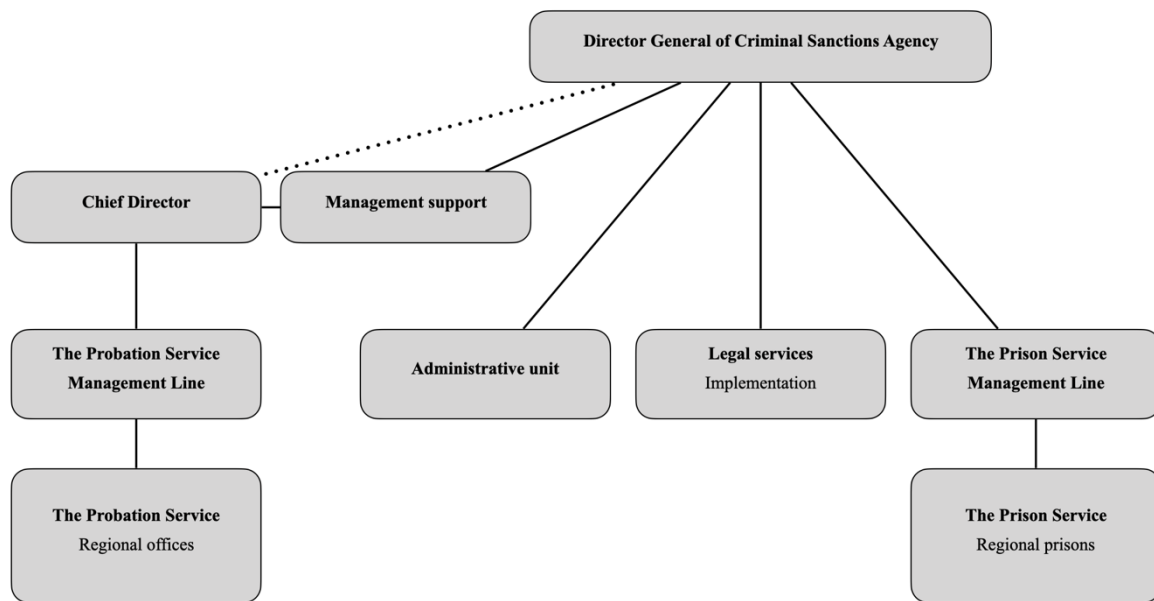


FIGURE 2 Organisational structure of Criminal Sanctions Agency in 2006⁶

3.3.3 The year 2010: the new Criminal Sanctions Agency

In 2010, again a massive reform took place as the two organisations for incarceration and probations, The Prison Service and The Probation Service, were merged under one ‘Criminal Sanctions Agency’.⁷ The merge aimed to remove overlapping administration, streamline inmates’ progress from sentence to a post-sentence period, and to make the sanctions structure more efficient. The merge also strived to provide the best possible support for the offenders and to ensure equal standard in prisons across Finland. The development of community sanctions was seen as a possibility to promote moderate criminal policy. (Criminal Sanctions Agency 2010.) At the same time, Finland was divided into three administrative units in criminal sanctions: Southern Finland, Eastern and Northern Finland, and Western Finland. These units superseded the previous model of district prisons. Ever since all prisons and community service centres have been managed by those three units. (Criminal Sanctions Agency 2015a.)

⁶ The figure is based on a figure presented in the Criminal Sanction Agency’s Annual Report of 2006. The figure structure is unedited; the only edit is translation from Finnish to English. The translation is based on official English materials by Criminal Sanctions Agency. When official translation has not been available, I have translated the unit name with intention of staying true to the source material.

⁷ In Finnish, this reform was called ‘Riseala 2010’.

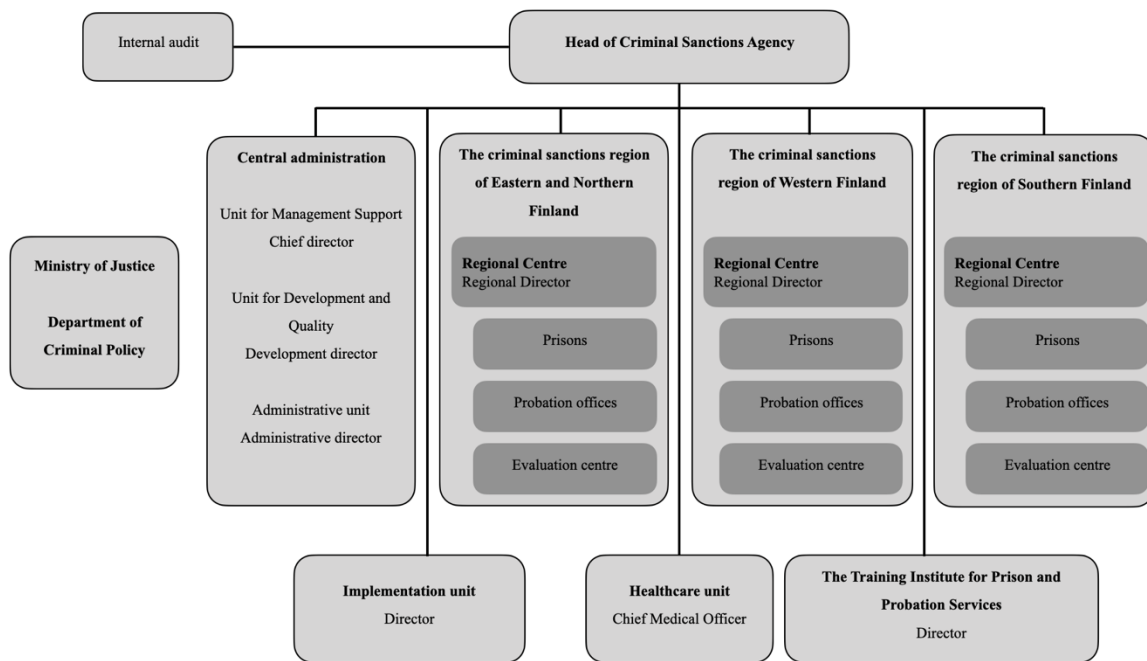


FIGURE 3 Organisational structure of Criminal Sanctions Agency in 2010⁸

3.3.4 The year 2020: the current structure

In 2020, the structure set in 2010 is yet in place with an exception that the Healthcare Unit was outsourced in 2016 and hence removed from the internal organisation tree (Criminal Sanctions Agency 2017b). At the moment there are 26 operational prisons in Finland (from which 15 are closed prisons and 11 are open prison units) and 22 Community Sanctions Offices (The Criminal Sanctions Agency 2020). These numbers have shifted throughout the years, yet the emphasis for community sanctions can be observed from the number of institutions: in 2009, there were 29 prisons and only 16 community sanctions offices (Criminal Sanctions Agency 2010).

According to the Criminal Sanctions Agency (2010), measuring and evaluation of the Criminal Sanctions Agency is based on the budget and performance expectations set by the Parliament of Finland. Criminal Sanctions Agency compiles its annual financial statements

⁸ The figure is based on a figure presented in: <https://www.rikosseuraamus.fi/fi/index/rikosseuraamuslaitos/organisaatio.html>. The figure structure is unedited; the only edit is translation from Finnish to English. The translation is based on official English materials by Criminal Sanctions Agency. When official translation has not been available, I have translated the unit name with intention of staying true to the source material.

and activity reports, and the Ministry of Justice provides its evaluation. Criminal Sanctions Agency itself measures and evaluates its districts, which in turn measure and evaluate their regions' prisons and community sanction agencies. (Criminal Sanctions Agency 2010).

3.4 The strategy of the Criminal Sanction Agency for 2011–2020

The Criminal Sanctions Agency (2019a) has published its Strategy for the Years 2011–2020. The strategy explicates The Criminal Sanction Agency's *values, basic duty, main goals, and vision*. It is based on policies of the Ministry of Justice, the Riseala 2010 Project (merging of the Probation Services and the Prison Services), planning documents of The Criminal Sanctions Agency, and analysis on the changing operating environment. The strategy provides outlines for all operating and planning and works as performance guidance. The Criminal Sanctions Agency monitors the strategy's realisation yearly (The Criminal Sanctions Agency 2019a). Below is a summary of the strategy.⁹

Values. The core values for The Criminal Sanction Agency's proceedings are *respect for human dignity, justness, belief in an individual's potential to change and grow, and security*. The Criminal Sanctions Agency commits to these values in their practice in the following ways:

- Basic rights and liberties, as well as human rights, are protected
- Treatment is humane, appropriate and equal
- All activities are lawful and comply with justice and fairness
- Enforcement is carried out so that it supports the sentenced persons' individual growth and development as well as their intention to lead a life without crime
- Enforcement is carried out so that it is safe to society, staff, and criminal sanction clients.

Basic duty. The Criminal Sanctions Agency is responsible for the implementation of remand imprisonment as well as the enforcement of community sanctions and prison sentences.

⁹ The summary is composed by the author.

Main goals. The Criminal Sanctions Agency sets out three main goals:

1. *“Path to a life without crime with the help of an active network co-operation”*. Co-operation between authorities, operators of the third sector, and offenders’ personal networks are seen as resources. Utilising these resources in appropriate ways can increase the offender’s abilities to reintegrate back to society (i.e. reduce the risk of recidivism). The focal point of this goal is human dignity: the strategy states that just and equal treatment of criminal sanctions clients reinforce their belief and respect in human dignity, and their sense of responsibility of others. The goal also expects to take the needs of underage prisoners and remand prisoners more into account. Promoting a path to a life without crime means aiming to stop criminal careers. Offenders’ individual plans for adapting back to society accentuate the need for appropriate prison activities, social services, health care, and help with substance withdrawal. Substance use, which is linked to crime committing, is controlled. Co-operation with the police and other security authorities prevents future crime. The goal promotes also development: networking, research, arranging functional prison activities, and staying cost-effective.
2. *“Safely towards more open and influential enforcement”*. Structures and sanction processes emphasise flexibility and security. This enables and supports more open, influential enforcement. Means for this are rehabilitation and life management programmes while securing possibilities for the post-sentence period. Offenders are expected to be motivated and active in this process. Offenders’ personal social networks are utilised and social work accentuates the needs of inmates’ children. The personal familiarity between the staff and the criminal sanction clients provides security for everyday operations. The free flow of information between staff enables correct placement for offenders and hence contributes to security. Staff is encouraged to motivational approach in their work with the criminal sanction clients. Facility structures support the goal by being secure yet as open as possible, located as near to community sentence offices (which supervise paroles).
3. *“Meaningful work, motivated and healthy personnel”*. The Criminal Sanctions Agency’s goal is to be a reliable, respected organisation where skilled and motivated personnel carry out meaningful work. This is acquired by providing diverse job

descriptions with possibilities to improve and innovate. Staff is trained and multicultural, and training continues also during their career. The Criminal Sanctions Agency keeps up professional, informational communication to citizens, as well as appeals to motivated, skilful professionals.

Vision. The vision of the Criminal Sanctions Agency is: "The Criminal Sanctions Agency carries out influential, reliable, and significant work for the safety of society."

The strategy also acknowledges challenges resulting from changes in the operating environment. Globalisation, population development, public economy, information society, changing public sector, crime trends, and difficulties with criminal sanction clients' functioning capacity and health are all global trends that affect also criminal sanctions.

3.5 Sanction types in Finland

In criminal law, sanctions can be categorised on different bases. Lappi-Seppälä (2000, as cited by Tapani and Tolvanen 2011) categorise the sanctions in Finland in four categories.

1. The punishments can be categorised by the effect it has on the offender's protection s/he would otherwise have. In the Finnish criminal law, these punishments usually are directed on offenders' freedom or monetary assets.
2. The second way is to categorise punishments by their implementation, for example a prison sentence, an open prison sentence, or a community sentence.
3. The third way for categorisation is by the specification of the violator. Common sentences can be passed on anyone breaking the law, special sentences for specific subgroups such as minors, soldiers, or officials.
4. Fourth, the sentence can be either a principal sentence or an additional sentence. Open sanctions, such as a community sentence, can be either principal or additional as they can be passed on by themselves or as an addition to a conditional sentence.

The emphasis on different sanction types has varied throughout time, as politics and culture have changed.¹⁰ As discussed above, criminal sanctions are a part of criminal policy, and

¹⁰ For example, a classic piece of social commentary, Michel Foucault's *Surveiller et punir* (1975), discusses the relationship between culture, politics, and criminal sanctions.

thus a part of the ‘bigger picture’ of social and public policy. For example, in 2010, the Ministry of Justice (2010) published a report in which it assessed potential future crime trends and specific challenges for criminal sanctions. The report outlined that the emphasis of corrections in the 2010s should be in community sanctions, and the main goal of sanctions should be in reducing recidivism (Ministry of Justice 2010). This sets an example of how criminal sanctions are tied to multiple policies and political decision-making: the types of punishments are deliberately favoured at certain times. However, Lappi-Seppälä (2001) notes that reforms in criminal sanctions in Finland are also a planned entirety rather than a whim based on a trend (Lappi-Seppälä 2001).

When looking at the history of sanctions in Finland, we can observe that especially sanctions falling under the second category (based on the categorisation by Lappi-Seppälä) have been under construction in recent years. Since the 1990s, there has been a significant shift from enforcing prison sentences to sanctions enforced in freedom (Criminal Sanctions Agency 2015b).¹¹ The concept of community service was introduced in 1991, as the growing number of inmates and more complex social issues demanded new approaches (Tapani and Tolvanen 2011). The Ministry of Justice, more specifically the Department of Criminal Justice, constantly assesses these needs for new approaches. For example, in 2010, it was recognised that specific challenges for criminal sanctions in the 2010s include international and intra-municipal migration, and the aging of the population, both of which change the structure of crimes. Substance abuse, economic inequality, and social exclusion create minorities that are facing growing numbers of difficulties with the law. The number of children taken into custody and the number of police house calls were on the rise, as was the percentage of women committing DUIs and violent crimes (Ministry of Justice 2010). These types of trends all create new challenges for criminal sanctions as well.

As discussed above, in the 2000s the criminal law has gone under multiple major alterations that allow these new sanction forms to take place – one example being the monitoring sentence (Criminal Sanctions Agency 2015a). As the sanctions that are enforced in practice are the embodiment of policies set, I will below briefly introduce the different criminal sanctions. The reason for this is two-folded: 1) knowledge of sanction types is crucial for

¹¹ Numbers of offenders per each sanction type are available in Annex II.

interpreting any documents produced by Criminal Sanctions Agency, and 2) not only the organisational structure has changed during the years 2001–2019 but so has the variety of applicable sanctions. This reflects the overall change in the implementation of sanctions. The basic categories I discuss here are imprisonment and conditional imprisonment (including combination sentence), and community sanctions (including juvenile punishment and monitoring sentence). These sanction categories represent the mode and level of restricting freedom of the offender.¹² As a disclaimer I have to mention: this categorisation is reduced to present the mode of sanction. Other kinds of typologies can be made for example based on the legislation of different types of imprisonment (fine default imprisonment, remand imprisonment...). However, going into further detail of the legislative background on the modes of sanctions is not, in this case, necessary as the typology below can provide enough details for the research question of the study.

3.5.1 Imprisonment and conditional imprisonment

Imprisonment

Prison sentences have been a part of Finland's criminal sanctions for hundreds of years. However, the origin of a modern structure can be interpreted to take place in the 1600s, when the provincial governments were set up and tasked, inter alia, with criminal sanctions (Criminal Sanctions Agency 2019b). Throughout the 1900s the prison system went through changes, however, imprisonment remained as the primary sanction alongside fines (Lahti 2013; Criminal Sanctions Agency 2019b). According to research by Tapani and Tolvanen (2011), until the 1980s the number of prisoners in Finland was relatively high in comparison to other Nordic countries. After introducing alternative sentences and reducing the imprisonment days in sentencing guidelines, the number of prisoners started to decline. However, after the year 2000, the number of prisoners started to rise again. This is an example of how criminal policy is attached to social policy: policies on criminal sanctions do not alone determine the number of prisoners, but the societal changes and changes in criminality play a crucial part as well.

¹² Comparative figure available on p. 37.

Prison sentencing balances between hard and soft values: on the other hand, hard values such as harsher sentencing have their time and place in criminal sanctions, while at the same time Finland has committed to a softer approach of moderate criminal policy (Tapani and Tolvanen 2011). Prison sentence can take place in a closed prison (70% of units) or in an open institution (30% of units) (Criminal Sanctions Agency 2020). At the end of half of their sentence, a prisoner can apply for parole¹³ under certain conditions (Tapani and Tolvanen 2011). Depending on the circumstances, parole can be either monitored or non-monitored and is implemented by community sanctions offices (Criminal Sanctions Agency 2015b). According to Tapani and Tolvanen (2011), conditions for parole have been an important discussion point in criminal policy. Paroles can often spark public debate, especially criticism on the practice that 'first-timers' have a chance to apply for a parole after serving 1/2 of their imprisonment sentence. However, Tapani and Tolvanen recognise the parole conditions to be a crucial part of moderate criminal policy, as softer parole preconditions have proven to reduce recidivism (Tapani and Tolvanen 2011).

