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2 - My rights during the investigation of a crime and before the case goes to court

What is the purpose of a criminal investigation?

The police have the duty to start a criminal investigation if there is cause to suspect that a crime has been committed. The police may hear of the suspicion from the victim of the crime. The police may also find out about suspected crimes in other ways, and they must then begin an investigation (for example, the police may themselves notice that a crime is being committed).

What are the stages of an investigation?

The criminal investigation attempts to find out about the crime that has been committed and about the people who are involved, and to collect the evidence that is needed during the consideration of charges and later during the trial. The criminal investigation is carried out by the police or, in some cases, the Finnish Border Guard, the military or the Finnish Customs. All the authorities that may carry out the investigation are referred to as 'the police' throughout these factsheets

Questioning

The police may call you to the police station for questioning. The police may also phone you and question you by phone. The purpose of the questioning is to find out whether there is cause to suspect that a crime has taken place and that you have committed it.

Arrest

You must obey if you are called for questioning, and if you do not, the police may come and fetch you for questioning. Moreover, in that case the police may arrest you.

First court hearing

If the police apply for a detention order for you, the detention hearing must take place within four days after you have been apprehended. The court holds a detention hearing and decides whether you must be detained or set free. If you are detained, the court also orders the latest date by which the charges must be brought.

If the police do not apply for a detention order, the first court hearing in your case may be the actual main hearing in court.

Before the main hearing, prosecutor's consideration of charges

Before the main hearing, the police will carry out the criminal investigation and collect all the material they have accumulated into a criminal investigation record. The criminal investigation record goes to the prosecutor. The prosecutor then decides whether there are probable grounds to suspect that a crime has taken place and that you have committed it.

The police must inform you and your lawyer about the progress of the criminal investigation and about the evidence they have found concerning your guilt in the crime. You may also collect evidence yourself or with the help of your lawyer, which will speak against your guilt, and request that it is included in the criminal investigation material.

Several questioning sessions may be held before the actual main hearing. There may also be several detention hearings.

My rights during the investigation

Click the links below for more information about your rights during the stages of the investigation.

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Questioning (1)

Why may the police want to question me?

If the police suspect that you know something about an alleged crime, they may question you. The purpose of the questioning is to find out about the alleged crime and the person who committed it. You may also be questioned because the police want to find out what benefit the crime has given, even if you are not suspected of it.

What will I be told about my rights?

The police must inform you of your position in the questioning (victim/suspect/witness) as soon as possible and at least before the questioning begins. As a rule, you have the right to have a lawyer with you during the questioning if you are either a victim or a suspect. If you are questioned as a suspect, the police must also tell you what they suspect you of.

If the police have apprehended you because they suspect you of a crime or you have been arrested or detained, the police must tell you about your right to use a lawyer without delay. Generally, you need not answer any questions before your lawyer is present, if you do demand a lawyer. However, you must always give the questioner your correct personal details, even if your lawyer is not present.

The police have a duty to treat you calmly and rationally during questioning. The police may not give any knowingly false statements, promises or fabrications concerning any special benefits, or tire, threaten or coerce the person being questioned, or use any other inappropriate means or methods to influence the person's willpower, memory, judgement or freedom to decide in order to extract a confession or influence the type of statement given.

What happens if I don't speak the local language?

If you do not speak Finnish or Swedish, the police will arrange for an interpreter to assist you during the questioning. For more information on your linguistic rights see [Linguistic rights \(6\)](#). Some police officers can use English during questioning. You do not have to pay for the interpreter. The interpreter must translate the questions from the police and your answers.

Also, at the end of the questioning, you and the interpreter will tread through the examination record together, and you can then point out if the police have recorded something incorrectly. It is very important that you go through the record carefully with the interpreter because its contents may be used against you at the trial.

May I use a lawyer?

As a rule, you always have the right to use a lawyer during questioning, whether you have been arrested or not. Generally, you need not answer any questions before your lawyer is present. If you need an interpreter, you may also use one when you are talking with your lawyer.

