Espoo Shootings: A Failure of Restraint

Media discussion over the Espoo shootings has not pursued the pertinent question raised on the day by Chief Inspector Tero Haapala\(^1\) of Finland’s National Bureau of Investigation: whether, in hindsight, a simple restraining order was ever the right response for a known criminal with convictions for illegal firearms possession making credible threats to kill against a former lover? Instead, the debate has strayed, unhelpfully, toward quite spurious questions over criminality and the deportation non-Finnish citizens.

Yet to follow Haapala’s more constructive critical comment, one might also question that if a restraining order was the right response how effectively was it being supervised by the police in terms of its breaches as a reported case of domestic violence likely to end up in murder? For as any street police officer in the world will tell you, most murders are cases of domestic violence that have gone too far. Finland is no exception to this pearl of tacit police knowledge. And as a former British police officer and detective of twenty years, I speak as much from experience as I do from knowledge in the field of police studies.

So in pointing toward the criminal justice system’s apparent attitude of leniency over violent crime in Finland, the National Police Commissioner Mikko Paatero\(^2\) more accurately redirects the week’s ensuing debate over the Espoo shootings on New Year’s Eve away from the reactionary and somewhat narrow minded questions of deportation for migrant offenders or, indeed, further firearms control over handgun availability. The latter point of which, quite frankly, should have been resolved in favour of their general prohibition in Finland when the opportunity last presented itself not so long ago.

Of course, some may say that a prohibition on handguns would not prevent anyone so determined, such as the Espoo gunman, from obtaining one. True. But it is surely self-evident that if there is no legitimate commercial market for handguns, outside of specialist production for licensed hunting and recognised sport, then their criminal availability in the first place would be dramatically reduced. I am yet to hear a convincing argument on this that goes beyond pure self-indulgence for the recreational possession and use of handguns in Finland or any other civilised country.

However, in contrast to the much discussed Kauhajoki school shootings in September 2008 and those of Jokala in November 2007, which both involved licensed automatic handguns, effective firearms control is not really the issue in the Espoo case. Nor is it anything to do with the residence status and rejected citizenship application of the gunman in question, Ibrahim Shkupolli. For as I am sure the national statistics for domestic murders and suicides will show, and that most Finnish police officers would concur, and that in any case pure common sense would dictate, a Finn is just as capable as anyone else of murderous vengeful violence against loved ones, family, friends, colleagues and the public at large. There are no significant differences. So why focus at all on residence status and deportation, as Interior

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\(^1\) YLE News 31.12.2009 'NBI: Suspect had made threats'.
\(^2\) Helsingin Sanomat International Edition 7.1.2010 'Sello shooting: widespread disapproval over inadequate penalties for firearms possession'.

Minister Anne Holmlund seems to have done? Why that, when the proper question, as raised by the NBI, is effective police response to domestic violence and, as the National Police Commissioner points out, meaningful prison sentencing for violent crime to back it up?

Focus on the immigrant status of the offender has deflected our attention from the failure of the relevant authorities, Espoo in this case, to effectively respond to a foreseeable threat to public safety. And I refer to the tragedy as the ‘Espoo’ shootings rather than the ‘Shkupolli’ or ‘Sello’ shootings for this very reason. For it places attention as to where any productive review should lay. Not with the ‘foreignness’ of the offender, for that is as unhelpful as it is offensive to any progressive debate on integration in Finland. Nor with the security arrangements of the shopping mall where four of the six shootings took place, though this does serve to remind us as to the more public nature of such private spaces. But with District level actions of the courts and police. For as public authorities they have the ultimate responsibility for ensuring local public safety and an overall duty to protect the lives of people within their jurisdiction as a whole. The privacy of a shopping mall, work place or home is no exemption. And one would look to the Interior Minister to focus on that issue in the way Justice Minister Tuija Brax has done over domestic violence.

Yet the year ended in Espoo with six people (including the gunman) losing their lives in consequence of a long-running case of domestic violence and the woeful failure of a restraining order issued in respect of it as early as April 2009. One that, albeit in hindsight, could have been better enforced when breached in November, if not dealt with entirely differently at the time of initial reporting to the police by way of a more meaningful criminal prosecution. What may be behind this, as both Commissioner Paatero and Minister Brax have both usefully suggested, is an institutional attitude of the District courts and local police that risks underplaying the social as well as physical significance of violent crime including illegal firearms possession and domestic violence when it comes to public safety.

Going by facts reported from police sources during the days that followed the incident, a 42 year old Finnish woman ended what had become a turbulent ‘on-off’ relationship of 18 years with her 43 year old male partner in late 2008. The man, a Kosovar-Albanian by birth who came to Finland via Norway in 1990 in his early twenties, was of no known criminal record prior to entering Finland but had become well known to police in the time since. With a record for theft and drug offences as well as making threats of violence towards others and an assault in 2001. He had significant previous convictions for firearms possession offences in 2003/4 and 2007. These were for keeping a loaded 7.65mm handgun hidden in a boot at his home (fined €300) and possession of 9mm cartridges found by police during a later house search for other matters (also fined). When he began to threaten the lives of the woman and her family in April 2009, she decided to go to the police for help.

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3 Helsingin Sanomat International Edition 7.1.2010 'Interior Minister: Crimes should be considered in deportation decisions.'
Evidently taking his threats to kill seriously enough, the local police reportedly took the man in for questioning and searched his home, albeit to no avail with regard to any firearms. We are not told what the offence being investigated was but an offence of ‘menace’ under chapter 25/7 of the Finnish Penal Code, which carries a maximum penalty of a fine or two years imprisonment, would seem to have been appropriate and, in my experience of investigating similar domestic violence cases involving ‘threats to kill’ under UK law, evidence from the witnesses alone would have been sufficient to support charges and a successful prosecution. One has to wonder why this was not so in this case.

Instead, the lesser measure of a restraining order rather than criminal prosecution for ‘menaces’ was favoured. This is despite the fact that the issuing court was not only convinced that he had threatened the lives and safety of his ex-girlfriend and family, but also that he was capable of carrying out his threats. So, given the development of his criminal record, why no prosecution and imprisonment for the more serious offence of ‘menace’ that this amounted to, backed up by a properly supervised restraining order upon release? And in any case why, when a restraining order under such serious circumstances was issued, was he not taken straight back before the issuing court in November when he breached it, even if only by sending ‘non-threatening’ SMS message to her? For, as intended by the very provision of the order itself, that would have presented, if nothing else of fundamental interest to the police, further opportunity to imprison a known criminal. Yet the attitude of leniency over violent crime, including firearms and domestic violence, seems to have prevailed to the cost of six lives. One could even ask if such leniency might even stretch to complacency.

And so, as the police contributions to the debate by the National Commissioner Mikko Paatero and the NBI’s Chief Inspector Tero Haapala have already suggested, this is where critical review of the Espoo shootings should lay: the failure of a restraining order and its effective supervision, not the spurious connection between immigration and criminality that some would have it focussed on. Shkupolli could have just as easily been a Finn. What to say then?

Jonathan Hadley. 8 January 2010, Helsinki.

Jonathan Hadley is a postdoctoral researcher at the University of Helsinki (Sociology) specialising in policing and racism in Europe. A former British police officer, he moved to Helsinki in 2002 to study, worked as a researcher at the Police College of Finland until 2008 in the field of drugs policing and witness protection and has been an active adviser to an EU wide consortium of police authorities on major event security research since 2005. His current studies concern the social role of private security guards in Helsinki.