Conditional imprisonment

Conditional imprisonment means a situation where the offender has been sentenced to imprisonment, but the offender can serve their time in freedom (Tapani and Tolvanen 2011). Conditional imprisonment ends when their sentence ends unless the offender commits another crime during the conditional imprisonment (Tapani and Tolvanen 2011). In the latter case, the remaining sentence will be served imprisoned (Tapani and Tolvanen 2011). Conditional imprisonment has been a part of the Finnish criminal law since 1918, but it was not widely utilised until the 1990s (Vankeinhoidon neuvottelukunta 1985). Conditional imprisonment has its ties in moderate criminal policy: the goal is to not enforce harsh imprisonment for an offender who is likely to not re-offend and this way to promote reintegration to the society and commitment to crime-free lifestyle (Tapani and Tolvanen 2011).

¹³ Also referred to as 'conditional release'.

Combination sentence

Legislation on combination sentences came into force in 2018 (Criminal Code of Finland 39/1889 English). According to the Criminal Sanctions Agency (2019c), a combination sentence is, as its name suggests, a combination of imprisonment and monitoring. The monitoring term will take place right after the prison term. A combination sentence was introduced to legislation to allow a gradual release and to reduce the risk of re-offending (Criminal Sanctions Agency 2019c).

3.5.2 Community sanctions

Community service

Interest in community service as an alternative first took place in the late 1960s (Vankeinhoidon neuvottelukunta 1985). Yet it took multiple years before it became a part of criminal sanctions: it was first introduced to Finnish criminal policy in 1991 by pilot experiments, and by 1997 it became a stable part of Finnish criminal sanctions (Tapani and Tolvanen 2011). This process was started by the ever-growing need to decrease the high incarceration rates (Vankeinhoidon neuvottelukunta 1985). According to Lahti (2013), the introduction of community service was a result of a remarkable shift of common conception of criminal sanctions. In the 1960s, the neoclassical legal thought took place in the texts of scholars and legislative governmental publications. The neoclassic legal thought emphasises sanctions as reproof (instead of as treatment) and urges to refrain from overly harsh punishments. This new legal thought emphasised the diversity of criminal policy and created a discussion calling for rational, efficient, and humane policy-planning. This discussion was boosted by the United Nations, which took the same approach to criminal policy in its report on its fifth congress on preventing crime (Lahti 2013). According to Vankeinhoidon neuvottelukunta (1985), in 1976 the Committee for Criminal Justice¹⁴ presented, that the Finnish criminal sanctions system should obtain non-custodial sentences as alternatives to imprisonment. These new sentences were presented as an alternative to short-term incarceration. The Ministry of Justice established a task force alongside the ‘criminal law project’¹⁵ that would draw the necessary propositions for the reform of the Finnish criminal

¹⁴ In Finnish: Rikosoikeuskomitea.

¹⁵ In Finnish: Rikoslakiprojekti.

law. In 1985, the Ministry of Justice laid out a new task for the task force: by 1986, the task force should also explore the options for alternative sentences (in oppose to imprisonment). Community service was listed as one of the options. At the time, the conditional imprisonment was introduced to the law in Finland but not widely utilised - the most common sanctions were fines and imprisonment, which were both highly utilised compared to other Nordic countries. Community service was seen as a potential additional sanction to conditional imprisonment, and the task force argued that the usage of the conditional sentence could also be increased. The benefits of community service were seen to be in the power of 'community': a community can contribute to the socialisation of the offender, and absorb positive attitudes against offenders who are trying to adapt back to society. Taskforce concluded that this way the stigma of a prison sentence can be (partially) dissolved. It was also noted that community service is associated with lower costs than imprisonment. The critics however noted that finding a suitable job and ensuring equality might become a challenge (Vankeinhoidon neuvottelukunta 1985).

The current legislation, the Criminal Code of Finland (39/1889 English Art. 6.11) states that the accused can be sentenced to community service instead of imprisonment when the imprisonment would not exceed eight (8) months. The Criminal Sanctions Agency assesses the accused's suitability for community service. Previous community sentences, previous unconditional sentences, or other substantial reasons (e.g. suspicion of a continuous criminal lifestyle) can prevent sentencing to community service. The preconditions include also the offender's consent to the community service, and an assessment that s/he is capable of carrying out the service. If the accused is/was under 21 years old at the time of the crime, it advocates sentencing to community service (Criminal Code of Finland 39/1889 English Art. 6.11).

The court of law sentences the accused to community service from 20 to 200 hours, which usually has to be completed within one year from sentencing. Even though the Criminal Code does not define how the imprisonment is commuted to community service, usually one day of imprisonment is transformed to one hour of community service. The Criminal Sanctions Agency is responsible for enforcing the sentence. In practice, the community sentence offices enforce the sentence. Every sentenced offender is assigned a personal supervisor. This supervisor makes the contract with the monitoring institutions ('workplace') of the service. These institutions are non-profit organisations or foundations.

The sentenced can also use the sentence hours in any activities approved by the Criminal Sanctions Agency, which are seen as profitable in reducing the risk of recidivism (for example life coaching or substance abuse treatment). (Tapani and Tolvanen 2011.)

Monitoring sentence

The monitoring sentence was introduced to legislation as a community sanction in 2011 (Criminal Sanctions Agency 2019d). In monitoring sentence, the offender will stay at home but they are monitored with an ankle transmitter (Criminal Sanctions Agency 2015d). According to Criminal Sanctions Agency (2015d), monitoring sentence promotes the social abilities of the offender, as they are capable of attending work or studies, maintain social ties and function as a member of the society. Monitoring sentence can be imposed under certain preconditions to replace a part of short imprisonment sentences, and require the offender to follow a strict daily schedule without leaving their dwelling without an approved cause (Criminal Sanctions Agency 2019d).

Juvenile Punishment

Juvenile punishment was introduced to the variety of sanctions in 2005 to support the young as a special needs group in criminal sanctions (Act on Juvenile Offenders 2004). Criminal Sanctions Agency (2019d) outlines that the main goal is to support the offender in their social life to prevent future offences. A young person can be sentenced to juvenile punishment when the crime was committed at the age of 15 to 17, and the court sees that juvenile punishment is fitting for the situation. Juvenile punishment emphasises cooperation between different parties to ensure a crime-free lifestyle for the juvenile in the future, for example by helping in applying for schools or finding work (Criminal Sanctions Agency, 2019d).

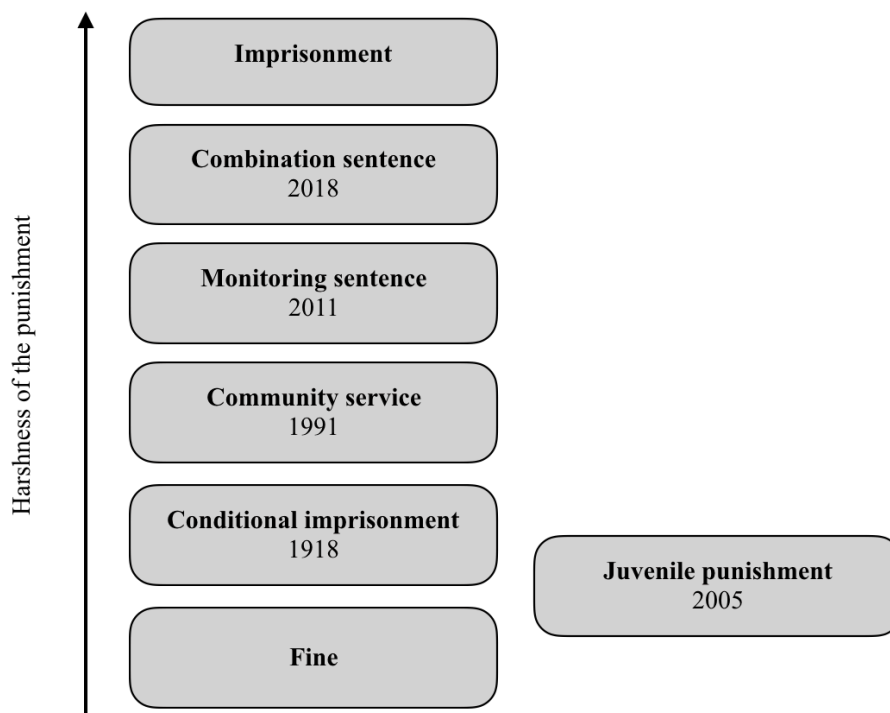


FIGURE 4 Finnish sanctions in relation to each other in terms of harshness

Above we have discussed the different types of sanctions in the Finnish system. As we can see from Figure 3, new forms of sanctions have been gradually introduced since the 1990s, with three new sanction types during the reform in the 2000s. This showcases how the reform has not only been administrative, but it has also affected what is seen as a ‘punishment’. In the next chapter, I will introduce the sample and methodology applied in this thesis to further analyse criminal sanctions in relation to NPM and the reform of the 2000s.

4 METHODOLOGY

This chapter describes how the study was conducted in practice and how the methodological approaches of social science guided the study setting. I will start by presenting the research question in Chapter 4.1, followed by Chapter 4.2 describing the sample of this study. As the methodological framework has guided the analysis, in Chapter 4.3 I will first introduce the reader to the methodological framework of the study before moving to describe the analysis model (4.4). In Chapter 4.5, I will discuss the limitations of this methodology, and in Chapter 4.6 outline the ethical considerations concerning the study setting.

4.1 Research question

The purpose of this study is to examine the reforms of criminal sanctions in Finland during the years 2001–2019, and how the theory of NPM can be seen in these reforms. The analysis will examine the principles behind the changes made and distinguish practical outcomes that have followed NPM-inspired reasoning.

The analysis follows the theory of NPM by utilising the categories recognised in the theory as themes for the analysis. The goal is not per se to test the applicability of the theory rather than just to utilise the theory as an analytical framework. Hence the goal of the research is to examine which NPM-inspired discourses can be recognised from the sample based on the theory of NPM.

The research question guiding this thesis is:

What elements of NPM we can recognise from the planning and monitoring documents of the Finnish Criminal Sanctions Agency?

The research question is approached by the guiding principles of public policy analysis and discourse analysis.

4.2 Sample

The sample of the study consists of the available planning and monitoring documents of the Finnish Criminal Sanctions Agency. The documents cover the years 2001–2019 and hence

were published between the years 2002–2020. The reason for choosing this examination period of three-folded: first, it covers the whole period when the Criminal Sanctions Agency has been in existence¹⁶ and hence allows to examine the Criminal Sanctions Agency throughout its existence. Second, during the years 2001–2019, the Criminal Sanctions Agency went through multiple reforms, providing an interesting period of examination for the study. The third reason is more practical: at the time of the writing, the documents of this period are publicly available.

As criminal sanctions in Finland has undergone reform during the period of examination, there is no standardised planning and monitoring format available throughout the whole period of 2001–2019. The format of the documents has changed alongside the organisational structure (see Chapter 3.3), however, the main elements in the documents highly resemble each other. Altogether 29 documents were analysed. Especially during the 2000s, multiple documents were released per year covering various topics of the implementation and administration. Since 2010, the documents have been standardised to a format that covers all activities of Criminal Sanctions Agency, and hence there is only one published report per year. A full list of the documents used for this thesis is included as Annex I.

Planning and monitoring documents were chosen as a source of analysis, as they present the viewpoint of the reform implementer (Criminal Sanctions Agency). They are authored by the Criminal Sanctions Agency and provide a chance to find discourses on if and how NPM is applied to the practical execution of criminal sanctions. Furthermore, planning and monitoring documents provide longitudinal data on reforms, and due to somewhat standardised format (despite the changes described above), the analysis can assess longitudinal change. The analysis aims to gain validity and reliability by utilising documents that are (1) official and (2) written to represent the Criminal Sanctions Agency and its values, strategy, and practice to the public. Hence, the study focuses on the viewpoint of the Criminal Sanctions Agency itself. Additional validity stems from the longitudinal aspect of planning and monitoring: as it is done annually, we can examine whether the practices described have been long-lasting and hence an integral part of criminal sanctions, rather than whims that did not deeply affect the overall organisation and implementation of sanctions.

¹⁶ In Finnish, also under the names ‘Rikosseuraamusvirasto’ ja ‘Rikosseuraamuslaitos’.

Criminal Sanctions Agency also publishes annual research reports on special topics, such as the needs of specific demographic groups in criminal sanctions or evaluations of specific programmes. These documents are however deliberately left outside of this thesis, as the analysis here intends to examine longitudinal discourses and the organisational viewpoint. The research reports are authored under the research's name, and including them to the sample would decrease the validity when examining the official viewpoint of the organisation.

4.3 Methodological framework

This study follows the tradition of qualitative, empirical policy research. The goal of this study is to produce understanding over what has happened in the reform of the criminal sanctions, and how we can attach the subject (Criminal Sanctions Agency) to a theoretical framework. This process is guided by the tools of public policy analysis and discourse analysis. Below I will describe public policy analysis and discourse analysis as they apply to the research question of this study.

4.3.1 Public policy analysis

This thesis discusses criminal sanctions as part of criminal policy. However, as criminal policy is a multidisciplinary practice that is inseparable from the bigger framework of social and public policy, I will discuss here key elements of policy research and how my study utilises this framework.

Knoepfel (2007, 24) defines 'public policy' in his policy analysis manual as:

“ – – a series of intentionally coherent decisions or activities taken or carried out by different public – and sometimes – private actors, whose resources, institutional links and interests vary, with a view to resolving in a targeted manner a problem that is politically defined as collective in nature. This group of decisions and activities gives rise to formalised actions of a more or less restrictive nature that are often aimed at modifying the behaviour of social groups presumed to be at the root of, or able to solve, the collective problem to be resolved (target groups) in the interest of the social

groups who suffer the negative effects of the problem in question (final beneficiaries)”

Knoepfel’s definition utilises the approach of public policy as a response to social problems, which criminality in a society essentially is. Knoepfel refers to public policy as “intentionally coherent decisions or activities”. As we will examine the reform of criminal sanctions, we can start from the presumption that the reform has been intentional and seeking coherency. Lane (2000) and Hill and Hupe (2002, 161) emphasise that the idea of public administration is to ‘get things done’. Knoepfel (2007) also mentions how in public policy, various actors with various backgrounds come together to resolve a collective problem by applying restrictions. In criminal sanctions, these decisions are especially restricting as they target people’s physical freedom and understanding of the shared moral. The target group is the offenders, and the final beneficiary is the society as a whole (i.e. everyone else than the offender). I will approach the reform in the analysis as a process that has a practical goal. For example, changes in sanction administration or sanction types are not ideological whims (cf. Lappi-Seppälä 2001) but are done to solve an actual problem.

Knoepfel (2007, 1–17) recognises three levels of policy analysis: (1) theories of states, (2) explanations on how public action functions, and (3) evaluations of public action. The first examines how public action modifies the state, the second focuses more specifically on the functioning of a specific policy, and the third evaluates the outcomes of specific actions (Knoepfel 2007). Essentially this thesis attaches to the second level: it will discuss one specific public action and how it works. However, Knoepfel (2007) recognises that the schools are not mutually exclusive and hence can overlap. While the research question focuses on the second level, as a retrospective examination the study will also touch upon the third level.

4.3.2 Discourse analysis

Discourse analysis is a qualitative research method, which aims to introduce various perspectives to the study of texts, speech, or other forms of use of language (Metsämuuronen 2009). Discourse analysis is not a universal and uniform research methodology, but more so an umbrella term for different approaches when studying the use of language, especially in relation to social realities (Harper 2006). Yet all the forms of discourse analysis usually find

interest in social structures and cultural meaning by asking what kind of shared understanding is being built by the use of language (Jokinen and Juhila, 1999).

According to Saaranen-Kauppinen and Puusniekka (2006), discourse analysis stems from social constructivist theory: text, speech, or other use of language is seen as a way to build social realities in social interactions. This creates social realities that are meaningful, but do not represent the ‘absolute truth’. This does not however undermine the power of language to create realities: use of language can have very practical consequences. According to Saaranen-Kauppinen and Puusniekka, this applies also to research: research reports are tied to a time and place, and are essentially linguistic constructions. Hence, when applying discourse analysis, the researcher focuses on reporting how things are being told rather than what they objectively are. The leading thought should be: how is the language being used and what implications it has? (Saaranen-Kauppinen and Puusniekka 2006). Pietikäinen and Mäntynen (2009) recognise the same connection between language and social reality. According to them, language is at the same time a linguistic, discursive, and social system. This means that discourse analysis relies on the functional side of language: we do not study the language itself, but how it relates to specific situations and the choices that the users of language make (Pietikäinen and Mäntynen 2009). Hence, discourse analysis is multidisciplinary: it combines at least linguistics, social science, and anthropology (Pietikäinen and Mäntynen 2009).

One of the classic approaches to discourse analysis has been introduced by, inter alia, van Dijk (1993), who classifies the use of language to take place on three levels: *micro-level*, *discourse-level* and *macro-level*. The micro-level represents the linguistic form of expression: grammar, words, structures of sentences, and so forth. The discourse level is always attached to a situation, in which the context and other discourses around give the language another level of meaning. The macro-level represents the societal level, in which vaster structures of social meaning, identities, and power relations determine how language is positioned to the situation (van Dijk 1993). This thesis moves between the discourse-level and the macro-level. The discourse about the reforms in the sample will be examined from the contextual framework of NPM, and the discourse of NPM gives the sample new meanings. However, as the social science research, this thesis also attaches to the macro-level: as the sample consists of standardised annual reports without a clearly defined target audience, their interpretation is not extensively dependent on the situation where they are

read¹⁷. NPM is a macro-level phenomenon, and eventually the results of this study aim to attach to this understanding of macro level forces. However, I will utilise the micro-level type of analysis when the linguistic changes represent a change in discourse or a macro level – for example if a way of wording changes or attracts special attention. I rely on the basic idea of discourse analysis: language is a way of building shared reality (cf. Helkama 2009). In other words, discourse analysis attaches to the social constructivist epistemology. This gives a chance to examine how discourses are presented in official documents. The sample, as official documents of the Criminal Sanctions Agency, are a way to create a shared reality over how we understand criminal sanctions in society.