If you know of a lawyer whom you want to use, you may ask the police to contact him or her. If you do not know of any lawyer, the police can find you one. The police may also give you a list of lawyers who often manage criminal

cases, or give you a list of lawyers who are members of the Finnish Bar Association. You may then choose a lawyer yourself, and the police will contact him or her.

Do I have to answer the police questions?

You must always give the police your correct personal details. You need not answer any other questions. If you know of something that would help to solve the crime and remove the suspicion against you, it may be sensible to answer the questions. You should talk with your lawyer about whether you should answer the questions or not.

The police must also follow the law as regards the times when questioning is allowed. As a rule questioning sessions may not be held between 10 p.m. and 7 a.m. For more information about when questioning is allowed, see [here](#).

Can the police conduct a body search and take my fingerprints?

If you are suspected of a crime, the police have the right to take your fingerprints. The police have the right to conduct a personal search – that is, to check what you have in your clothing or otherwise on you – if you are suspected of a crime for which the maximum sentence is at least six months' imprisonment or the alleged crime is a crime mentioned in Chapter 5, Section 10 of the [Coercive Measures Act](#).

The police have the right to conduct a body search, including taking a blood sample or other examination of your body, if you are suspected of a crime for which the maximum sentence is more than six months' imprisonment or if the crime is one that is mentioned in Chapter 5, Section 11 of the [Coercive Measures Act](#). In practice, ordinary crimes, such as theft, aggravated assault and narcotics offences, are crimes for which a body search may be carried out; this may mean that a DNA sample is taken.

Arrest (2)

Why may the police arrest me?

The purpose of an arrest is to safeguard the criminal investigation. The police may arrest you if they suspect you of a serious crime, for which the minimum sentence is two years' imprisonment. In this case they need no other grounds for arrest except a serious enough suspicion that you have committed the crime.

If they suspect that you have committed a less serious crime, such as aggravated assault or theft, they may arrest you if, in addition to the alleged crime, they have cause to suspect that you may:

- run away or otherwise avoid the investigation,
- make it more difficult to investigate the matter or
- continue to commit more crimes.

In addition, the police may arrest you if they do not know you and you refuse to tell them your name or address or give them a name or address which is obviously false. If you do not have a permanent residence in Finland and it is likely that you may leave the country to avoid the investigation, the trial or the enforcement of the sentence, the police may also arrest you.

A civil servant who has the right to decide about arrests will decide about your arrest, and a court order is not needed. Civil servants who can decide about arrests include higher-ranking police officers, the public prosecutor and higher-ranking Customs and Border Guard officers. Chapter 1, Section 6 of the [Coercive Measures Act](#) contains the legal provisions about civil servants entitled to make arrests.

What will I be told about my arrest?

The police must tell you why you are arrested as soon as you have been declared arrested or apprehended on the basis of an arrest warrant. They must also inform a family member or other close person about the arrest if you ask them to do so, unless this causes difficulty for the investigation.

I do not speak the local language. Do I have the right to an interpreter?

If you do not speak Finnish or Swedish, the police will arrange an interpreter for you. For more information on your

linguistic rights see [Linguistic rights \(6\)](#). Sometimes police officers may also conduct their questioning in English, if you both feel that you can manage in English. You need not answer any questions before the interpreter is present.

Can I meet with my lawyer?

You always have the right to meet with your lawyer when you have been arrested. At your request, a defence counsel will also be appointed for you. The State will pay the defence counsel's fee. You may choose your lawyer yourself, but he or she must have a degree in law.

You have the right to talk to your lawyer without the police being present, and your discussion may not be listened to or recorded. If you need an interpreter, he or she can also be present when you talk to your lawyer.

Do I have to answer the police questions?

You do not need to answer any questions that the police ask you, except to give your personal details. Sometimes it is in your own interest that you do answer the questions because it may help to clarify what has happened and the suspicion against you may diminish. When the court reflects on your guilt, they may take into account that you have not replied to questions. However, not replying to questions alone is never a sufficient cause for sentencing.

