

Information on serving a prison sentence



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This folder gives you the most important rules for people who have to serve a prison sentence. If you want to know more, you can borrow rules and laws from the staff. Also, you can always ask the staff if you are in doubt about anything.

State or local prison?

A prison sentence is normally served in a state prison. If your sentence is short, or if other particular circumstances make it appropriate, you may have to serve your sentence in a local prison or in Copenhagen Prisons (“Western Prison”). In many cases they have the same rules as a closed state prison, see below.

Open or closed prison?

A prison sentence is normally served in an open state prison. The Department of Prisons and Probation may decide, however, that you have to serve your sentence in a closed prison, for example if you have a long sentence.

A closed prison has more staff and control than an open prison. A closed prison also has stricter rules about money, telephone calls, visits, leaves and other matters. See below for details.

Semi-open units

If you are to be admitted or transferred to a closed prison, you may in some cases be admitted or transferred to a semi-open unit. Most open state prisons have semi-open units. You can get more information about the semi-open units from the staff.

Transfer to a closed prison

If you abuse the greater freedom in an open prison, you risk being transferred to a closed prison. This will normally happen if, for example, you leave the prison without permission, smuggle in or abuse drugs or alcohol, behave in a threatening or violent manner or otherwise commit a crime inside or outside the prison.

You can ask the staff about your possibilities for transfer to an open prison at a later stage.

Sentence calculation

After the judgment, or when you have arrived at the prison, you will receive a so-called sentence calculation. This will give you the important dates for your sentence, for example the date of completion of your sentence, which is the latest date of your release. You will also receive the dates when you may perhaps be allowed leave and release on parole.

If you do not agree with the sentence calculation, you can complain according to the ordinary rules; see under *Complaints and appeals*. If you disagree with the interpretation of the judgment, you can demand that your sentence calculation must be submitted to the court.

Association

In the state prisons, you are normally together with other inmates during working and leisure hours. In most prisons you will be able to be alone in your cell/room during leisure hours and at night. In some prisons you can also serve your sentence completely without association with other inmates.

The local prisons and Copenhagen Prisons offer more limited possibilities of association.

If you are under 18 years of age, special rules apply to association. Ask the staff, if relevant.

Personal, social, and legal help

While you are serving your sentence, you can particularly get help and advice from the staff of your unit. You can also talk with the unit staff or with the social worker of the prison about your and your family's personal and social problems.

When you have arrived at the prison, you will be advised about your rights, duties and other matters relevant to your stay. If you are serving a sentence of more than four months, you and the prison together have to prepare a plan for your time in prison and the time after your release. In some cases such a plan also has to be prepared even though the sentence is shorter.

If you need other special assistance, you can come into contact with the prison chaplain, nurse, doctor, dentist, teacher, and the management of the institution. If you have questions about your sentence, you can seek help from your counsel. To a certain extent, the social worker or the management of the prison may be able to reply to other legal questions. The staff can also refer you to lawyers who offer free legal aid.

Property and money

The cell is furnished, and you will receive bed linen, towels and work clothes. To some extent, you can bring personal property, such as clothes and pictures.

The rules on what personal property you can bring with you differ between closed prisons, open prisons and local prisons.

Ask the staff whether you can have property or money that is sent to you handed over or be permitted to send your money or property out of the prison. Normally you will not be allowed to send money out of a closed prison unless the money is wages.

As a rule, the institution is not liable for damage, destruction or theft of your property.

Food, drink, etc.

As a rule you will receive money to buy your own food if you serve your sentence in a state prison. In local prisons you get ready-made food. The doctor can prescribe special food for health reasons. If you are a vegetarian or need special food for religious reasons, such food requirements will be observed. You can ask the unit staff or possibly the chaplain.

You can buy coffee, tobacco and other supplies in the prison. The range of products offered for sale differs from prison to prison.

Work and education

If you serve your sentence in a state prison, you have a right and a duty to occupation through work, education or other approved activity, including treatment. You will receive wages for your occupation. If the doctor reports you ill, you will receive sick pay.

If you serve your sentence in a local prison, you have a right, but no duty, to occupation.

The offers of work and education differ from prison to prison, and in local prisons the offers are limited. In a state prison you can typically work with production work in a workshop, with farming or forestry, cleaning, building maintenance or maintenance of parks and gardens. In a local prison, the work will often be simple production work and building maintenance.

Education takes place in the prison's own school or is given by teachers attached to the local prison and will typically consist in general adult education or remedial education.