Metsämuuronen (2009) identifies the following as the basic pillars in discourse analysis: who said, what said, what they meant, why they said so, what was their goal by saying so, and who they tried to influence (Metsämuuronen 2009). In this thesis, the ‘who’ is the Criminal Sanctions Agency. The analysis will describe ‘what they (Criminal Sanctions Agency) said’. The analysis relies on an idea of significance for the pillar ‘why they said’: Criminal Sanctions Agency ‘said’ was because they found significance in saying it. The pillars of ‘what Criminal Sanctions Agency meant’, ‘what was Criminal Sanctions Agency’s goal by saying so’ and ‘who Criminal Sanctions Agency tried to influence’ are interpreted in the analysis in relation to the theory of NPM.

4.4 Analysis model

In the field of qualitative research, this study can be seen as deductive: the analysis is strongly guided by theory (cf. Saaranen-Kauppinen and Puusniekka 2006). I do not however set hypotheses on, for example, if or how NPM has affected criminal sanctions. Hence the study also can be seen to have inductive elements, as the results model is not pre-established. In other words, before commencing the analysis I did not have any expectation of what the results could look like, giving the sample freedom to guide towards conclusions. However, I do use the background knowledge (Chapter 2) to build the model for the analysis, creating a deductive study setting. The theory utilised in this study is a collection of observations from practice (cf. Chapter 2.3) rather than a fully abstract model. Thus, I could assume that

¹⁷ Probably different reader groups could give them different meanings; however this would be a different research setting.

these practices might appear in the sample as well, supported by knowing that previous research suggests this as well (cf. Introduction). Other than these clues on how the theory might appear in the sample, I did not know how or how much NPM will be present in the sample documents.

To revise, the themes recognised in Chapter 2.3 were:

1. The efficiency drive
2. Downsizing and centralisation
3. The search for excellence
4. Public service orientation

To observe the themes in the sample, I utilised Atlas.ti as a coding tool. In Atlas.ti, I created four codes respective to the themes mentioned above. I downloaded the full sample as PDF (documents included in the sample are listed in Annex I). I placed them to a folder on my hard drive, and I uploaded them to Atlas.ti as a project bundle. In Atlas.ti, the documents were coded four times, from the perspective of each respective theme. During the coding rounds, I also made notes and remarks in Atlas.ti. The goal for each round was to analyse the full sample from the perspective of one theme. Hence, during one round, the theme served as ‘reading goggles’ for the full sample material. In practice this took place in Atlas.ti, where I highlighted (coded) all the parts that I interpreted to reflect the specific theme. This process was, as mentioned above, interpretative: identifying discourses that match between the theory and the sample.

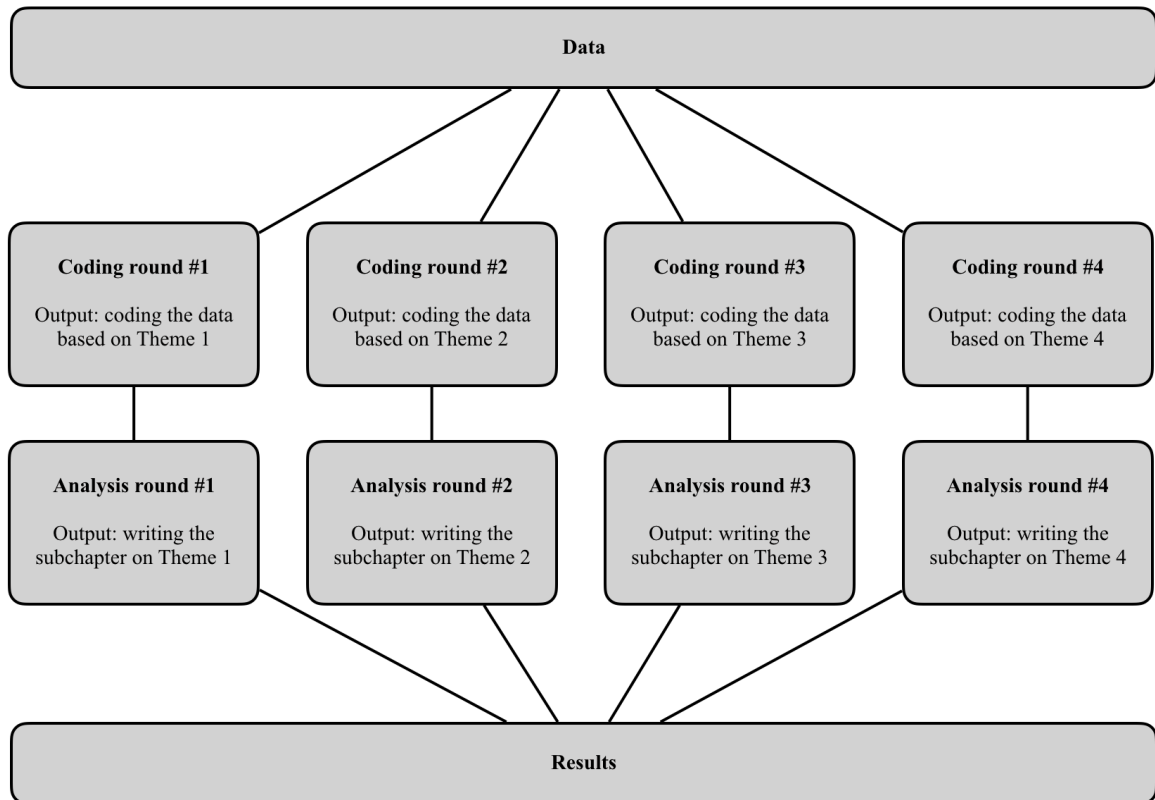


FIGURE 5 Model of the analysis

The analysis rounds were separate from each other, each happening in their own ‘silo’. In other words, I first coded the full material in Atlas.ti only with Code #1 (The efficiency drive), before moving to code the full material with Code #2 (Downsizing and decentralisation), and so forth. This approach was taken for two reasons. First, I wanted to give each theme full attention during the reading rounds, to avoid missing anything important. Second, I wanted to reduce the risk of overlooking some pieces of texts that could apply to multiple themes. I wanted to avoid the bias of avoiding overlap and introduce inductivity to the process to ensure that whichever categories are presented or created in the results, this possible overlap would be utilised rather than avoided. The overlap was expected to take place partially due to the level of coding: the code was always applied to at least one full sentence, as I wanted to keep the context clear for each extraction. Further standardisation for coding was not established. Most often the code applied to a full paragraph, and sometimes to multiple paragraphs. The documents in the sample have repetition throughout the years. The goal was to code each mention regardless of it being mentioned already in the previous documents. However, from the number of codes for each

theme per document (cf. Annex II), it is possible to observe that I have coded more pieces of texts in the early documents. Two reasons for this can be distinguished, first being that at the beginning of the coding, I was not sure which text lengths to extract. I extracted more consecutive sentences than full paragraphs. The second reason is that at the beginning of the analysis, I coded more text than necessary, as I was afraid to lose important information. The focus for each theme clarified throughout the process and early coding rounds ended up having more extractions to discard as not significant for the theme. Despite this diversity in the process, I did not see it necessary to code the early documents again, as no information or analysis points were lost due to the discrepancy.

The coding process served as a tool for me as a researcher to recognise and revise the parts I found important for each theme. After every four themes were coded, I extracted the coded segments of text. These texts, alongside with the notes I had written down in Atlas.ti during the coding, served as a basis for the respective analysis chapters. In the analysis chapter I also use subchapter titles, which can be interpreted as sub-themes. The sub-themes were more inductive than the main themes, as they were not pre-established. They were developed based on the common discourses under each main theme, as recognised from the coding rounds. In this sense, the process for the sub-themes resembles thematic analysis.

As expected, some overlapping notions take place throughout this part of the analysis (across themes and sub-themes). Deliberately this was not edited out, as these overlaps are beneficial for building the results and assessing their validity. In the analysis process, essentially this thesis tries to identify conjunctions in ways of using language between NPM theory and Criminal Sanctions Agency. This is not necessarily a one-to-one process, but as a researcher I have taken it as my task to identify similar ways of using language to build similar meanings. These conjunctions are analysed in the analysis chapter. The results and conclusion bring all the analysis 'silos' back together, aiming to form a full picture of NPM in Finnish criminal sanctions.

4.5 Limitations to the methodology

While it is not completely clear where NPM ends and post-NPM starts (c.f. Hansen 2011), this thesis claims that examining how the discourse of NPM is presented in public administration of criminal sanctions can help us to identify one step further what has been

the effect of NPM in Finland. The purpose of the research is to assess retrospectively how the strategy for the past years (2001–2019) reflects New Public Management. The research hence does not:

- determine what changes in criminal sanctions are contradictory to NPM theory;
- discuss the current strategy of the Criminal Sanctions Agency (2020–2022);
- discuss criminal sanctions before 2001;
- assess for example the suitability or adequacy of NPM in relation to criminal sanctions, or;
- aim to assess what criminal sanctions should be.

An important note to make is that this thesis focuses only on analysing the discourse related to NPM in criminal sanctions; hence, it is not an analysis of all organisational changes. This is why the scope of assessing the actual changes is limited. As we can see from Chapter 3, during the examination period of 2001–2019, criminal sanctions have undergone an uncountable number of changes. Some of them might have affected one sanction unit differently than others. This thesis focuses only on the level of the whole organisation and what has been reported on a national level. Moreover, some of the changes might not be analysed at all, if they fall outside of the theoretical framework of NPM. The purpose of the study is not to give an overview of all details that relate to each change but to provide an overview of how NPM has affected the ‘big picture’ of criminal sanctions during the past two decades.

By selecting discourse analysis as a methodology, the thesis focuses only on text in the reports. Hence, for example actual changes in budgets, percentages, or other indicative numbers are only used as contextual information, not as a source of analysis. By using discourse analysis, I worked under a presumption that what is reported is important for criminal sanctions. It is evident that selections have already been made internally in the Criminal Sanctions Agency on what was reported; this thesis takes the assumption that those selections are significant. I do not question what is or is not reported during the examination period, but only focus on what the organisation itself has decided to publish.

As a researcher, I am an outsider to the criminal sanctions. I have no personal or professional relations with the Criminal Sanctions Agency. It is possible that a person with experience in the field would have discussed the findings differently, or emphasised other things as more important than what I have brought up in the analysis. However, as my study follows the scientific method, I also trust the validity of my findings.

4.6 Ethical considerations

As my research analyses only publicly available documents, no formal permits or informal permissions were needed to conduct the analysis. The research setting was developed by myself, and the Criminal Sanctions Agency has not been a part of this thesis project. I have no personal or professional affiliation with the Criminal Sanctions Agency, besides an interest to explore this topic in my thesis.

This thesis aims only to build a ‘picture in time’ by examining documents published in the past. The reforms discussed in this thesis have been already made, and their examination will not have any direct link to how criminal sanctions are arranged now or in the future. This is all while keeping in mind that research is essentially tied to society and accumulation of knowledge (cf. inter alia Saaranen-Kauppinen and Puusniekka 2006; Varto 2005), and as a researcher, I am responsible for producing reliable and valid knowledge by following the scientific method.

5 ANALYSIS

This part will discuss the Criminal Sanctions Agency, its reforms, and its agenda in relation to NPM (as distinguished and discussed in Chapter 2.3). I will start by analysing each theme separately (as described in Chapter 4), and then provide an interim conclusion for the analysis. Each theme will feature sub-themes, which have been formulated to support the main theme by dissecting how the main theme can be observed from the sample.

Note 1: In criminal sanctions and the analysed documents, ‘client’ refers to a person who is a client of community sanctions office, i.e. has been sentenced to community service, a juvenile punishment, supervision of conditionally sentenced young offenders, supervision of conditionally released, or a monitoring sentence. ‘Prisoner’ refers to a person who has been sentenced to serve time either in a closed or an open prison. In the analysis below, I follow this use of language, and hence sometimes refer to both groups as ‘client(s)/prisoner(s)’.

Note 2: As the documents analysed in this chapter are already listed in Annex I, I will not cite the reports separately after each sentence. This is also to keep easy readability, as many observations are across multiple reports. I trust that from the reference in the text it is clear to the reader which documents I refer to in each observation.

5.1 The efficiency drive

For this subchapter, the documents listed in Annex I were analysed from the perspective discussed in Chapter 2.3.1. From the 29 documents altogether 445 pieces of texts were coded with the code ‘the efficiency drive’, making it the biggest category out of all four themes. From the texts coded as ‘the efficiency drive’ I recognised three sub-themes: 1) emphasis on efficiency by the use of indicators, 2) managerialism and standardisation, 3) borrowing from the private sector.

Emphasis on efficiency by the use of indicators

The strive for efficiency was present in the documents throughout the whole examination period (2001–2019). Almost without exceptions, the reforms and projects were motivated

by two things: efficiency and quality. Other motivations for actions in the discourse have been the security of society, and the well-being of staff and clients. However, these motivations are occasionally used without a clear definition of what they mean in that particular context. When the entails of efficiency were discussed, it included various actions and indicators such as reduction of staff and/or man-years, streamlining and standardisation, reduction of costs, assessing the utilisation rate of facilities and services, implementation of new IT solutions, risk management, and training of the employees. Hence, 'efficiency' receives multiple meanings in various contexts. However, the underlying principle appears to be doing the same work, or more, with fewer resources.

During the examination period, reforms marked moments when measuring and monitoring criminal justice against its own values became highlighted. Increasingly the discourse about efficiency drive started to focus on results, indicators of those results, and defining what are desirable results. The public administrator has a big role in accountability, especially when developing the categories of performance (cf. Kamensky (1993) and Hatry (1999) as cited by Heinrich 2003). This focus became more apparent especially a couple of years after the big reform of 2002. The documents from 2001 and 2002 listed only a few key performance indicators. In 2003 there can be seen a growing interest to use result indicators yet during the years 2003–2005 it was not fully clear which indicators to apply and how. All the reports during the years 2003–2005 even mention problems with the indicators. The biggest problem mentioned about result indicators was the use of the ratio of clients and staff as a performance indicator; the more clients one staff member handled, the better the indicator scored. This indicator was discussed to emphasise monetary savings over other indicators of quality. For example, Hill and Hupe (2002: 121) and Löffler (2003) have observed the same phenomenon: Often in NPM, efficiency and effectiveness expectations can easily focus only on monetary savings. Reports in 2003, 2004, and 2005 all mention this to be problematic. Despite the criticism, this indicator has remained ever since as a measure of efficiency. Measuring impact can be an awfully difficult task (Hill and Hupe 2002), and indicators can be interpreted in various ways – especially when measuring quality and not only numerical values (cf. Heinrich 2003). Interestingly in the Annual Report of 2007 the indicator that was earlier deemed as problematic is described as the ultimate efficiency goal of the Criminal Sanctions Agency, as decided by the Ministry of Justice. This reflects also the establishment of a stronger vertical management line from the government to criminal sanctions.

When quality is assessed, it is done in part through projects and programmes. In the annual reports, each year new (pilot) projects are introduced and the impact of these projects is discussed. This indicates that the understanding of ‘quality’ has been established and adapted based on pilot projects¹⁸ and ‘what works’ about them. This ‘what works’-based learning is mentioned specifically for example in the Annual Report of 2006. Throughout the examination period, assessments of quality include results of (pilot) programmes, internal and external assessments, staff surveys, and occasional client surveys. Efforts to increase quality include better management, staff training, monitoring and evaluation by indicators, and research and development efforts. By 2008, indicators became a synonym for quality assessment.

The Annual Report of 2007 describes that a new level of efficiency in criminal sanctions is achieved by a reduction of man-years, by reducing the number of prisoners and by re-arranging structures. These re-arrangements are not fully clear from the report; they are mentioned to concern services such as support services and hence they are potential ground for quasi-markets.¹⁹ One actual way of streamlining was mentioned to be a reduction of staff: according to the Annual Statement of 2017, during the years 2006–2016 over 500 man-years were reduced. As different actions are executed under ‘efficiency’ and ‘streamlining’, the overall impression of their meaning remains on a superficial level – on many occasions, their coexistence appears as circular reasoning where ‘efficiency’ is reached by ‘streamlining’, and ‘streamlining’ provides ‘efficiency’. Especially after the Imprisonment Act of 2006, legislation provided a strong basis for the discourse about improving implementation of sanctions and organisational structures. In practice, many of these improvements follow the ideas of NPM such as the expectation of efficiency, goal-setting, and results-based reporting. From 2006 onwards, the analysis of organisational efficiency has been a staple chapter in the annual reports. Before 2006, analysis of the efficiency was either a subchapter or non-existent.