What if I say things that may harm my case?

It is your fundamental right that you do not need to help in establishing your own guilt. This means that you have no duty to say things that support your guilt.

However, if you decide to talk about things only in court, you must be prepared to explain why you haven't said anything before. The court has the right to bear in mind that you only said at the trial that you were somewhere else when the crime took place. This may harm the credibility of your story.

If you mention things during the questioning that later prove harmful to your case, your story may be used against you. If you tell a different story at the trial than what you said during the questioning, you must be able to explain why. or the court may not think your story is credible.

May I contact my family members?

You have the right to be in touch with your close kin, such as the members of your immediate family, unless the police have a serious reason to restrict your contacts. The police must also inform your next-of-kin about your arrest without delay, unless that causes difficulties for the investigation.

I come from another Member State. May I contact my embassy?

You have the right to contact your embassy, unless the police have a serious reason to restrict your contacts. In general, the embassy is informed at the latest when the police apply for a detention order for you.

May the police take my fingerprints? May my DNA sample be registered?

In general, if you have been arrested, the police may always take your fingerprints and register your DNA.

Can the police conduct a personal search on me?

The police may order that a search is carried out on you. The search may be a personal search to find out what you have in your clothing or otherwise on you, or a body search, which includes searching your body, taking a blood sample or other examination of your body.

If the body search requires medical expertise, only a physician may do it. Otherwise, the police or a health professional will do it.

The legislation contains conditions for when a body search is allowed; for example, the seriousness of the suspicion. In practice, all ordinary crimes (theft, aggravated assault and narcotics offences) allow the police to carry out a bodily search.

What happens if I am arrested on the basis of a European Arrest Warrant?

If another Member State has issued a European Arrest Warrant for you, you may be arrested and detained for extradition to the State that has issued the Arrest Warrant. During the detention hearing you have the right to have a defence counsel and an interpreter. The State will pay their fees and you don't need to pay them back to the State. You may choose your lawyer yourself in the same way as when you are otherwise suspected of a crime.

First court hearing (3)

Why is the first court hearing arranged?

If the police apply for a detention order for you, the court must decide about the detention. If you have not been arrested and the police do not apply for a detention order, the first court hearing will usually be the actual [main hearing](#) of the case.

If you have been arrested, the police must apply for a detention order for you as soon as possible and at the latest before twelve o'clock on the third day after you were apprehended. If not, you must be set free. The court must deal with the application for a detention order without delay.

If you are under arrest, the application for a detention order must be dealt with within four days of the day on which you were apprehended at the latest. The court will hold a detention hearing and decide whether you must be detained or set free. Instead of ordering you to be detained, the court may also place you under a travel ban.

Together with being detained, the court may also order restrictions on your contacts. This means that during the beginning of your detention you may not contact anyone other than your lawyer.

There is no bail system in Finland; in other words, you may not lodge a sum of money with the court that would allow you to be set free to wait for the main hearing.

Do I have the right to a lawyer?

In the detention hearing you have the right to a lawyer. At your request, the lawyer must be appointed as your defence counsel, which means that the State will pay his or her fees at first hand. You also have the right to manage your defence on your own, but if the police apply for a detention order, it is recommended that you use a lawyer. You may choose your lawyer yourself.

Do I have the right to an interpreter if I don't understand the language?

If you do not understand Finnish or Swedish, the court will find you an interpreter. The State will pay the interpreter's fee. For more information on your linguistic rights see [Linguistic rights \(6\)](#). At the hearing, the application for a detention order will be interpreted to you, if you haven't gone through it with your lawyer and interpreter before the hearing. At the hearing, all speeches will be interpreted if needed.

Do I have to speak in court?

You don't have to speak in court. If you have a lawyer, he or she may reply to the application for a detention order on your behalf. However, you have the right to be heard in person if you want to be.

Do I have to give other information in court?