To the extent possible, your own wishes and abilities will be taken into account. Ask the staff about the possibilities, if relevant.

In special cases, you may get permission to work or study outside the prison (day release) or to attend to your own job in the prison. If you have income from work, for example in case of day release for occupation, you normally have to pay for your stay in the prison. The staff can tell you more about this.

Treatment

If you have a special need for treatment, you may be able to serve the sentence in an institution outside the Prison and Probation Service in certain cases. If that is not feasible, the Prison and Probation Service offers a series of different treatments that you may be able to undertake, for example if you have an alcohol or drug problem or have been sentenced for violence or a sexual offence. The Prison and Probation Service has special folders about the treatments possible, etc. Ask the staff about it, if relevant.

Leisure time

You are normally entitled to at least one hour a day in the open air.

You can listen to the radio, watch television and read newspapers, magazines and books. Ask the staff about the possibilities of renting a radio and/or television set and of borrowing or buying magazines, newspapers, etc.

Recreational offers are most varied in open prisons and rather limited in local prisons. State prisons offer sports, fitness training, various hobby activities, etc. Ask the staff, if you are interested.

Religion

Religious services are held in state prisons and in some local prisons. You are entitled to talk with a priest or the like from your religious community. In addition to the prison chaplain, who is a member of the Danish Evangelical-Lutheran Church, some prisons employ persons from other religious communities, such as imams and persons from the

Roman Catholic community. In other cases, the prison chaplain or the staff can make contact for you with an external priest or the like from your religious community.

If your religion forbids you to work on certain days, your working hours must be planned to take that into account.

Illness

A doctor is associated with the prison. After your admittance you will be offered a consultation with the doctor or the nurse. If you believe that you need a doctor in other cases, tell the staff who will then notify the doctor or the nurse.

The doctor will assess whether you need treatment, and whether any treatment should be given in one of the institutions of the Prison and Probation Service or in an ordinary hospital.

Dental treatment

You are entitled to certain forms of dental treatment. In certain cases you must pay for the expense yourself. Ask the staff, if relevant.

Visits

You are entitled to visits for at least one hour and, if possible, two hours a week. In state prisons, it is often possible to have more and longer visits. Normally, your visitors must be approved in advance.

Visits are normally not supervised by staff. You are entitled to unsupervised visits from your counsel in the criminal case that resulted in your admittance to the prison, or in a pending criminal case against you. The same applies to other lawyers retained for assignment as counsel for the defence.

If you have no family or friends to visit you, you can ask the staff about the possibility of visits from a Red Cross prison visitor.

You are normally entitled to visits from the press, but the Prison and Probation Service has to give its permission.

Telephone calls

Open state prisons have coin or card payphones. In closed state prisons and in local prisons you can only make calls if you have special permission. As a rule you have to pay for your telephone calls yourself. The staff makes the call and will normally monitor your call. However, most units in the closed prisons and in Copenhagen Prisons have special arrangements with card payphones. The staff can tell you more about this.

It is forbidden to bring a mobile phone with you into the prison. In closed state prisons and in local prisons, it is a criminal offence to bring a mobile or cell phone with you. It is also a criminal offence for your friends or family to bring a mobile or cell phone with them when they visit you in a closed state prison or a local prison.

Letters

Your letters will not be read unless it is deemed necessary for reasons of order or security or to protect the victim of your offence. A letter may be withheld for the same reasons.

Letters to you will normally be opened and the envelope contents checked in your presence.

Letters that you send from closed state prisons or from local prisons will be checked before being posted. In open state prisons, letters are usually not checked before being posted.

The staff is not allowed to open letters to or from the following authorities: The Minister of Justice, the Director-General of the Prison and Probation Service, the courts, the Special Court of Indictment and Revisions, the Appeals Permission Board, public prosecutors, the police, the Parliamentary Ombudsman, members of the Danish Parliament, other public authorities, the European Court of Human Rights, the European Committee for the Prevention of Torture, the UN Human Rights Commission, the UN Committee against Torture, the counsel of your criminal case or a pending case, including a case concerning discharge on parole from preventive detention. The same applies to letters to or from lawyers retained for assignment as counsel for the defence. Such letters may, however, be scanned to prevent smuggling.

If it is difficult for you to write, you should tell the staff who will then help you with, for example, a tape recorder or with extended access to making telephone calls.

Elections, etc.

You are entitled to vote by letter for parliamentary and local elections. You are also entitled to participate in other forms of legal political activities.