During the examination period, the expectation of efficiency is increasingly adopted to the discourse of the Criminal Sanctions Agency. In other words, the discourse about ‘efficiency’

¹⁸ Pilot programmes were imported also from abroad, such as the ‘Five Discussions on Change’ programme mentioned in the annual report of 2007.

¹⁹ Quasi-markets are discussed more in Chapter 5.2.

and the need to ‘increase efficiency’ seems to have become a regular part of the reports. For example, during the financial depression and saving measures of 2008, the Annual Report said how efficiency is needed to execute core functions with limited funding and criticised criminal sanctions from being ‘bloated’ and un-focussed, following the reasoning of many NPM promoters such as the Niskanen model (cf. Lane 2000). The report states that continuing with the old structure is impossible, and criminal sanctions need to establish more focus to comply with results-based programming as defined by the government. However, when criminal sanctions received a bigger budget in 2017, the report called for more adjustment and streamlining to make sure that the budget will cover all additional expenses. Interestingly, this way ‘efficiency’ becomes a tool for two different financial situations. Throughout the documents it becomes clear that the Ministry of Justice has set the expectations and guided the Criminal Sanctions Agency in the process of becoming ‘more efficient’.

In 2014, the Annual Statement brought criticism to the efficiency discussion by noting that the Criminal Sanctions Agency is unable to perform up to the expectation of the indicators with the funds it has been allocated. This reflected the criticism of 2004–2005 when the indicators received scepticism the last time (with the distinction that the indicators were not however questioned), after approximately a decade of ‘heroic’ discourse where the obstacles of limited funding and arising expenses were conquered by improved efficiency. The criticism of the efficiency expectation in 2014 was a drastic change to for example the year 2008, where the criminal sanctions reproached itself from being too bloated. The critical notions about the use of indicators continued also after 2014. For example, in 2016, the Annual Statement discussed how difficult it is to assess recidivism per sanction type, as the results cannot be straightforwardly interpreted. Overall, however, the reporting has moved greatly towards result-based reporting, as is usual for NPM. While in the early 2000s the annual reports focused on describing criminality and its trends in Finland, by 2010 this function was removed. This reflects also clearer goal-setting and management; the annual report reached a standard form in 2010 and focused only on reporting results. Until 2010, the reports had feature stories on undergoing studies or plans, but the new format of the 2010s focuses more strictly to describe the actions of the past year. During the years 2006–2009, both formats were tested by publishing two different reports: a results-based report and a more visual report that focused on criminal sanctions as a field of work. The latter format was however discontinued when the Criminal Sanctions Agency was reformed in

2010, and since then only results-based annual reporting has been conducted (alongside statistical yearbooks, which are not however examined in this thesis).

Starting in 2004, the annual reports featured an overarching section called “results analysis”, which discussed the overall performance of the criminal sanctions. While this results-oriented discourse was not completely new in 2004, it reached a new way of organising, reporting, and approaching results. While in 2001, indicators had only provided a small part of the report’s content, during 2006–2009 they became a set standard for the reports. Starting in 2010, a uniform standard for the annual report has been applied. It examines goals and results in three sections: effectiveness [vaikuttavuus], efficiency [tehokkuus], and economy [taloudellisuus]. At the end of the report, there is a financial statement. The reporting standard hence shifted in 2010 from providing overviews to reporting results. The new format of the report lists the annual result goals and assesses how well the results were achieved. In other words, the results-based orientation has gotten more sophisticated throughout the years. This sophistication has continued since. Before 2016, a standard set of quantitative indicators and goal percentages were used; starting in 2016, alongside the standard quantitative indicators a set of qualitative, practice-oriented action goals were formulated. From these changes throughout the years we can observe that criminal sanctions have drastically moved towards results-oriented working and reporting style. A learning curve in the use of indicators and goals can be observed, and starting from 2016, the combination of indicators and annual goals (set together with the Ministry of Justice) appears as more focused and defined than before.

This shift towards reviews of performance has not only concerned the organisation as a whole: performance evaluation was also implemented to staff level. Before 2003, the performance assessments were organised mainly around the organisational level. The Annual Statement of 2002 states that there were problems in organising any personal evaluations. Growingly since the Annual Statement of 2003, the performance indicators emphasise also personal contributions of employees and responsibility of the management line. The Annual Statement of 2003 mentions that these personal performance evaluations have not yet been applied to all staff, but it is in the planning. This discussion ties to a wage battle that took place between 2003 and 2005. The wage battle stemmed from the proposal that wages in criminal sanctions should be considered as “encouraging”, and results-based wage models were introduced. The worker’s union opposed the new wage model. Reaching

a conclusion and the new wage model took almost 2 years. The Annual Report of 2006 mentions how the new model induced discontent amongst the staff. The reports do not discuss the exact details of the wage proposal; however, they indicate that the new wage model was tied to personal performance. As the wage battle came to an end, things settled down and the use of indicators on different levels of the organisation has made its way to the normal practice. In 2011, when the new strategy was published, it was stated in the strategy that the performance goals of the Criminal Sanctions Agency will be implemented on an organisational (bodies of the organisation) and an individual level (individual employees). Within the new strategy, each staff member formulates their own performance goals that support the organisation's annual goals. The results are monitored twice a year.

Managerialism and standardisation

Throughout the examination period, increasing managerialism can be observed. In the Annual Statement of 2002, it is mentioned how a new Bachelor's degree for correctional services became available in the Finnish education system. The degree prepares the graduates for 'managerial and expert tasks', introducing standardisation and professionalisation to criminal sanctions work and management. Another example of managerialism is that until 2005, the introduction chapter in the annual reports was called "toimintakatsaus [operational review]". Starting in 2006, the respective section was called "[johdon katsaus] management review". Before 2006, the name of the director was mentioned only at the end of the report as a signee. The Annual Report of 2006 featured a picture of the director alongside a foreword and a signature. Steps towards the change were taken initially in 2003: the 2002 Annual Statement begins by describing the changes in the substance of criminal sanctions, but in 2003 the report starts by describing the roles and responsibilities of bodies and managers in the organisation. As the organisation had reformed drastically, bringing focus to the new structure is expectable. However, since then, a description of the management lines and how the Criminal Sanctions Agency is placed in the 'results line' has remained a staple at the beginning of the documents.

When comparing the organisational structures, we can see a growing emphasis on managers. From 2002 to 2006, only the Chief Director and directors of the Probation Service and the Prison Service were mentioned in the organisation map (cf. p. 26). As the staff was given more performance expectations, for example after the new wage model in 2005, also the

managerial responsibility increases as the managers have to carry out the evaluations of their staff and report their findings. In 2001 it was mentioned how the majority of managers also work with clients, but throughout the examination period the managers' position in ensuring efficiency and quality was increasingly emphasised. In 2006, the new organisation map introduced Director General, the Chief Director, and the support of the management. The Probation Service and the Prison Service became 'result management lines', emphasising the management structure and vertical responsibility. The Annual Report of 2008 describes these management lines in detail and states that identifying roles and management lines is crucial for a focused enforcement of criminal sanctions. In the Annual Report of 2008, the role of managers was emphasised also in relation to the upcoming reform of 2010: managers were seen as an important tool in creating standardised and efficient criminal sanctions. The language separated managers from staff. Managers received a support service unit, and managers across the organisation received further training. Also, a new level of management was introduced to the structure by training imprisonment supervisors to manage and supervise the realisation of prisoners' personal sentence plans. The reform in 2010 partially decentralised the verticality of 2006–2009 (decentralisation is discussed more in Chapter 5.2.), but descriptions of managerial roles in the organisation stayed in the organisation map. While in 2001 it is mentioned how managers also work with clients, bringing them 'down to earth', later the discourse moved towards managers being there to enable staff performance. For example, in the Annual Report of 2008 it is mentioned how managers received additional training focusing especially on staff well-being.

During the whole examination period, the Criminal Sanctions Agency has struggled with a high rate of staff absence due to illnesses. While the reasons for this have not been clear (as mentioned in multiple reports), tools such as VMBaro staff survey and VARPU early intervention programmes have been executed. This is a part of the efficiency effort: sick days are expensive for the employer. However, managerialism has been able to release capacity for measuring staff well-being, as the managers focus more on staff than clients. Other new responsibilities for management were outlaid in 2009 when the Ministry of Justice discontinued to carry out internal assessments on the quality of criminal sanctions, and the internal assessment became the responsibility of the Chief Director of the Criminal Sanctions Agency. In 2018, 'quality cards' for managers were introduced to develop their management skills further. Especially in the latest reports (2017–2019), the managers are referred to as the "johtoryhmä [management team]" rather than just "johto [management]", describing

their responsibilities to be mainly in the strategic role. The selection of language (“johtoryhmä [management team]”) also resembles the language of the private sector. Interestingly, the idea of managerialism reaches also the prisoners: since the early 2000s, there has been a goal to draft a personal plan²⁰ for each prisoner. This process receives notions of NPM, as the inmates are expected to set goals, take responsibility for working towards those goals and report to their supervisor.

Alongside managerialism, strive for standardisation, reporting and clear role descriptions have increased. NPM generally entails increased financial reporting (Lane 2000; Hood 1991). From the annual reports we can observe strive for standardisation in the statement of finance. During the examination period, the reporting has become more uniform, detail-oriented, and quantified, which is presumably partially a result of improved ICT systems. Financial statements have also gotten slightly longer: while in 2001 the statement was 18 pages, in 2019 the financial statement was 26 pages.

Since 2011, internal monitoring and risk management has been emphasised, as the reports of 2011–2018 state that these actions fairly well ensure that the Criminal Sanctions Agency performs efficiently, laws and regulations are being followed, finances are secured and the data collected is valid and sufficient. There has been also increasing effort to collect data about the criminal sanction clients, especially about recidivism. However as for example 2015 Annual Statements states, gathering longitudinal data is difficult as multiple factors impact the outcome. Different ICT solutions have been implemented throughout the years, which has partially enabled and disabled this data collection: new software is more powerful, but also new software creates discontinuation in the data stream.

The goal to standardise procedures and create protocols is present throughout the examination period. These standards were seen as beneficial in organisational structure, staff affairs, and client affairs. Standards were often based on pilots studying ‘what works’, especially when the standardisation of imprisonment or probation was the goal. For example, in 2010 the probation offices aimed to create a standard protocol for assessing the client’s journey through the probation. Since 2006, one of the indicators has measured whether all

²⁰ Rangaistusajan suunnitelma (Ransu). More information available at: <https://www.krits.fi/tietoa/tuomio-tulossa/mika-on-ransu-ja-miksi-se-on-tarkea/>

the prisoners have a personal sentence plan. The Annual Statement of 2019 states that the Criminal Sanctions Agency aims to be a cohesive organisation with unified operations. Standards and protocols however apply similarly only if their implementation is similar. The standardisation of processes between prisons was already on the agenda at the beginning of the examination period in 2001. Fifteen years later, the Annual Statement of 2016 observes that standardisation between prisons continues to be a challenge. It appears that even for the Criminal Sanctions Agency itself it has not been clear to what extent the standardisation should take place; the Annual Statement of 2016 explains how some prisons have developed their expertise profiles and centralised functions, but this has been problematic in terms of applying uniform procedures to all clients across Finland. According to Löffler (2003), this kind of ethical dispersion or irregular behaviour between the management units is a common unintended consequence of NPM (Löffler 2003). As a public service, criminal sanctions seem to balance between the market-inspired expectation of developing unit-specific expertise against the universality that is essential in public services. However, the Criminal Sanctions Agency seems to have been aware of the risk of ethical dispersion or differences between units, and has implemented measures to avoid such situations.

Borrowing from the private sector

Some other elements of introducing methods from the private sector were also recognisable from the reports. In the Annual Report of 2006, the Criminal Sanctions Agency stressed how new, more systematic risk analysis methods are needed and the management will be trained on the new risk analysis software. While many public sector organisations conduct risk analysis and management, it stems from the financial world (Rausand 2013). According to its Annual Statement of 2016, the Criminal Sanctions Agency conducted a reputation survey for its main stakeholders. Generally, private companies have conducted market and reputation surveys, however, the Criminal Sanctions Agency also found value in its execution. In 2018 and 2019, the Annual Statements described the development of a 'service map' to list which services Criminal Sanctions Offers and how to streamline them. Moreover, during the examination period consults were contracted to develop criminal sanctions, as is common for NPM (Ferlie et al., 1996). For example, according to the Annual Report of 2006, a consultant was hired to assess the efficiency of food services. In another example, the Annual Statement of 2011 describes how consults were utilised to assess the

reform of 2010 and help in centralising management, defining staff roles, and distinguish process management from client work.

5.2 Downsizing and decentralisation

In Chapter 2.3.2 I discussed the theory about ‘downsizing and decentralisation’. From the 29 documents, I recognised 166 pieces of texts to fit this theme. From the texts coded as ‘downsizing and decentralisation’ I recognised four sub-themes: 1) decentralisation by contracting around core functions, 2) emphasising networks, programmes and international cooperation, 3) employee downsizing, and 4) flexible penalties.

Decentralisation by contracting around core functions

During the examination period, multiple changes reflected the theme of decentralisation. As described by Ferlie et al. (1996), this can mean for example moving from hierarchical management to management by contract, split between strategy and operations by developing smaller strategic core functions, and outsourcing of operational support. All these types of changes could be found from the reports, and often they took place within the same reform. During the examination period, decentralisation happened while the core functions were strengthened (this included clarifying the core function roles and creating more vertical management lines, as described in Chapter 5.1). In 2002, new degree programmes in correctional services were introduced to the education system in Finland. This professionalisation of core services marks a movement towards more clearly defined roles in the organisation. In 2003, the core functions were strengthened by starting to publish annual staff reports, which created clarity around functions and expectations. The Annual Statements of Human Resources in 2003–2007 outlined that the core staff structure has three types of roles: 1) management, 2) administration, and 3) employees that work directly with clients. This clarification of roles is a result of managerialism, but also reflects the clarification of the division between core functions and operational support.

As characteristic for NPM, operational services were increasingly split from the core functions during the reforms of criminal sanctions. In 2001, the facilities were transferred from the Prison Service to Senate Properties, a state-owned enterprise that provides real

estate for multiple governmental organisations.²¹ According to the Annual Statement of 2019, Senate Properties has been providing the criminal sanction facilities ever since. This reflects the vertical and horizontal movement of NPM: core functions of criminal sanction were verticalized, as was the governmental real estate. However, at the same time horizontal management-by-contract structures were created. In 2019, it was recognised that the task division with Senate Properties is not fully clear, and needs further clarification. These types of problems are common in these types of inter-organisational relations (cf. Hill and Hupe 2002, 163). Throughout the years, often the outsourcing decision was later on discussed again as a source of challenges.

In 2002, the IT department was centralised for the whole Ministry of Justice and its sub-institutions, and thus this operational support was outsourced from the Criminal Sanctions Agency. According to the Annual Report of 2005, the Criminal Sanctions Agency prepared for the upcoming structure change of 2006 by defining the functions even further between the shared support services and the core functions. The report sees a risk in having unclear role descriptions and discrepancies in the operations. In 2006, financial services and HR operational support were partially shifted to the shared service model with the Ministry of Justice. In the Financial Statement of 2006 it was mentioned that commencement of the shared support services was difficult, which hindered financial planning of the year. A similar development took place in 2007 when the Financial Statement of 2007 described that defining roles and responsibilities in the new regional prison structure was challenging. According to the Financial Statement of 2008, the shared services under the Ministry of Justice, which had been outsourced in 2006, were made subject to a payment in 2008. These types of arrangements have potential in resembling or being quasi-markets as described by Ferlie et al. (1996). The report mentioned that especially after the 2010 reform is completed, the shared services need to be able to function as a completely separate unit from core function, and additional measures will be taken to ensure this independence. Difficulties with the new IT support structure, originally outsourced in 2002, were reported in the Financial Statement of 2009, which mentioned problems in communication and defining of responsibilities between the core functions and outsourced functions. In the same report it

²¹ Information about Senate Properties retrieved from the Senate Properties website: <https://www.senaatti.fi/en/>

was also mentioned that outsourcing IT structures has caused a lack of central management between different software and statistics and thus impeded efficiency.

Overall, outsourcing was seen as a potential improvement but also as a threat. According to the Annual Report of 2007, in 2007 the Criminal Sanctions Agency explored the option of outsourcing also other services. This indicated that especially after the reform of 2006, there was an interest to apply new, 'lighter' structures. The report ends with the conclusion that outsourcing food services would only increase costs, and outsourcing essential prison activities such as prisoners' work activities would not be advantageous. The report however sees potential in purchasing some social services from NGOs, such as release support for the prisoners who are moving towards freedom. In 2011, the strategy document for 2011–2020 emphasised the need to focus and improve the core function of the Criminal Sanctions Agency, and outsource the services that cannot be efficiently organised in-house. The strategy states that especially functions that can be organised together with other government organisations are subject to outsourcing. According to the strategy, the quality of outsourced services should be guaranteed. In 2016, a big change took place in the organisation of prisoner health services, as they were moved under the Ministry of Social Affairs and Health. From that moment on, the Finnish Institute for Health and Welfare has been organising health services for the Criminal Sanctions Agency. In 2017, ten years after it was concluded that food services should not be outsourced, the food services were outsourced when Leijona Catering took over the catering of prisons. This indicates that outsourcing depends also on the current situation, and has not been done merely 'in a whim' – despite the clear willingness to outsource more and more operational services. This direction, including the development of quasi-markets, is characteristic for NPM.