In court – as otherwise during the criminal investigation – you don't have to give any information about the alleged crime. However, this might often be helpful. Your lawyer will help you to decide whether it would be better to speak and provide information.

Will I be detained or set free after the hearing?

If the court decides that there is cause to detain you and that a travel ban is not enough, you will be detained. If you don't have a permanent address in Finland, a travel ban is not possible in practice.

If the court decides that there are no grounds for detaining you, it will order that you must be set free immediately. In Finland it is not possible to set a sum of money as a guarantee. At the end of the detention hearing you will either be detained, placed under a travel ban or set free. Even if the court decides that you should be detained,

you may not be detained if this would be unreasonable because of your state of health, for example.

If you are detained, the court will set a date by which the prosecutor must bring charges. This date may be postponed if the prosecutor so demands. There is no maximum period for bringing the charges, but it may not be longer than is necessary for completing the criminal investigation and preparing the charges.

If it turns out that the time set for bringing the charges is too short, the court may extend it at the prosecutor's request. The court must give you and your lawyer the opportunity to be heard because of the request.

Is the detention hearing public?

As a rule, court sessions are public, and this is also true for detention hearings. In general, however, for reasons of investigation, the police will request that the detention hearing takes place without the public and that the material in the case is kept secret until the charges are considered. The end result of the hearing is always public.

Can I appeal if the court orders me to be detained?

You may appeal against the detention order at the Court of Appeal without a specified appeal period. The Court of Appeal will consider your appeal as an urgent matter. As a rule, hearings at the Court of Appeal are written.

The court must also reconsider your detention if you demand it and even if you have not appealed against the detention. However, a detention matter need not be reconsidered until two weeks after the first hearing. Your lawyer will give you more information on the conditions under which you may find it better to demand reconsideration. When the matter of your detention is reconsidered, this may also take place by a video link. You are then in prison either on your own or with your lawyer and the judge sits in court either alone or in the presence of your lawyer, and you are connected through a video link.

May I leave the country before the trial?

If the court decides at the detention hearing that you must be set free, you may leave the country freely. If the court places you under a travel ban, the court order will specify the content of the ban. If the investigation against you is continued and you have left the country, you may be detained in your absence, if necessary, and a European Arrest Warrant will be issued for you if you cannot be reached.

Before the main hearing, prosecutor's consideration of charges (4)

What happens before the main hearing?

The police will conduct the criminal investigation, and when it is complete they will send the criminal investigation record to the prosecutor. If a defence counsel has been appointed for you, the record will also be sent to him or her.

You and your lawyer have the right to request further investigation if you think the investigation is not complete in some way. You have the right to receive a copy of the criminal investigation record. If a defence counsel has not been appointed for you, the investigation material will not be sent to you or your lawyer automatically.

After this, the prosecutor decides about bringing charges. If charges are brought, you will receive a copy of the application for summons, and you will also be summoned to the main hearing. The application for summons lists the charges as well as the evidence and witnesses the prosecutor will call in order to prove your guilt beyond a reasonable doubt.

You have the right to name witnesses or evidence of your own. In general, it is better if the police question people during the criminal investigation before the court hearing. You should ask your lawyer what to do if you want to call a person as a witness and the prosecutor has not named him or her.

Will there always be a main hearing?

If the prosecutor finds that there is no probable cause to support your guilt, he or she will decide to waive the charges (not bring charges), and the matter will normally stop there. If this happens and you are in detention, you will be set free at once.

The prosecutor can also decide to waive charges although he or she considers you to be guilty. In that case the prosecutor thinks a trial is not necessary. This may be because it is a minor offence, or because of your young age. If you feel that you are not guilty of the crime, even though the prosecutor thinks you are, you have the right to bring the matter before a court for a decision.

The victim has also the right to bring charges if the prosecutor has decided to waive the charges against you.

Certain minor offences can also be dealt with in a [written procedure](#), which means that there will be no actual main hearing. A written procedure can be arranged if, for example, you have admitted your guilt and consent to the procedure.

Can I admit my guilt before the trial?