Spokesman scheme

Inmates have a right to exert influence on general matters in the institution. This influence may be exerted through spokesmen elected by the inmates.

Leaves

Most inmates of open state prisons have regular leave every third weekend. You can only be granted leave after at least 30 days in prison, and in some cases much more time will pass.

It is also possible to be granted leave from a closed prison, but not as quickly as from an open prison. Ask the staff, if relevant.

If you abuse a leave, for example by failing to return, trying to smuggle drugs or alcohol into the prison or committing a new crime, your right to leaves may be withdrawn. Your right to leaves may also be withdrawn if, for example, you abuse, possess or sell drugs inside the prison. If you are an inmate of an open prison, you also risk being transferred to a closed prison.

As an inmate, it is possible for you to be granted leave for special purposes, for example if persons closely related to you become seriously ill or die. Permission for such a leave always requires that the leave has a purpose that can be approved and that there is no risk of abuse. In certain cases, you may be accompanied by an escort.

Release on parole

Inmates are normally released on parole when they have served two-thirds of the sentence. However, this usually only applies if your sentence is of at least three months.

In some cases you may be released on parole when you have served between half and two-thirds of your sentence. This may be the case if you have made a special effort during your term in prison to avoid relapsing into crime, for example by participating in treatment for drug or alcohol abuse. Ask the staff, if relevant.

Offenders with a life sentence may be released on parole when they have served 12 years of the sentence.

The prison or the Ministry of Justice (the Department of Prisons and Probation) decides whether you will be released on parole. If they deem that release on parole is inadvisable because there is a risk that you will commit a new crime, they may refuse to release you on parole.

When you are released on parole, a parole period is set. If you commit a crime during the parole period, the remainder of your sentence will normally be added to the new sentence.

In some cases you can only be released on parole on condition of supervision by the Prison and Probation Service. There may also be additional conditions of, for example, treatment for alcoholism. If you break the conditions, the Prison and Probation Service may decide that you must return to prison.

Rules, orders and prohibitions

You are entitled to see what the rules of the Prison and Probation Service and the European Prison Rules say, and what special rules the prison has.

Alcohol and drugs are forbidden. The same applies to medicine that has not been prescribed by a doctor.

It is a criminal offence to escape from the prison.

You must generally follow current rules and the staff's directions.

Disciplinary punishment, etc.

If you break the rules, you can be given a disciplinary punishment in the form of a warning, a fine or a period in a disciplinary cell. You are entitled to make a statement before the decision is made and to receive an explanation of the reasons for the decision. In certain situations your right to association may also be withdrawn ("exclusion from association"). See under *Complaints and appeals*.

Search

When you are admitted to the prison, you may be searched. This means that the staff will examine whether you have brought any items with

you that are prohibited in the prison. Upon request, you must remove all your clothing, even if this is against your religion. Such a search will be performed by persons of the same sex as yourself.

You may also be searched during your stay in prison, for example before and after visits. For security reasons, your cell may be searched too.

You may also be ordered to provide a urine sample to check whether you have taken any drugs.

Use of force

The staff has the right to use force and means of restraint in certain circumstances. The staff may, for example, use various holds or handcuffs.

The use of any form of force is subject to very close control, and very specific conditions must be fulfilled. The use of force must be as mild as possible and must be necessary to achieve the purpose. See under *Complaints and appeals*.

Compensation for undeserved measures

You are entitled to compensation if you have undeservedly served a prison sentence for too long, if you have undeservedly been placed in an interrogation cell, disciplinary cell or protective cell or have undeservedly been excluded from association. If you have undeservedly been subjected to other measures, you may in certain cases receive compensation if special conditions are satisfied.

Complaints and appeals

You are always entitled to make a statement before your case is examined. Normally, all refusals and decisions going against you must be supported by reasons. You are entitled to receive decisions in writing. According to the general rules about the right of access to documents, you are also entitled to receive a copy of the written material available and to comment on it before the decision is made. You must be advised about your possibilities of making a complaint.

Special rules apply concerning the choice of enforcement institution, exclusion from association and transfer between the institutions of the Prison and Probation Service. In these cases you are not entitled to access to documents, and you therefore also have a limited right to receive reasons for the decision.

You can appeal staff decisions to the prison management or to the Department of Prisons and Probation.

If you want to appeal to the Department of Prisons and Probation, you have to do so within two months of receiving the decision.