The examples above reflect not only the trend of outsourcing but also 'managing by contract'. This type of management has become more multiform – contracts are formed between multiple actors. For example, the Annual Statement of 2019 describes a project in which the Finnish National Agency for Education finances a programme for prison education, set and funded by the Ministry of Education and Culture and the Ministry of Justice. As ministries cooperate more across their fields, it reflects to their sub-organisations as well. The other programmes described in the report also include various stakeholders, making a big difference to the early 2000s where programmes were usually between two or three stakeholders. Interestingly, while the Criminal Sanctions Agency moved towards

‘managing by contract’ for example with facilities, food services, and health care, in the discourse it also places itself to a contractual position towards the Ministry of Justice. The use of indicators strengthens this new position as a contractor, as the annual reports move to report how they have delivered the expected service (in this case, efficient and secure criminal sanctions). Moreover, the relationship to prisoners and clients was also ‘contractualised’ through personal sentence plans, situation reviews in the beginning and the end of the sanction, and performance expectations such as an increased emphasis on work activities and education.

Emphasising networks, programmes and international cooperation

During the examination period, the emphasis on networks has increased. While the networks were recognised as important even at the beginning of the millennium, the networks have gotten larger and core functions have become more dependent on them.

In 2001 and 2002, it was mentioned that one of the main principles of criminal sanctions is the network-oriented way of working. In the Annual Statement of 2001, programmes and projects of the year and their respective budgets were listed as a distinct paragraph. The report also often mentioned how the Criminal Sanctions Agency has sent an official to represent itself in a programme or a project. The discourse focused on this representation and the Prison Services’ ‘own’ projects, rather than describing network projects where all the institutions have an equal agency. In 2002, the programmes listed focused on services provided for the prisoners or probation association clients. The programmes revolve around client work, such as substance abuse and violent behaviour rehabilitation. We can observe that in the early 2000s, network projects were already a part of criminal sanctions, especially on the client front. Also, cooperation across regions was emphasised between prisons, probation services, and some NGOs. Some services, such as rehabilitation efforts, were purchased from NGOs and common seminar days were organised. Task forces were also utilised, for example in the piloting of juvenile punishment. Throughout the examination period, networks are seen only as beneficial for the work in criminal sanctions. This becomes evident as networks and their implications are described by words such as “strengthened” [lujittaa, vahvistaa], “improved” [kehitys, kehittäminen] and “efficient” [tehokkuus, tehokas].

In 2003, a development plan for criminal sanctions was drafted. It included both, horizontal and vertical development: at the same time smaller bodies were combined to bigger entities (vertical), but the plan also wanted to engage local networks better than before (horizontal). This plan marks a moment where an increasing interest in utilising networks was recognised. This was also explicit in the Annual Report of 2004, where it was mentioned that one of the goals of the year was to establish networks as the staple way of working in criminal sanctions. The report stated the number of cooperative meetings has increased in the early 2000s, making cooperative networks a staple part of criminal sanctions.

In the Annual Report of 2005, some discussion around difficulties in network projects was also brought up, as the report mentions how difficult it had been to establish common expectations and processes in one of the projects. Still the outcomes were seen as positive and continuation of multidisciplinary projects as advantageous. As described above, in 2003–2005 there were some ‘growing pains’ around the use of indicators, and outsourcing had also negative implications. This discussion about the challenges in network projects reflects similar notions. The Annual Report of 2007 mentions how the guiding principles for programme work have been defined to set a standard for network programmes, indicating that programmes have needed more guidelines. The Annual Report of 2009 brings back positive phrasing about networks by stating how with cooperation and collaboration the Criminal Sanctions Agency can achieve even higher efficiency and impact. The emphasis on networks was increased during the 2000s; at the beginning of 2000, the projects were only listed, but by the end of the decade they had become highly valued in how they were described.

In 2011, the strategy document for years 2011–2020 brought even more emphasis on networks. The strategy states that one of the three central goals is to build networks with other authorities, NGOs, and social networks of the criminal sanction clients. The Annual Statement of the same year mentioned that lowered financial security might endanger network cooperation, which is highly needed in certain functions. Thus, in 10 years, networks went from desirable and beneficial to almost crucial. ‘Networks’ evolved into ‘service continuums’, as described for example in the Annual Statement of 2016. This highlights not only their importance in service delivery but also their importance in the organisation of basic, continuous services, rather than just programmes and projects. The report of 2016 mentions this as a challenge in terms of organising communication,

collaboration, and coordination. Also, the 2017 Annual Statement discusses the impediments that vast network programmes have created, as the “Roti” programme was dependent on “Aipa” judiciary programme and “Vitja” police force programme, and managing a programme this vast needed additional resources and skills. Despite the challenges, from the 2018 report especially it can be observed how multidisciplinary programmes had become central in the Criminal Sanctions Agency: nearly all the goals for the year included implementation together with other organisations. Similar challenges hence applied to networks as applied to managing decentralised functions in the 2000s.

Networks can also provide support. For example, in the 2017 Annual Statement, the report mentions how the financial allocations from the government have reduced throughout the years, and how the Criminal Sanctions Agency has reduced its staff by over 500 man-years since 2006. In the report, this was set against the assessments by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Deputy Ombudsman, which concluded that Finnish prisoners have limited opportunities in prisons. This gave the the Criminal Sanctions Agency some leverage to set itself against further budget cuts. Networks had become a source of support, and in 2017 the report pondered that the Criminal Sanctions Agency could also improve the support they provide for other organisations by developing a better agency in acting as a communicator between prisons and civilian actors. During the same year, the Criminal Sanctions Agency for example provided expertise to the national reform of social and health services by representing the needs of criminal sanctions clients.

The increased use of indicators has contributed to the use of networks. In the Annual Report of 2004, it is mentioned how some of the result goals are formulated in a way, that the Criminal Sanctions Agency can not realise them only by their own functions. In this way, the efficiency drive and the use of indicators have forced networks to formulate. Since then, there has been a movement to vaster networks, from immediate and evident collaboration (for example between police and criminal sanctions) towards more multidisciplinary networks. Programmes have been seen as a way to share expertise, such as in the creation of educational services for prisoners, and the emphasis on networks has given room for research and development.

International network cooperation was mentioned first time in the Annual Statement of 2003. International cooperation took place with other Nordic countries, Russia, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which conducted an assessment in Finnish prisons.²² Since then, international collaboration has been a staple part of reporting and has reached further than the neighbouring countries. For example, the Annual Report of 2006 mentions how international cooperation took place between Finland and Nordic countries, Russia, but also with China, New Zealand, and Namibia.

Employee downsizing

During the organisational changes preceding and following the Imprisonment Act, reports of 2005, 2006, and 2007 mention the shortage of employees to be a problem in relation to the newly set indicators and goals. However, starting in 2008, the reduction of staff became one of the most explicit goals of the organisation. Downsizing was first vaguely mentioned in the Annual Report of 2005 when ‘adjustment’ was discussed, but without a clear indication on if staff will be reduced and how. Throughout the reports of 2006–2007, there were discussions about better role descriptions, adjusting staff between functions, need for staff to adopt new skills, and staff needing to be allocated more efficiently. The first time the downsizing is explicitly mentioned is in the Financial Statement of 2008, which states that staff reduction is needed. The Annual Report of 2009 mentions how the recruitment of new staff has decreased by 60% due to the financial situation. In 2011, the Annual Statement mentions that the year was financially difficult and as a result of decrease in recruitment, the average age of employees will increase. Especially in 2010s downsizing became a staple part of the reports. In 2012, 63 man-years were reduced. The Annual Statement states that this did not impede the quality of work. The 2013 Annual Statement reported that in 2013, an additional 64 man-years were reduced. This meant that between 2010 and 2013, 6,5% of the staff was reduced. The 2013 report also states that downsizing had caused lowered efficiency and quality, and downsizing had become contradictory to the needs of the prisoners. The reduction of staff was also seen as a risk for security, yet in 2014 staff was

²² CPT visited Finnish prisons the next time in 2008, as described in the Annual Report of 2008. CPT visits are either a part of a periodic cycle, or unannounced ad hoc visits. Source and more about CPT: <https://www.coe.int/en/web/cpt>

reduced furthermore by 35 man-years. IT systems were mentioned as a solution to keep functioning with reduced staff. In 2015, the reduction of staff continued with 33 man-years and in 2016 with nine man-years. The 2016 report states that the Criminal Sanctions Agency is unable to keep functioning with the same number of facilities with this staff count, resulting in an increased budget in 2017.

Flexible penalties

Throughout the examination period, penalties got more and more flexible, resembling the NPM tendency to move towards more flexible services. Especially the new legislation in 2006 marked a moment in the movement towards more flexible sanctions when the Imprisonment Act made criminal sanction organisations responsible for creating a personal sentence plan for each client. The personal plan emphasises an individual's own starting point, such as level and need for education, willingness to work, social networks, and personal goals. Previously, a similar type of planning was called "assessment of the ability to work and function", which had a more normative connotation. The new flexibility of services was however also standardised, creating vertical management to the planning; for example, every client is subject to the personal plan, even if it does not fit well to their situation (e.g. they are located in a prison hospital).

The increasing aim for flexibility is also present in the growing selection of different sanctions during the 2000s (cf. p. 37). Another moment for flexible sanctions was described in the Annual Report of 2006 when supervised probationary freedom was introduced in 2006 to the selection of criminal sanctions. Under certain conditions, a prisoner can finish their sentence up in freedom under supervision. Starting in 2007, alongside the sentence plan was also drafted a release plan. In 2007, new tech solutions were proposed to implement sanctions. These solutions could be utilised for example during the controlled release, or as a sanction of its own. With this technology, sanctions could become even more flexible and support the personal goals of the client. As mentioned above, in 2011 this idea realised in the implementation of the monitoring sentence.

Also, projects and work activities have increasingly aimed for flexibility. As described in the 2008 Annual Report, projects such as arranging housing tried to standardise procedures while taking prisoners' personal needs into account. The same report also discusses how

work activities should support prisoners' personal needs and career goals after their release. Building networks with the private sector was seen as contributing to this goal. In 2011, the strategy document for the years 2011–2020 brought a new emphasis to the flexibility of sanctions by appointing flexible, yet secure sanctions as one of the main three goals of the strategy. This flexibility aims to support the personal motivation and agency of the client.

In 2017, technology was utilised again to provide even more flexibility to the services for prisoners and criminal sanctions clients: IT services were piloted with a decision that they will be fully implemented in the future. Prisoners/clients could now use email and internet, and have video calls under supervision, for example to participate in educational activities from prisons, to arrange a Skype call, or to use the internet. IT workstations were contracted by another organisation. In 2019, the annual report describes the advancements in providing IT services to clients: new services through IT, such as education, were made available and standards of the IT use were developed. A programme to develop a 'smart prison' was initiated, and options for a probation services mobile phone application were explored.

5.3 The search for excellence

The theory about 'the search for excellence' was discussed in Chapter 2.3.3. From the 29 analysis documents, I recognised 145 pieces of texts that correspond with this theme. From them I recognised the following two sub-themes: 1) from top-down corporate culture to bottom-up initiatives, and 2) reforms as new beginnings.

From top-down corporate culture to bottom-up initiatives

From the reports of the examination period, multiple notions of top-down approach (as characterised by Ferlie et al. 1996) can be observed – almost without exceptions, the culture of the Criminal Sanctions Agency utilises top-down approach in all the reforms described above. Bottom-up type of management has only been cautiously explored in recent years. The strong top-down culture, presumably, reflects also the hierarchical nature of criminal sanctions as a field of operations, especially in the prison environment.

The reports of 2001 and 2002 mention the peculiarity of criminal sanctions by describing how demanding it is to combine control with support of the client. This type of balancing

act follows the discourse throughout the examination period. The emphasis has increasingly shifted towards the support of clients (see Chapter 5.4), and expectations for the staff have been adjusted accordingly. Already in the 2001 and 2002 reports it is mentioned how the continuous assessment of work, and development interpersonal and communication skills are essential for staff. In 2001 and 2002 this was organised by offering training and education. Staff members were also given a chance to move to managerial duties through education. Throughout the examination period the staff has been given training on client work, client support, strategy, and corporate culture, and different manuals were disseminated. Especially during the reforms of 2006 and 2010, a top-down approach was emphasised as the managers needed to disseminate information about the new legislation and strategy. The importance of change management is present in the documents of the time. Occasionally staff was involved in the reforms, such as in a staff strategy task force described in the Annual Report 2008. The Financial Statement of 2009 The financial statement of the same year describes how a network of contact persons (staff) ‘on the field’ was established to deploy a new training on change management and staff well-being. However, the task force of 2008 and the field networks of 2009 were led by the management, so a true bottom-up approach cannot be identified.

More experimentation with a bottom-up approach was mentioned in 2015 when the annual statement described a new project where employees under the changing work environments were encouraged to innovate new ways of working, to improve practices, and to develop ‘what works’ protocols. In 2017, the bottom-up approaches were revisited when the staff was encouraged to share best practices between prisons on functional interactive work.²³ Multidisciplinary approach in the process was emphasised, and prisoners were occasionally included. In the 2017 Annual Report, ‘staff training by management’ received linguistically more bottom-up descriptions such as ‘coaching leadership’. However, at the same time, also top-down management took place for example by strengthening HR (especially in relation to the strategy and future vision), and by management revising the strategy map. Towards the end of the decade, in 2018 staff training stayed on the agenda, with new themes in improved internal relocation and new training tools. In 2018, also experiments with bottom-

²³ Functional interactive work means interactive working with the client that is planned and goal-oriented, with a focus on increasing client’s preparedness for a crime-free lifestyle (Criminal Sanctions Agency, 2019a).

up approaches continued as an HR task force from all levels of the Criminal Sanctions Agency was formed to prepare new staff efficiency goals and ensure the deployment of strategy to practice.

Reforms as new beginnings

In the search for excellence, especially the reforms of 2002, 2006, and 2010 marked moments where corporate culture was defined and the staff was given additional attention and expectations. Throughout the years, criminal sanctions have been getting more professionalised, multidisciplinary, and standardised. The staff has been given new expectations in terms of skills and working styles, and the idea of ‘guarding’ the prisoners has shifted towards ‘coaching and helping’ the clients.

At the beginning of the examination period, in 2002 the professionalisation of the criminal sanctions got an advancement when new degree programmes in correctional services were introduced in Finland. At the same time, the criminal sanctions training centre became independent from the Prison Services. The establishment of a degree for correctional services marks a moment for more professional criminal sanctions, while the detachment is characteristic of downsizing and decentralisation. Additional training courses for staff were also introduced and continued alongside the formal degree education. In 2003, private sector influences were absorbed into communications, as new communications plans were drafted and a new website was launched. Additionally internal communications were improved.

In 2003, an additional annual report format called Statement of Human Resources was launched. These reports were published alongside the regular annual reports, and they focused on assessing the status and the needs of employees. They also discussed the guiding principles and values that apply to the staff, taking part in creating corporate culture. This format of reporting continued until 2007, after which it became again a part of the other annual reporting.

In the Annual Report of 2004, an index for staff education level was introduced, and an indicator measured its success. Since then, professionalism, education, and training of the staff have strongly been on the annual agenda. The Annual Report of 2005 discussed how criminal sanctions need to be able to attract experienced, more senior staff. The new

performance-based wage model was expected to help in the quest, however it failed to do so and many new recruits remained to be recent graduates. These remarks started a longer discussion on criminal sanctions needing to become an attractive employer. By 2005, staff training, education, and well-being had become major themes in the Annual Report. New IT systems and structures demanded training, the upcoming reform needed to be executed well, and the staff had to be familiarised with the new legislation of 2006. This realised to additional staff training on legislation, IT, corporate culture, and new ways of working after 2006. In 2006, after the Imprisonment Act went into force, all of the documents (Financial Statement of 2006, Statement of Human Resources of 2006, and the Annual Report of 2006) recognised a need to train the staff about the content of the new law. Interestingly this was not meant only in terms of actual sections of the law, but also the *ethos* of the law. It becomes evident that the new legislation marked also a moment of change in the corporate culture. This expectation of professionalisation of criminal sanctions was complemented by increased interest in staff well-being. In 2006, the VMBaro staff survey was deployed the first time to assess staff well-being.

The 2006 reform introduced also big changes in the creation of a brand for criminal sanctions. In 2006, a very explicit shift was undertaken to ‘re-brand’ criminal sanctions. The format of the Annual Report changed drastically, as it was given a new visually appealing design. The report stated “New organisation – new look”. It introduced a new logo and explained its symbolism. The annual report states that the new branding will apply to all internal and external communication materials. The new brand was introduced as ‘modern’, making a distinction to the past. The new visual look appeared as bright, modern, and inviting, in comparison to the previous non-designed reports. It was clear that this was a new turn in the history of criminal sanctions, and it borrowed its elements from the private sector: branding, creation of corporate culture, assertive communications and HR, and charismatic leadership. In the 2006 Annual Report, the Chief Director of the time was brought to the front by featuring a foreword from him, alongside a picture and a signature. The new format of the annual report appears to be drafted for the public audience, but also to create a unified brand for the staff. The report featured images of staff members, creating inclusivity for the ‘line workers’ in relation to the new brand. This appears as an attempt to create a more unified and inclusive corporate culture. At the beginning of the report, the goal of the organisation is reviewed. This was also the case in the previous reports, however, the wording is slightly different: the new format emphasised ‘mutual goals’ rather than ‘goals

of the organisation'. The values of the organisation are also highlighted at the beginning of the report, alongside with in-detail explanation of the values. In the manager's foreword, staff dissatisfaction is openly discussed, creating an image of a strong leader who honestly addresses difficulties, speaks directly to the staff, and is willing to work towards solutions. This format of the annual report remained until 2008.