You may admit to the police that you are guilty of the crime. Your case may still proceed to a main hearing if the prosecutor brings charges and a written procedure is not possible. Sometimes, if you confess and help the investigation of the crime, this may help to reduce your sentence, but this depends on the court's deliberation.

A confession does not affect your right to appeal, and you may also withdraw your confession at any time. However, even if you have withdrawn your confession, the court may take it into account when it considers whether you are guilty.

Can the names of the charges be changed before the trial?

Depending on how the investigation proceeds, the names of the charges may change during the criminal investigation. The prosecutor may also charge you with a crime that is different from the one you are suspected of, as long as the main points of the crime have been determined during the criminal investigation (for example, the police have suspected you of murder but the prosecutor charges you with manslaughter). The prosecutor may add more detail about the charges, even after they have been brought.

Can I be charged with a crime that I have already been charged with in another Member State?

As a rule, you may not be charged with a crime that you have already been charged with in another Member State. However, this requires that the decision given in the other Member State is final and one of the following is true:

- the charges were dismissed,
- you were found guilty but were not sentenced to a punishment,
- the sentence has been enforced or is being enforced, or
- the sentence has lapsed according to the legislation of the country in which the sentence was passed.

If you feel that you have been charged with a crime that you have already been charged with in another Member State, you should definitely speak to your lawyer about it.

Complaining about police actions (5)

I feel that the police have acted incorrectly towards me. Who can I complain to?

If you feel that, while engaged in his or her duties, a police officer has acted incorrectly towards you, you can make an administrative complaint. His or her actions will then be investigated.

An administrative complaint is submitted to a higher police officer or to the highest guardian of the law. The highest guardians of the law are the [Chancellor of Justice](#) and the [Parliamentary Ombudsman](#). The complaint must be made in writing, but otherwise its form is free.

If you suspect that a police officer has committed a crime, you can make a crime report about him or her. The police have the duty to always register the report on the basis of your information. The prosecutor always leads an investigation if a police officer is suspected of a crime. In this case, only the prosecutor is entitled to decide whether there is cause to suspect a crime and whether a criminal investigation must be conducted. The police must send a copy of the crime report to the relevant prosecutor unit without delay, so that an investigator in charge may be appointed. You also have the right to know whether a criminal investigation is being started and how the investigation is proceeding.

If the police treat you improperly, you should always ask your lawyer for advice on what you should do about it.

Linguistic rights (6)

When you are suspected of a crime, you have the right to use either Finnish or Swedish at all stages of the criminal process. If you do not speak Finnish or Swedish, an interpreter will be arranged for you for both the questioning and the trial. You also have the right to an interpreter when talking to your lawyer in connection with questioning sessions. You will not have to pay for the interpreter.

Some police officers can use English during the questioning; in exceptional cases, they may be able to use other languages as well. If you feel that you and the police officer do not understand each other because of language issues, you have the right to demand an interpreter. It is very important that you understand the content of the questioning so that you can sign the examination record on your own behalf.

The authorities do not have to translate all the material that has been collected during the criminal investigation into a language that you understand. In general, the criminal investigation material is not translated. For this reason, it is important that you have a lawyer who understands the language used in the criminal investigation. The application for summons will either be translated or interpreted orally to you.

Related links

[Judicial system](#)

[Ministry of Justice](#)

[Criminal Investigations Act in Swedish](#)

[Criminal Procedure Act](#)

[Criminal Procedure Act in Swedish \(unofficial translation\)](#)

[Coercive Measures Act in Swedish](#)

[Police](#)

[Detention Act in Swedish](#)

[Act on Extradition on the Basis of an Offence Between Finland and the Member States of the European Union](#)

[Act on Extradition in Swedish \(unofficial translation\)](#)

[More information on coercive measures](#)

[More information on coercive measures in Swedish](#)

[Complaining about police actions](#)

[Complaining about police actions \(in Swedish\)](#)

[Brochure on the Language Act in Swedish](#)

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