When the Department has determined your appeal, you may be able to demand that the decision must be brought before the court in certain situations. This applies to the following decisions:

- decisions concerning the calculation of sentences;
- certain decisions concerning withholding of letters;
- decisions on disciplinary punishment in the form of a period in a disciplinary cell for more than seven days;
- certain decisions concerning the confiscation of property or money;
- certain decisions about set-off against your wages;
- refusal of release on parole after having served two-thirds of a determinate sentence or 14 years of a life sentence;
- certain decisions of recall; and
- certain decisions refusing compensation for undeserved measures imposed during the sentence enforcement.

When a decision is made in a specific case, you will be advised whether you can demand that the decision must be brought before the court. If you want a decision brought before the court, you have to demand it within four weeks of receiving the decision.

In other cases, you can bring the decision before the Parliamentary Ombudsman. The Ombudsman cannot alter any decision himself, but he can ask the Department of Prisons and Probation to reconsider the matter. In practice, the Ombudsman's recommendations will be observed.

Act on Processing of Personal Data

When you are an inmate of one of the institutions of the Prison and Probation Service, personal data about you will be collected and processed electronically.

Pursuant to the Act on Processing of Personal Data you can make use of the following rights:

- Right to be notified of the collection of data for electronic data processing purposes;
- Right to request access to the data being processed;
- Right to demand correction, erasure or blocking of data which are inaccurate, misleading or otherwise electronically processed in contravention of legislation.

Information for foreigners

Rules

The most important rules about serving a sentence are available in English. You can borrow them from the staff.

Language problems

Normally, you will be able to talk in English or German with staff. If you do not speak these languages, somebody among staff or a fellow inmate may be able to help you with interpretation.

The staff can summon an external interpreter, if necessary and feasible.

Spokesman

Some prisons have a special spokesman for foreign inmates.

Embassy, etc.

It is possible for you to come into contact with your country's embassy or consulate. Ask the staff, if relevant.

Elections, etc.

In certain cases you are entitled to vote at local elections. Ask the staff, if relevant.

Transfer to your country of origin

In certain cases it may be possible for you to serve your sentence in your own country. Ask the staff, if relevant.

Expulsion

If the court has decided that you are to be expelled when you are released, you normally have to serve your sentence in a closed prison.

If you are to be expelled, you may be able to be released on parole earlier than normal. You can be released when you have served half the sentence if the entry prohibition is for ever, or when you have served 7/12 of the sentence if the entry prohibition is for a limited period. Even if you do not want release on parole, for example because you are trying to have the expulsion sentence altered, you will be released after having served two-thirds of the sentence. The police decide how you are to be expelled and will normally arrange for the expulsion to be effected upon your release. You can ask the staff or your counsel, if you are in doubt about anything concerning the expulsion.

Information for relatives

If you want to visit an inmate, you normally have to obtain a visiting order from the prison. The prison will give you further advice about the rules for visits, including how to book a time for a visit, and what items may be brought for visits. Please note that you have to allow the staff to search the items that you bring along and your clothes.

There are rules specifying the extent to which inmates may have their own property and money in the prison. The individual prison can give you further details if you want to give items or money to an inmate.

Letters that you send to an inmate will not normally be read by staff, but will normally be opened by staff in the inmate's presence to prevent smuggling. However, in certain situations, a letter that you send to an inmate may be read. Similarly, a letter may be withheld. Normally the letter has to be returned, and in any case the sender must be informed about the withholding within four weeks.

See further details above about the inmates' opportunities for leaves and for using the telephone.

It is a criminal offence to bring a mobile phone when you visit inmates in closed prisons and local prisons.

Confidentiality

All members of staff of state and local prisons and the Probation Service are subject to a duty of confidentiality.

They are not allowed to disclose information about the inmate to relatives or to any other third party. Only the inmate himself or herself may tell relatives or others about personal matters unless the inmate has given the staff permission to do so.

Telephone hotline

If you have any questions, you can talk with a social worker from the Prison and Probation Service and obtain information about rules and rights through the anonymous telephone hotline of the Prison and Probation Service at +(45) 70 26 04 06.

The hotline is open every workday from 9 a.m. to 3 p.m. and between 7 and 10 p.m. At weekends, the hotline is open between 12 noon and 6 p.m.



Direktoratet for Kriminalforsorgen
Strandgade 100
DK 1401 Copenhagen K

Phone 72 55 55 55

www.kriminalforsorgen.dk
dfk@kriminalforsorgen.dk

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