Another big moment for branding and strong leadership during the examination period was the Annual Report of 2009, when the new organisation structure of the Criminal Sanctions Agency was introduced. The report revealed the logo for the new organisation. The visuals and emphasis remained the same from 2006. Leadership was similarly introduced in the beginning as during the years 2006–2008. In the beginning, manager's foreword mentions how important it is in a new organisation to find a common culture and 'grow together'. This resembles the top-down approach of NPM. The report emphasises cooperation and collaboration to induce better sanctions. Corporate branding was reinforced by mentioning how the Finnish sanctions system is the best 'model country for criminal sanctions' according to foreign reports. The need for corporate branding was also brought up in the Financial Statement of 2009 when concern over the Criminal Sanctions Agency not being an attractive employer was revised.

In 2010, the Annual Statement (which had gone back to a more modest visual design) introduced the new strategy of the Criminal Sanctions Agency. The strategy again emphasised values and culture and takes a more assertive approach to communications and HR. The need for more assertive HR was brought up again in 2016 when the Annual Statement mentioned that stronger HR is needed for better HR planning and implementation of the strategy. The strategy document itself for the years 2011–2020 brought an additional emphasis to the well-being of staff by listing the motivation and well-being of staff as one of the three main goals of the organisation. The strategy also introduced four values of criminal sanctions: human dignity, justness, belief in an individual's potential to change and grow, and security. These values are explained by introducing what they mean in practical day-to-day activities, and that all the staff is expected to adhere to them. The strategy also mentions the importance of motivated and skilful staff, that has good competency in communication. While at the time the 'search for excellence' had mostly been top-down efforts, the strategy also mentions the importance of a work environment that encourages innovation and development ideas by staff, and managers are set to manage in a participatory

manner. From that we can observe that interest in bottom-up managing had been present already in 2010, even if it realised only some years later.

The strategy also brings attention to skilful communication and brand-building; the brand of the Criminal Sanctions Agency was built to be a ‘reliable and valued expert organisation in the surrounding society’. Efforts towards a better atmosphere at work paid off in 2011 when VMBaro’s results were positive in comparison to previous years. In the same year, it was recognised that education especially for new employees has to be revised as a result of the new structure, strategy, law, and culture, and a process to renew the education was commenced. In 2013, a reduction of staff had led to the remaining staff absorbing more responsibility and diverse tasks, which contributed towards better staff satisfaction. In 2013 a new HR programme was drafted, and the new education model was implemented. In 2014 it was stated that training has recently gotten a bigger part in the organisation, significantly more training days are conducted and employees can now apply for financial support in education/training. The training goal was quantified, and each staff member was expected to participate at least three training days per year. In 2016 it was mentioned how a growing percentage of foreign prisoners sets new needs for HR and staff training. It was also recognised, through research, that not all prisoners are treated equally in terms of use of force and realisation of rights, which was seen as an additional training need.

Overall, we can see that during the examination period, the Criminal Sanctions Agency has borrowed ideas from the private sector, especially when building their brand and focusing on the professionalisation of their staff. Staff is expected at the same time to train and develop expertise but also have vaster multidisciplinary skillsets. At the same time as the staff has been reduced, the Criminal Sanctions Agency has wanted to become an attractive employer. Values and standards have been developed from the management, and following the new strategy has not been optional. At the same, more emphasis on the well-being of the staff has been introduced.

5.4 Public service orientation

From the sample, it was possible to observe pieces of texts that fit the theory on ‘public service orientation’ as described in Chapter 2.3.4. From the 29 analysis documents, I recognised 230 pieces for this theme. In the reports it is not clearly defined what the Criminal

Sanctions Agency means by ‘quality’ or ‘service’. I have recognised two discourses around the service orientation: 1) sanction clients as a public, and 2) society as a public. Both of these perspectives emphasise especially concerns with the quality of service and inclusion of user perspective to management processes. This public service orientation is present in all documents throughout the years 2001–2019, as all of them start by stating the purpose of criminal sanctions from these two perspectives. However, between the years and decades, there are clear nuances on how they are approached and implemented.

Clients/prisoners as a public

The Criminal Sanction Agency’s position to its clients has changed significantly throughout the examination period. Especially 2006 and 2010 marked moments where prisoners/clients were brought to a focus and their position in the decision-making was renegotiated. Outside of those years, there was a gradual shift towards including the user perspective to all work done within criminal sanctions.

This gradual shift is visible for example in how the prisoners’ needs, goals, and ambitions were approached. In 2001, prisoners with over a six-month sentence were drafted an “assessment of the ability to work and function [in the society]”. This assessment was to map out the life situation of the prisoners to support their release and post-release opportunities in life. However, as described above, this assessment appeared as more normative than future models. While the purpose was to support the prisoner, descriptions of the assessment such as “working ability, work skills, and willingness to work” did not come across as much as ‘service’ rather than as a force. In community sanctions, the client’s situation was assessed “especially from the perspective of recidivism, social exclusion, and strengths that can reduce the risk of recidivism”. The language used focuses on the risk of recidivism and the benefit of the society, and while the key idea supports the assessment of the client’s individual situation, the language remains normative. At the time, internal inspections focused on issues with (financial) administration. In 2003, these inspections got international reinforcement by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the quality of imprisonment was assessed from the perspective of the prisoners’ rights. Yet this perspective did not realise in internal or national inspections before 2007, which was the first year when the quality of

imprisonment and rights of the prisoners were introduced to inspection topics alongside the administrative inspections.

In 2002, needs-based assessments on support needs were made mainly regarding substance rehabilitation support. The reports of 2001–2002 acknowledge that many prisoners suffer from substance addiction, and the availability of support in addiction management was improved in 2002. Also, other needs-based programmes were implemented, such as anger management training and training in cognitive skills. However, how the programmes are described emphasises the ‘availability’ for the prisoners, leaving the ultimate responsibility of participating in themselves. Another example of this normative, less user-needs based approach is when the report of 2002 states that ‘health care needs’ of the prisoners were mapped in 2002. Yet, this needs assessment lists only the most common health problems rather than subjective experiences of needs. Gradually, throughout the examination period, the emphasis shifts towards subjective needs and programmes that have to be attractive, not only available.

At the time, specific groups in criminal sanctions did not receive extended attention. In the Annual Report of 2001, women were not mentioned, foreigners were mentioned only as frequencies, and youth was only discussed in relation to a pilot programme on juvenile punishment. These mentions did not focus on the specific needs of specific groups. Starting in 2002, specific prisoner groups were acknowledged in the reports. However, first, the discussions were just descriptive, before moving to more needs-based analyses on the later years.

In 2001, a reform that introduced more rights to prisoners took place: in August 2001, prisoners got the right to apply for reconsideration for a decision on disciplinary decisions (such as solitary confinement). However, the Annual Report of 2001 does not feature information on any complaints made by the prisoners/clients. Starting in 2002, this section has since been a part of each report. In 2002, the language shifted to increasingly emphasise the rights and needs of the clients/prisoners. This appears as leading towards the year 2006 and the Imprisonment Act.

The year 2006 marked a big change in the application of the user perspective, as the Imprisonment Act was enforced. The Imprisonment Act took the user-centred approach that

had previously been here and there to the centre to actions, making this approach mandatory for all criminal sanctions. In 2006, it became a part of the staff policy to ensure employees' skills in assessing and motivating clients, and guiding them to services. This approach and the use of language makes a fundamental difference to the past, emphasising the prisoner's/client's subjective experience in the process. Especially clients with substance abuse problems were mentioned as a vulnerable group. Around the time, the discourse in the reports moved towards emphasising the responsibility of staff in guiding the prisoners/clients to services, while previously the language emphasised prisoner's/client's responsibility. In 2006, the values of the organisation were explicated for the first time (*human dignity, justness, and belief in an individual's potential to change and grow*). Later on, the same values were brought even further in the 2011–2020 strategy, which added *security* to the values. However, 2006 marked a big moment for service orientation, as the values were almost solely client-based. The Annual Report of 2006 states that committing to the values means securing basic and human rights, treating the prisoners/clients equally and respectfully, following law and justice in all actions, and implementing sanctions in a way that supports individual growth. This was the first time when the prisoners/clients were made central; supporting rather than guarding became essential. At the same time, in 2006, the organisational reform took place, which took a lot of focus in the reporting. However, the new values were highlighted at the beginning of the Annual Report. The two different focus points of the year (client-based approach and structural reform) did not seem to compete. On the contrary, they became a well-grounded entity; the structural reform seemed to enable public service orientation to 'arise'. This was also an explicit goal: the Annual Report 2006 mentions that the new structure supports the new goals. Also, staff training was promoted to support the new goals, for example by bringing focus to functional interactive work. The Annual Report 2006 emphasises especially the individuality of a prisoner/client by introducing the need for individual risk and needs assessment. The message is clear: criminal sanctions focus on approaching each prisoner/client as a person who deserves to be acknowledged as an individual with their personal problems and goals. The report also brings attention to the 'improved rights of the prisoners', giving a positive connotation to the new legislation that grants prisoners extended rights for example when filing complaints. The report also mentions how all bodies of the new organisation carry responsibility for the new values. Lowering the social stigma of imprisonment is mentioned as positive.

In 2006, also various programmes and research projects brought attention to needs-based programming. The Annual Report of 2006 introduces a survey about prisoners' educational needs and mentions specifically vulnerable groups such as prisoners with learning difficulties. Another project mapped out different social needs that different prisoners have upon release. All in all, 2006 marked a year when needs-based assessments received more attention than ever before. Even reforms, such as the building of additional higher security departments, that can appear as contradictory to needs-based work were introduced as a positive for the clients.

In 2007, a year after the Imprisonment Act, the main goal of the year was to improve the quality of imprisonment. This included for example the reduction of prison cells without a toilet. The reduction of these types of cells was mentioned for the first time in 2002, but by 2007 they were described as 'inappropriate'. By 2007, also personal sentence plans became a part of the annual reporting. However, they were mostly done based on written documents. The sentence plans included a risk and needs analysis, and a suggestion for the prison placement. In community sanctions, the plan was done in collaboration with the client. These plans were set to be the basis for the activity planning in prisons, making the everyday strategies to fully support prisoners' goals. The report also brought attention to 'service continuums' and the need to have a social worker available in prisons. In 2007, also a report from an external liquidator was finished and represented in the Annual Report 2007. His report stated that prisons experience difficulties in the implementation of the new expectations in relation to their capacity. The liquidator proposed that critical assessment on prisoners and their needs should be done to support the ones that can most benefit from, for example, the personal sentence plan. However, the government responded that new legislation sets the goals, and pursuing them should be continued. A new project was set in place to support the upcoming organisational reform of 2010 by assessing 'efficiency' and 'service capability', bringing service-mindedness to the discourse. All in all, the Annual Report of 2007 featured many pieces of texts that brought additional attention to 'service orientation'. The first survey for the prisoners was mentioned, marking a moment when the participation of 'users' in the planning was commenced. This survey concerned security in prisons and was deployed to survey prison guards and prisoners. The results were utilised to plan further security strategies. Also, a research report on prisoners' education expectations was published, stating that two-thirds of prisoners want to study during imprisonment and wish to receive especially vocational training. The study report also highlighted individual

needs by mentioning that different prisoners have different learning difficulties and education goals, which should be considered. The same report featured a feature story on *Kisko*, a rehabilitation programme for prisoners with substance abuse problems. This feature story mentioned how within the programme the participants are called ‘students’ rather than ‘prisoners’, creating new ways of using ‘user-centred’ language. Another feature story introduced an ethnographic study, in which women prisoners were interviewed and observed to gain knowledge on their substance abuse and needs for support. As a result, women were recognised as a marginalised group within criminal sanctions, and it was discussed how the staff needs additional training on the topic. In community sanctions, research knowledge was utilised in training that took place to improve relationships between clients and employees.

Flexible criminal sanctions, as described above in Chapter 5.3., also enabled better individual planning for the prisoners and clients. In the Annual Statement of 2008, a new principle was mentioned: a prisoner should not be placed in a higher restriction level than is needed for security. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) conducted an inspection in Finnish prisons, bringing focus again on the rights of the prisoners. Recently similar inspections had also started to take place internally. The Annual Report 2008 begins by introducing the reform of 2010, and by stating that the goal of the reform is ‘to ensure quality and improve service capability’. The report also mentions how sanctions are ‘nowadays a planned, controlled process’, making a difference to the past. It states how the prison conditions should be as close to the regular living conditions as possible, with possibilities to study, work and advance a healthy lifestyle. According to the report, prisons should aim to reduce all the disadvantages that imprisonment might cause. Additionally, increasing attention was brought to the release of prisoners and on how to support this process. Their need for services were set to be mapped, especially in terms of how to support a crime-free lifestyle. The new legislation enabled a prisoner to request additional supervision. In 2008, attention was also brought to other user-centred approaches: research needs, the needs for housing services for released prisoners, mental health support, and accreditation of work activities. All these points discussed the potential improvement of prisoners’/clients’ conditions and opportunities. In community sanctions, in 2008 additional attention was brought to the social networks in the rehabilitation of the clients. Also, other user-oriented ways of organising community sanctions were described, such as the use of assistant supervisors from the

client's personal network, or using hobbies as a way to rehabilitate youth. The Annual Report mentions that by these arrangements, the clientele of community sanction offices have now extended to also families of offenders, and parents of juvenile offenders. A challenge in community sanctions was mentioned to be the need to offer community service jobs that can be attended during the evenings or weekends.

In 2009, the Annual Report describes the new organisation model. It states that the new organisational structure enables the better implementation of security and better chances in offering the prisoners/clients uninterrupted support throughout their sanction time. The foreword by the Chief Director emphasises the need to trust the prisoners/clients when moving towards open sanctions. The same report features research findings on how juvenile offenders often suffer from a lack of life management skills, and how family values can support their rehabilitation. Another feature story describes a theatre project of women prisoners, which helped many prisoners in self-expression and to develop a goal-oriented way of working. The goal of the theatre project was to 'break the prisoner status', referring to the mental state and stigma. This establishment of the new Criminal Sanctions Agency marked again a new moment for a client-oriented way of working. The new values (*human dignity, justness, belief in an individual's potential to change and grow and security*) were written down to the strategy and it was stated how they were to become a part of all work and communications, internally and externally. The strategy emphasised the humane and equal treatment of prisoners/clients, their individual growth, and the securing of basic rights. The strategy also brings attention to vulnerable groups, especially to foreigners, who had not often been mentioned in the reports before. Prisoners/clients were mentioned as 'a marginalised group with lowered opportunities, which has to be considered in everyday work'. The discourse from previous years on supporting the motivation and capabilities of prisoners/clients through communication continues, and an additional emphasis is given to their social networks, families, and children. Also, the importance of learning within the organisation is highlighted, as is characteristic of the NPM. Similar themes continue until the end of the examination period: inspections are carried out to check equal and just treatment for prisoners²⁴, family rights and visits are improved, and programmes are used to develop new ways of working.

²⁴ Themes to improve prison conditions include elimination of cells without toilets, re-organising overcrowded prisons, and organise more possibilities for prisoners to spend time outside of their cell.

By 2016, the ‘user perspective’ had become one of the leading themes in the reports. All the Annual Statements of 2016 to 2018 state that ‘interaction-based change is emphasised in all work with clients/prisoners’. This user perspective was realised into goals, action points, and expectations of results. Equal treatment of prisoners and increasing positive interaction between staff and prisoners have been on the agenda since 2016. All in all, throughout the examination period, criminal sanctions took a bigger role in mapping the needs of their prisoners/clients and guiding them towards services that they need. The user perspective became central in almost all decision-making, and inspections gradually moved from administration inspections to inspect realisation of the rights of the prisoners. Yet, most often the user perspective was drafted by the Ministry of Justice and/or the Criminal Sanctions Agency. Rarely the ‘users’ were asked themselves, even while in the reports recognise their expertise in their own situation and ‘what works’ perspectives were influenced by extensive interactions with the prisoners/clients. Indicators that were used to measure ‘quality’ were drafted based on indicators, not the actual ‘user feedback’. The indicators focus on percentages, such as the percentage of realised functional interactive work, percentage of drafted sentence plans, and percentage of drafted personal release plans. By 2016, the user perspective had become such a central part of the work that the Annual Statement of 2016 talks about ‘our clients’. In 2017, the ‘needs of the clients’ were utilised to argue against further budget cuts, placing the Criminal Sanctions Agency to a role of a spokesperson for their clients. The same year prisoners were included in ‘what works’ task forces (when the topic of the task concerned their situation), and the Criminal Sanctions Agency set as its goal to ensure that criminal sanctions clients’ specific service needs are ensured in the national reform of the health and social services. Hence, the Criminal Sanctions Agency absorbed the role as an expert in the needs of criminal sanction clients. In 2018, a project to map the service needs and access of prisoners/clients was initiated, and ‘experts by experience’ were utilised in a housing project. The same year it was mentioned how the purpose of criminal sanctions is to ‘coach’ the prisoners/clients towards a crime-free lifestyle. Sanctions had thus moved away from being just a punishment towards being a support mechanism for people who resort to crime. This had been a gradual process, for which the Imprisonment Act acted as a catalyst.

This shift in bringing the user perspective to management decisions from 2001 to 2019 is striking. In 2019, a reform on education for Criminal Sanctions Agency employees was

initiated. A basis for this reform was to have a multidisciplinary approach when working with clients, to be able to support their everyday functions for example via interactive functional work. The user perspective has hence become central also in staff recruitment, education, and training decision – basically, the user perspective now sets new expectations for the staff and skills they possess. Moreover, by the end of the examination period, the lack of skills or lack of capacity was not an acceptable reason to not apply user-centred approaches. In 2004, the restricted budget was said to limit how much planning and motivating can be done together with the client. In 2015–2016, when budget limitation occurred again, it was stated that the funds are not sufficient to guarantee the safety of the society.

However, not once in the examination period was user satisfaction an indicator of quality. The quality of sanctions was extrapolated from other indicators, such as recidivism or the number of successful placements to open sanctions. The user perspective in criminal sanctions will probably never realise in a way that it can in other public services; after all, the prisoners/clients did not choose to become such. The Criminal Sanctions Agency seems to have the responsibility of guaranteeing quality services, but in a balance with the security of the society. Learning through monitoring, evaluation, international cooperation, and piloting has been the key in the process.

Society as a public

Another ‘public’ that Criminal Sanctions Agency ‘serves’, is the society. During the examination period, the Criminal Sanction Agency’s position to society as the public has not changed as drastically as it has changed towards the criminal sanction clients as the ‘public’. However, it is possible to see that the purpose, goals, and responsibility of criminal sanctions have been better defined, and the Criminal Sanctions Agency has taken a stronger stance as the expert of criminality and criminal sanctions. Throughout the examination period, two duties towards the society were recognised: security, and reduction of recidivism. Both of these were mentioned as tasks in the 2001 report, and the discourse has remained throughout the years all the way until 2019. An additional task, or ‘serving’ of the society, was mentioned to be the provision of expertise in criminal sanctions matters by participating and facilitating networks.

The discourse on criminal sanctions providing security to the society is straightforward: the main task of criminal sanctions is to isolate criminals from society to guarantee safety for others. Hence, indicators on the number of prison escapes, prison violence, use of substances, and goal to reduce recidivism have all been present since the beginning of the examination period. This provision of security is also mentioned in the 2008 report as one of the most traditional and well-recognised tasks of the organisation.

The ability to carry out this public service function was sometimes reduced by the lowered financial capability of society and network, such as described in 2004. The Annual Report of 2003 discusses how the bodies of criminal sanction enforcement have limited capability in affecting the overall criminality in society, but they should focus on enforcing the sanction to their best ability. This limitation was also seen in relation to one prisoner, as they only deal with a prisoner/client during sanction, not before or after. The report also mentions how criminal sanctions 'patch the shortfalls of a welfare state' by enforcing sanctions when the state has not been capable of preventing criminality.

However, as after the Imprisonment Act the sanctions became more flexible and the rights of the prisoners became more central, a balance between the isolation of criminals (security) and reduction of recidivism (support) seems to demand new definitions. The influence of criminal sanctions was extended, as the Imprisonment Act emphasised rehabilitation and reduction of recidivism. On some occasions, serving the 'clients/prisoners as a public' and 'society as a public' seems to be contradictory. For example, the 2001 Annual Report discusses how a permit for exiting the prison premises (for example for a weekend or a special occasion) can be one of those cases, and the decision on the permit has to be done by balancing the two goals mentioned above. It is stressed how careful consideration has to be applied to each decision. This balancing act became even more central after the Imprisonment Act, which resulted in more open sanctions.

Throughout the years, defining more clear result goals and role in the society for criminal sanctions has also contributed towards the public service orientation. In 2001, the Annual Report recognises that networks with other organisations are important. By the time Criminal Sanctions Agency was established in 2010, its strategy and annual reporting stated a clear plan for its effectiveness and responsibility in the society. As the strategy states, the goal of the Criminal Sanctions Agency was to become a reliable expert organisation, which does its

part in reducing criminality. This professionalisation of criminal sanctions appears as the development of a ‘public service’ called criminal sanctions expertise. The 2005 report (which was published in early 2006 after the Imprisonment Act was enforced) defines the criminal sanctions to have the following tasks: contributing to the security of the society, contributing to the reduction of recidivism, supporting the prisoners in developing a crime-free lifestyle, and lead and develop the field of criminal sanctions. As these functions became more defined, the discourse on efficiency drive intensified. Together these two approaches create a discourse in which the societal responsibility of the Criminal Sanctions Agency was to execute sanctions as efficiently as possible, with as little resources as possible. The reform in 2006 helped criminal sanctions to define a role in the society, and also marks a year when the annual reports started listing the results as ‘public goods’. In the Annual Report of 2007, the descriptions of the purpose of the organisation had become more confident and assertive.

By 2009, the remark on the isolation of criminals from 2003 has received a new twist. The balancing between support and security was still there, but this time it was mentioned how the task of criminal sanctions is to monitor the criminals, isolate them when necessary, and above all to contribute to their capabilities of living a crime-free lifestyle after their release. This statement makes a difference to the one from 2003, which saw limitations to this post-release support.

Annual indicators measuring the content directly from stakeholders, family members of offenders, or the general public have not been drafted for criminal sanctions. Occasionally they were part of the annual assessments, for example by utilising the reputation study (cf. Chapter 5.1). While the content for the ‘public good’ that criminal sanctions provide was not asked directly from the society (and who can be interpreted as its representative), indicators that benefit the society were drafted internally and together with the Ministry of Justice. Throughout the examination period, these indicators included for example the number of prison escapes, percentage of clients who finish their community service, the success rate of open prison placement, and the percentage of violent incidents in prisons. Also, public or media discussions were occasionally addressed, as for example in the Strategy 2011–2020 document by mentioning how the Criminal Sanctions Agency commits to active public communications.

Towards the end of the examination period, the Criminal Sanctions Agency appears to have more towards the role of the ‘criminal sanctions expert’, as mentioned in the strategy. Starting in 2016, the reports feature ‘societal impact goals’ for a three-year period. Also, in 2016, the Criminal Sanctions Agency started increasingly to respond to security threats created by globalisation by including reduction of radicalisation to their agenda. In 2017, a study of the public sense of justice and appropriate sanctions was concluded and it was mentioned to support the on-going development of criminal sanctions.

In conclusion, it appears that the public service orientation in terms of secure enforcement of criminal sanctions and a role as a public servant has been there throughout the examination period. However, NPM has helped the Criminal Sanctions Agency to define its role, gain more status as an expert in the society, and respond better to the topical societal issues.

5.5 Summary: overarching perspectives

Above I have distinguished which elements in the reporting of Criminal Sanctions Agency can be interpreted to stem from NPM during the years 2001–2019. In this chapter, I aim to bring these themes together and examine them from overarching perspectives. I will start by differentiating period during years 2001–2019 which appear to represent different stages of NPM in the reform. Then I will discuss NPM in criminal sanctions, especially from the vertical–horizontal perspective.

5.5.1 Stages of the reform

As mentioned throughout the analysis, different attitudes towards the reforms can be observed throughout the years. The reforms of criminal sanctions in Finland has not been a gradually smooth process, but different periods seem to have different tones on the discourse about NPM.

2001–2005: Planting seeds of NPM

At the beginning of the examination period, the organisation was preparing for and executing the reform of 2002. During the time, many traces of NPM are present in the documents, however not as clearly as later. It seems that the concept of NPM is growingly there but

without a full realisation. During the period, some ‘growing pains’ such as the wage battle and criticism towards the indicators can be seen. Yet, this period builds a solid ground for the Imprisonment Act of 2006, which marks a moment a massive legislative reform but also a change of culture in criminal sanctions. Without the groundwork done in 2001–2005, the movement towards more open sanctions and new corporate culture around them, as emphasised in the Imprisonment Act, would have probably taken even longer.

2006–2010: Determined and deliberate NPM

In 2006, the format of the annual report changed drastically towards one inspired the private sector, reflecting the overall change towards the utilisation of private sector’s principles. The organisation went through a branding process, including having a logo, having explicit values, strong leadership, and new trainings. This process appears as very deliberate and determined: the new legislation and related expectations had to be implemented in practice, and it had to be clear that this is the ‘the new Criminal Sanctions Agency’. Principles and practices of the private sector can be clearly observed, and are sometimes even explicitly mentioned.

2011–2015: Becoming an expert

Starting in 2010, criminal sanctions were formed once again by establishing the ‘new Criminal Sanctions Agency’. However, this change does not appear as ‘hammered down’ as the one in 2006, and the establishment of the new Criminal Sanctions Agency appears as a natural, smooth transition to the new decade. The strategy defines the values further, staff training is emphasised, and the prisoners/clients become very central while the other focal points of the structural reform are moved aside. The Criminal Sanctions Agency focuses on the societal impact, and gradually develops a stronger role as an expert in society. The principles and practices of NPM are a clear part of the criminal sanctions, but come across as more ‘natural’ than during 2006–2010; they are already a part of the organisation and its way of being.

2016–2019: Settling down

In recent years, it seems that the ‘true NPM’ has been moving aside. Talks about efficiency, streamlining, and managers have gradually decreased towards 2020. At the end of the 2010s, the discussion focuses on unified procedures to guarantee the rule of law, humane treatment of prisoners, and research and development. From NPM is evident that decentralisation is here to stay, at least for now; as Criminal Sanctions Agency outlines in multiple reports (2019, 2018, 2017, 2016) many programmes and projects are planned and implemented together with other organisations, and this cooperative, multidisciplinary way of working is important for Criminal Sanctions Agency. The solutions to the examined problems appear to be more focussed but by engaging multiple actors. These various solutions created by different (pilot) programmes and projects are guided by the overall strategy outlines by the moderate criminal policy. In this way we can see that NPM has left its mark in criminal sanctions, as the promise of more focussed problem-solving has taken place. We can however see that the language of NPM is diminishing. This reflect the observations for example Sawatani (2009) and Lim (2009) on NPM being replaced by new management ideas.

In some cases, it is difficult to say which exact years marked which individual changes. However, the big years of change in the application of NPM were 2002–2003, 2006, and 2010–2011. Hence, we can conclude that the changes towards more NPM-oriented discourse took place during the big reforms – or, in other words, big reforms enabled NPM to take place. Some big changes, such as the use of indicators, performance evaluation, decentralising by outsourcing, and increased dependency of networks, sparked criticism and reluctance when they first were introduced. However, since 2006 they have been a stable part of the organisation and NPM has become a staple part of the Criminal Sanctions Agency’s past and present.

5.5.2 Elements of NPM in Finnish criminal sanctions

From the analysis, we can definitively observe that the effects of NPM can be seen in the Finnish criminal sanctions throughout the years 2001–2019. Some effects are clearer, can be pinpointed to a certain reform or programme, and/or use the exact language of NPM. On the other hand, some effects are more long-term without a clear starting point. My results support

the notion by Lappi-Seppälä (2001) that reforms in criminal sanctions in Finland have been a long, meaningful and carefully planned process rather than a policy whim or a trend (Lappi-Seppälä 2001). Yet, NPM, which has often been described as a ‘trend’ (for example by Pollitt and Bouckaert 2011; Ferlie et al. 1996; Hood 1991), appears to have left its lasting mark on criminal sanctions, modifying the overall functioning of criminal sanctions. The table below (Table 1) lists the analysis themes and the main changes in practices that can be recognised within each theme. This summarisation of outputs and outcomes of NPM in relation to criminal justice has contributed to the enrichment of discourse on NPM, as suggested from example by Dadich et al. (2014). The findings partially support Faulkner’s (2010) observations, according to which NPM has promoted decentralisation, networking with the voluntary and private sector, the professionalisation of employees to run rehabilitation services, and favouring smaller, local prisons.

TABLE 1 Summary of findings

Theme 1	Theme 2	Theme 3	Theme 4
The efficiency drive	Downsizing and decentralisation	The search for excellence	Public service orientation
Centralising	Emphasising networks, applying multidisciplinary	Staff training and education	Emphasising individual situations and goals of prisoners/clients
Discourse around ‘efficiency’	Pilots, programmes, projects	Staff surveys	Bringing focus to specific groups such as women and foreigners
Managerialism	Task forces	Professionalisation	Shifting focus from retribution to rehabilitation
Use of indicators	Outsourcing support operations	Top-down corporate culture	Discourse about ‘service’
New IT software to support centralised control	International cooperation	Branding and communications	Additional focus to the rights of prisoners/clients
Performance reviews	Flexible, personalised sanctions	Assertive HR	Becoming an expert in the society
Use of consultants	Downsizing the staff	Experiments with bottom-up initiatives	Providing ‘public service’
Standardisation and procedure guidelines	Managing by contract		

From the documents, it is not possible to find one sole reason for moving towards NPM in Finnish criminal sanctions. Many different reasons are mentioned, primary ones being related to serving the function of criminal sanctions better, practising moderate criminal policy, meeting the changing needs of prisoners and offenders, standardising procedures, saving costs and just ‘because the Ministry said so’. For criminal sanctions these are practical, real reasons why the reforms took place, however, they also reflect the ‘big picture’ of public policy in Finland. For example, Yliaska (2014) has examined how this change in organising public policy has been a nationwide reform across all fields of public policy. What my thesis suggests is that criminal sanctions have been a part of this movement,

partially by initiating these reforms itself and by also being subject to the general policy of the Ministry of Justice. This supports the interpretations of, inter alia, Yliaska (2014) and Pollitt and Bouckaert (2011) about NPM in Finland.

As Ferlie et al. (1996) and Christensen and Lægheid (2011) recognise, NPM can generate both, vertical and horizontal management styles. Especially after the Imprisonment Act of 2006, legislation provided a basis for discourse on improved implementation of sanctions and organisational structures. Both vertical and horizontal movement can be observed from the reforms of Finnish criminal sanctions. The efficiency drive generated more vertical management, while decentralisation generated more horizontal management. Vertical management reforms have included stronger leadership through management, creating common standards and procedures that contribute to equal standards across prisons and community sanctions offices. Horizontal movement on the other hand have emphasised research and development in networks through project work, outsourcing operational support, and personalising sanctions for each prisoner/client. Interestingly, the new management models started to apply to prisoners/clients as well.

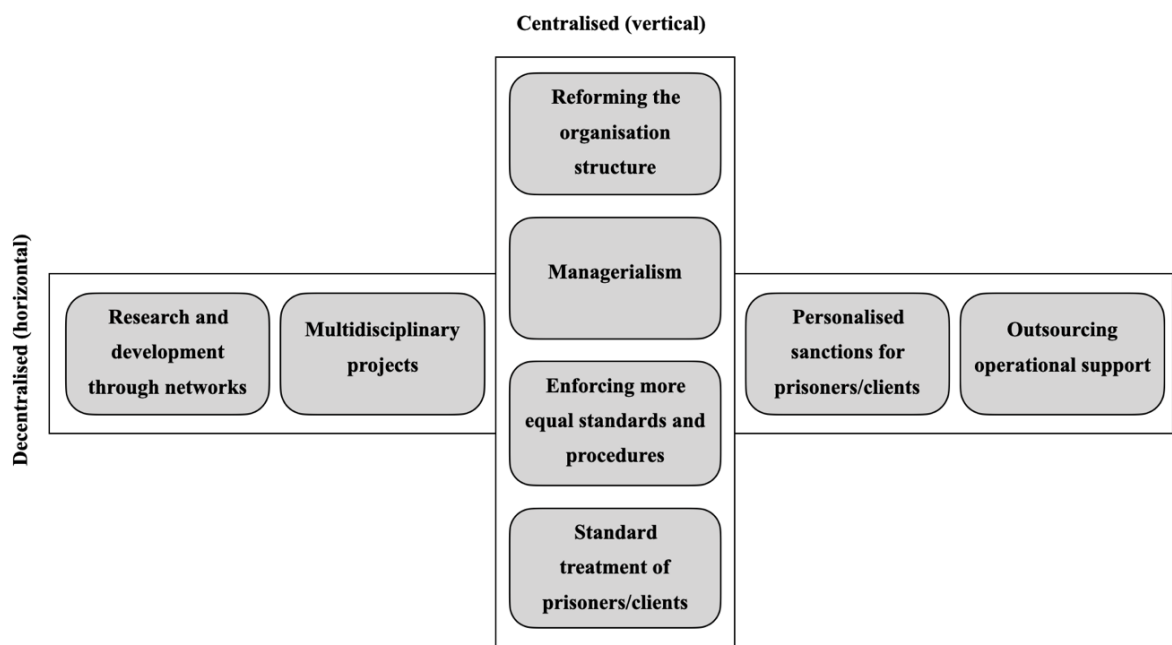


FIGURE 6 Reform outcomes on a vertical/horizontal scale

Inter alia Ferlie et al. (1996) describe this movement towards vertical and horizontal as contradictory. It also reflects the discussion on what should be regulated in law, and what

should be left to the implementers (cf. Hill and Huper 2002, 25). In the analysis of Finnish criminal sanctions, these movements towards both directions seem to support each other: flexibility (horizontal) is achieved by identifying what can be standardised (vertical), and on the other hand, horizontality is achieved by identifying what can be vertical. In other words, centralising around the efficiency drive released the capacity for decentralisation on where it was needed. The annual reports do not report difficulties in defining the level of standardisation and individual freedom of implementers. For example, at the same time the procedure for handling prisoners/clients is standardised, but also individualised within the standard. While it might sound contradictory, in practice it seems to ‘make sense’ and creates structures where resources can be put towards individual development through creating more automatic procedures.

One of the big manifests of all themes discussed above that started to define the criminal sanctions since 2008 was the new goal of using more open sanctions. This supports the observation by Lahti (2017), who noted that “an important effect of the new criminal and sanction policy can be seen in the reduced use of custodial sentences”. This realisation of what criminal sanctions should pursue seems to be heavily tied to the reforms and the idea of NPM. The use of open sanctions and the positive language around them was present before 2008, but the Annual Report of 2008 brought this goal to an explicitly stated one. In the Annual Report of 2009, the goal was mentioned as a ‘central principle’ of criminal sanctions. The foreword in the report by the Chief Director mentioned how open sanctions are the way forward, and the main future goal. The reasoning was based on limited resources, but also to better public service and societal impact within moderate criminal policy. The same goal to move towards more open sanctions is present until the end of the examination period. As there are multiple reasonings behind the goal, it is impossible to fit only one theme of NPM. More so, it appears to be a manifest of all. The main reasons for emphasising open sanctions are, as for example reported in the Annual Report of 2009: supporting the growth of the prisoner towards crime-free lifestyle, implementing sanctions in a planned, reliable, and responsible manner, and introducing more security to the implementation of sanctions. The shift towards more open sanctions was quick: in 2007, 27% of prisoners were in an open prison; in 2009, the same number was 32%. The 2011–2020 strategy document emphasised the open sanctions loud and clear by stating that in the future, no prisoner will be placed in a more confined space than the security of the society demands. This also inspired renewed, more open, and flexible prison structures. However, even by 2019, the goals (as set as

indicators) for open sanctions have not been achieved. Yet, as the descriptions of their applicability have remained positive since 2008, most likely the emphasis in the future will remain on open sanctions. Through this discourse, open sanctions seem to have become an epitome of NPM in criminal sanctions: they are efficient in terms of cost, they serve both ‘publics’ (the prisoner and the society) by aiming to reduce recidivism, they emphasise the contract-based increased freedom of the prisoner, and demand staff to apply multidisciplinary skills in the sanctions. Where balancing between ‘prisoners/clients as a public’ and ‘society as a public’ with expectations of efficiency, downsizing and excellence might be difficult, open sanctions and diversification of sanctions seem to have provided a solution to fit all the NPM goals.

From the analysis it is possible to observe that during the years 2001–2019, the purpose of the criminal sanctions has become more clear, criminal sanctions have become more organised, and setting the results and planning ways to achieve those have become central. NPM appears as a tool that has been able to provide this internal and external reform process towards better sanctions. The annual reports seem enthusiastic about this change, but it is clear that partially the change is initiated (or, even forced) by external organisations such as the Ministry of Justice. All in all, criminal sanctions have become more varied than ever before and comply with the expectation of moderate criminal justice. This progress has created new expectations for the employees of the Criminal Sanctions Agency, who have to comply with the multidisciplinary, contract-based, results-oriented way of working. Similar expectations have also been set for prisoners/clients. Hence, NPM has made its way not only to the administration but also to the everyday enforcement of criminal sanctions.

6 CONCLUSION

This master's thesis has examined how NPM can be interpreted to have affected Finnish criminal sanctions during the years 2001–2019. The guiding research question asked what elements of NPM we can recognise from the planning and monitoring documents of the Finnish Criminal Sanctions Agency. While NPM had been previously studied in relation to various public services and research suggested that it has also affected Finnish criminal sanctions, no previous studies had deliberately assessed this link. This thesis aimed to contribute to the understanding of NPM in Finland and Finnish criminal sanctions by examining Finnish criminal sanctions from the perspective of NPM theory. The inferencing was done by examining the annual reports of the Finnish Criminal Sanctions Agency from the years 2001–2019, and analysing them with the methodology of discourse analysis. The sample reflects the time when NPM was particularly influential in Finland and the Criminal Sanctions Agency went through major reforms. In the analysis it was interpreted that these two phenomena align. The conclusion below aims to shed more light on the guiding principles of Finnish criminal sanctions and their practical manifestation.

In this thesis, it was found that elements that have been theorised and previously recognised to be a part of NPM can extensively be seen in Finnish criminal sanctions in the past two decades. This indicates that at the same time as NPM has widely affected Finnish public administration (cf. Yliaska 2014), it has also affected criminal sanctions. The discourses on effectiveness, managerialism, downsizing, and public service orientation have manifested in the organisational structure of the criminal sanctions, and also in added emphasis to the diversification of criminal sanctions, multidisciplinary way of working, local and global networks and projects, emphasising the excellence of staff members, focusing on research and evidence-based decision-making ('what works?'), and emphasising rehabilitative sanctions. Overall, during the years 2001–2019, the Finnish criminal sanctions have changed both in legislation and implementation. It can be interpreted that this process has been influenced by NPM theory and practice. One of the biggest changes of the past two decades was that emphasis has been brought especially to open sanctions, supporting Lahti's (2017) similar observation on the Finnish criminal sanctions in the 2000s. However, while Lahti explains this change via European influences and highlighted human rights discourse, this thesis suggests that open sanctions might very well be a result of NPM.

Throughout the years 2001–2019, NPM appears as an enabler for more tendentious criminal sanctions. When the efficiency expectation of NPM was pushed forward, additional attention was given to the well-being of prisoners and community sanction clients, as well as to the employees who work with them. Outsourcing operational support, standardising procedures, and clarifying management lines have freed capacity to focus on case-by-case assessments when they are needed. In other words, by limiting the resources under NPM's efficiency expectation, the Criminal Sanctions Agency was forced to recognise and focus on its core functions and perform well around those. This has also enabled the Criminal Sanctions Agency to develop wider networks and build its expert status in Finnish society.

Overall, the work of the Criminal Sanctions Agency has become more results-oriented. This was achieved by 'managing by contract', which interestingly applied to almost all parts of the work. The Criminal Sanctions Agency has become more responsible for producing results for the Ministry of Justice and the whole society. Its employees received a new wage model with incentives, and results-oriented personal development plans were applied. Moreover, prisoners/clients were made responsible for their personal rehabilitation by creating personal sentence plans. The prisoners/clients are expected to set and achieve goals, which has given them more agency in their own sanctions. In the reports, the prisoners/clients have moved from being objects of sanctions to being acting subjects in the system.

Some limitations to this study stem from the sample. The research has examined only annual, national reports that are published by the Criminal Sanctions Agency itself. Hence, the results do not reflect the day-to-day reality in individual sanction units. In the sample it is described how some practices still vary between the regions. This study focused only on a nationwide perspective. Studying the experiences of long-term employees or even long-term prisoners/reoffenders could provide additional insights into the everyday reality around the reforms.

Additionally, this study setting has examined only the past two decades, during which the reforms have been implemented. Thus, while the study has made minor comparisons to the time before 2001 via other sources, the sample is limited to the years 2001–2019. The literature (e.g. Lappi-Seppälä 2001) suggests that many changes during the 2000s have been tangible, especially the movement towards more open sanctions. This conclusion supports

this notion and provides the groundwork for future comparative research with longer examination periods.

As the sample includes only annual reports, it is possible that some changes took place during the examination period but they were not featured in the reports. The method of discourse analysis created a study setting where the reporting is presumed to reflect the significance that the Criminal Sanctions Agency officially gives to what is being reported. Interpreting the results through this framework is hence necessary: the sample and the results present the story that the Criminal Sanctions Agency has wanted to publish. Studying the change ‘on the ground’ and assessing how much NPM has affected the *de facto* changes in individual sanction units would be an interesting research topic for another research project. However, studying the annual report has provided an interesting viewpoint to what is the ‘official narrative’, that will most likely remain in the institutional memory and the history of criminal sanctions in Finland.

As the study focused on the discourse, no analysis of quantitative changes was made. An assessment of actual changes such as savings in the costs of sales would be an interesting topic for future research. For example, Kulovaara (2016, 57) ponders whether actual savings have been made under the NPM efficiency drive. Public annual statements, such as my sample, provide samples to study this on an organisational level.

Taking the limitations of this study into account, this thesis has contributed to the overall understanding of how NPM has been utilised and implemented within Finnish public policy. The results provide additional information on the history of Finnish criminal sanctions and how they are subject to changes in public policy trends, especially by examining the guiding principles of Finnish criminal sanctions and leading to an improved understanding of its theory of change. The results can be utilised by public policy scholars in developing the ‘full picture’ of NPM, especially when linking Nordic moderate criminal policy and public policy trends. Professionals in criminal sanctions can utilise the results in approaching their field of operations from a theoretical point of view. This kind of understanding is important, especially when discussing what are the ‘core functions’ of the organisation.

While authors such as Kulovaara (2016, 58) and Yliaska (2014) have noted that there is only a little evidence about NPM’s actual success, in the analysis of this research, NPM appears

as a rather positive force. In its reports, the Criminal Sanctions Agency finds the goals of efficiency and more meaningful sanctions to complement each other by achieving better sanctions with lower costs. The various (pilot) programmes, which are a part of NPM practices, have all examined ‘what works’ in criminal sanctions. The Criminal Sanctions Agency applies accreditation to its planned programmes to make sure that they follow the goals of moderate criminal policy and help the organisation to become more efficient by focusing on what works (Criminal Sanctions Agency, 2009). The new emphasis on open sanctions appears as a ‘horse’ that carries the Criminal Sanctions Agency towards all the good goals: efficiency and better quality. Maybe criminal sanctions have indeed found a perfect solution! However, as the changes have been taking place while the funding has been reduced, a critical examination on what kind of values have acted as a premise for the changes could provide more answers to Kulovaara’s and Yliaska’s questions.

This research however suggests that organisations themselves can see the application of NPM elements as positive changes. The planning, monitoring, and evaluation efforts have made criminal sanctions more transparent and the indicators of success have been more clearly defined. The Criminal Sanctions Agency has tendentially moved towards more open sanctions; sometimes, explicitly admitting, to save costs. This however does not clash with the intent to carry more meaningful criminal sanctions, as open sanctions have the capability of supporting the personal development of the offender and hence reduce recidivism. This progress supports also Nordic moderate criminal policy. In conclusion: while NPM has its criticism, from the annual reports we can observe that it has forced the Finnish criminal sanctions to plan, monitor, and evaluate more thoroughly and transparently. NPM has not limited the Criminal Sanction Agency’s capacity to implement moderate criminal policy; vice versa, NPM seems like an enabler for it.

All in all, the principles, goals, and paths to these goals in Finnish criminal sanctions have been significantly clarified throughout the past two decades. NPM has forced the Criminal Sanctions Agency to set annual and long-term goals. To implement this results-oriented working style, it has to be asked what kind of results we want to achieve. This questioning of ‘what are we actually doing and why’ has clarified the Criminal Sanctions Agency’s function in the society and made the client work more tendentious under the moderate criminal policy. From this result it can be suggested that NPM can enable organisations to focus on its core function and perform well in its execution. In the case of criminal sanctions,

the drive for efficiency but also for moderate criminal policy seems to have found a way of working together, and the future challenge might be not to tip the scale too far off towards the first.

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ANNEX I: FULL LIST OF THE SAMPLE DOCUMENTS

All the documents below are authored by Criminal Sanctions Agency, and are publicly available at their website www.rikosseuraamus.fi (accessed on 16 March 2020).

doc #	Translation of the title	Original title
1	Annual Statement 2019	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2019
2	Annual Statement 2018	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2018
3	Annual Statement 2017	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2017
4	Annual Statement 2016	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2016
5	Annual Statement 2015	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2015
6	Annual Statement 2014	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2014
7	Annual Statement 2013	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2013
8	Annual Statement 2012	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2012
9	Annual Statement 2011	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2011
10	Strategy 2011–2020	Rikosseuraamuslaitoksen strategia 2011–2020
11	Annual Statement 2010	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2010
12	Annual Statement 2009	Rikosseuraamuslaitoksen tilinpäätös ja toimintakertomus 2009
13	Annual Report 2009	Rikosseuraamusalan vuosikertomus 2009 (Rikosseuraamuslaitos)
14	Annual Financial Statement 2008	Rikosseuraamusviraston tilinpäätös vuodelta 2008
15	Annual Report 2008	Rikosseuraamusalan vuosikertomus 2008 (Rikosseuraamusvirasto)
16	Annual Statement of Human Resources 2007	Rikosseuraamusviraston henkilöstötilinpäätös 2007
17	Annual Financial Statement 2007	Rikosseuraamusviraston tilinpäätös vuodelta 2007
18	Annual Report 2007	Rikosseuraamusalan vuosikertomus 2007 (Rikosseuraamusvirasto)
19	Annual Statement of Human Resources 2006	Rikosseuraamusviraston henkilöstötilinpäätös 2006
20	Annual Financial Statement 2006	Rikosseuraamusviraston tilinpäätös vuodelta 2006
21	Annual Report 2006	Rikosseuraamusalan vuosikertomus 2006 (Rikosseuraamusvirasto)
22	Annual Financial Statement 2005	Rikosseuraamusviraston tilinpäätös vuodelta 2005

23	Annual Statement of Human Resources 2005	Rikosseuraamusviraston henkilöstötilinpäätös 2005
24	Annual Financial Statement 2004	Rikosseuraamusviraston tiliviraston tilinpäätös vuodelta 2004
25	Annual Statement of Human Resources 2004	Rikosseuraamusviraston henkilöstötilinpäätös 2004
26	Annual Financial Statement 2003	Rikosseuraamusviraston tiliviraston tilinpäätös vuodelta 2003
27	Annual Statement of Human Resources 2003	Rikosseuraamusviraston henkilöstötilinpäätös 2003
28	Annual Statement 2002	Rikosseuraamusviraston tiliviraston toimintakertomus ja tilinpäätöslaskelmat vuodelta 2002
29	Annual Statement 2001	Rikosseuraamusviraston tiliviraston toimintakertomus ja päätöslaskelmat vuodelta 2001

ANNEX II: CODING OVERVIEW FROM ATLAS.TI

doc #	# of codes (all)	# of codes Theme 1	# of codes Theme 2	# of codes Theme 3	# of codes Theme 4
1	34	11	5	3	15
2	40	18	7	7	8
3	48	20	8	7	13
4	39	14	5	6	14
5	19	9	6	1	3
6	21	12	3	3	3
7	27	12	2	4	9
8	17	10	1	0	6
9	16	10	0	2	4
10	32	8	5	3	16
11	29	17	0	4	8
12	21	12	4	3	2
13	48	18	3	9	18
14	56	20	10	6	20
15	34	22	9	0	3
16	55	22	16	2	15
17	7	3	2	1	1
18	35	21	6	4	4
19	52	30	6	7	9
20	7	3	2	1	1
21	38	23	6	6	3
22	48	19	9	16	4
23	4	0	0	3	1
24	3	0	0	2	1
25	41	19	6	10	6
26	11	6	0	4	1
27	57	21	9	10	17
28	62	23	22	5	12
29	85	42	14	16	13
Total	986	445	166	145	230

ANNEX III: NUMBERS OF PRISONERS/CLIENTS IN 2001– 2019

The table below collects information from Annual Statements and Statistical Yearbooks of Criminal Sanctions Agency. They are all available at www.rikosseuraamus.fi.

	Imprisonment (incl. remand imprisonment and fine imprisonment)	Community sanctions	Parole	Community service	Monitoring sentence	Juvenile punishment
2001	3 135	4 224	1 220	1 412	*	37**
2002	3 434	4 320	1 347	1 359	*	39**
2003	3 578	4 420	1 272	1 498	*	26**
2004	3 577	4 619	1 357	1 611	*	21**
2005	3 888	4 791	1 437	1 752	*	30
2006	3 778	4 593	1 486	1 650	*	28
2007	3 551	4 800	1 785	1 672	*	17
2008	3 526	4 713	1 772	1 679	*	15
2009	3 492	4 307	1 532	1 559	*	10
2010	3 291	3 970	1 316	1 428	*	12
2011	3 262	3 859	1 177	1 490	*	14
2012	3 236	3 645	1 074	1 458	18	10
2013	3 175	3 324	1 036	1 344	29	7
2014	3 097	3 137	1 054	1 247	45	10
2015	3 068	3 093	1 033	1 217	48	9
2016	3 120	3 061	1 067	1 120	47	9
2017	3 035	2 967	1 093	1 096	45	7
2018	2 910	2 959	1 116	1 072	33	8
2019	3 035	2 967	***	***	***	***

* Monitoring sentence was implemented in 2011, and the first sentences enforced in 2012.

** Juvenile punishment was on a pilot stage until 2005.

*** At the time of the writing, the Statistical Yearbook of 2019 has yet to be published and these statistics are not yet available.