

Information about arrest and remand in custody

This folder explains the most important rules for people who have been arrested and are remanded in custody. If you want to know more, you can borrow the rules and laws from the staff. You can always ask the staff if you are in doubt about anything.

Arrest

1. Appearance before a judge (preliminary statutory hearing)

You have been arrested. If you are not released within 24 hours, you must appear before a judge. The judge may release you, decide to uphold the arrest for up to 3 x 24 hours, or order that you are to be remanded in custody.

2. Lawyer / defence counsel

The police will inform you of your right to contact a lawyer. In connection with the statutory hearing, a defence counsel must be appointed for you.

3. Continued detention

If the judge decides that you are to remain under arrest, you must appear in court again no later than 3 x 24 hours after the end of the preliminary hearing. The judge will then decide whether you are to be released or remanded in custody.

4. Isolation

The police may decide that you are to be held in isolation from the other detainees and not allowed to have contact with others.

5. Foreign nationals

The police will inform you of your right to contact your country's embassy or consulate.

Staff can summon an interpreter if it is necessary and practically possible.

6. The police

The police can provide further information about the rules for people under arrest. If you wish, the staff can help you get in touch with the police.

Remand in custody

7. Defence counsel

In connection with the preliminary statutory hearing, a defence counsel will be appointed for you. You will have the opportunity to speak with your lawyer before being questioned in court.

8. Detention period

If you are remanded in custody, the judge will set a deadline for the next court review of your detention. The period may be no longer than four weeks. You do not usually need to be present when the judge decides whether your detention should continue. However, the judge can require your presence.

9. Isolation

The judge may decide that you are to be held in isolation from the other detainees. If isolation is court-ordered, you may have broader access to visits. See also **Monitoring of visits and letters** below.

10. Appealing a decision

You can appeal the judge's decision on remand in custody or isolation to a higher court. Your defence lawyer will advise you on this.

11. Monitoring of visits and letters

The police may decide that you are not allowed visitors, or that your visits must be monitored. You can ask to have the police's decisions brought before a court. The police may also decide that your letters are to be monitored. If a letter is withheld, the matter must immediately be brought before a judge.

You have the right to unmonitored visits from and correspondence with your lawyer. You also have the right to unmonitored correspondence with, for example, the courts, the Minister of Justice, the Director of the Prison and Probation Service, regional directors and the Parliamentary Ombudsman. Special rules apply for correspondence with certain other public authorities - ask the staff if needed.

The local prison can also decide to monitor your letters and visits, for example to prevent smuggling. See also **Rules, orders and prohibitions** below.

12. Phone calls

You are generally not allowed to make phone calls. In certain cases, you may be permitted to call, for example if a written letter would take too long in your situation. Such permission depends on practical feasibility and whether the police or the local prison object. If you want to call your lawyer, you will normally be allowed to do so.

It is a criminal offence to bring a mobile phone into the local prison - and for your friends or family to bring one when visiting you.

13. Foreign nationals

The police will inform you of your right to contact your country's embassy or consulate.

Staff can summon an interpreter if it is necessary and possible.

14. Rules, orders and prohibitions

You have the right to read the rules of the Prison and Probation Service, the European Prison Rules, and the house rules of the local prison.

Alcohol and drugs are prohibited, as is any medication not prescribed by a doctor.

Escaping from the local prison is a criminal offence.

You must comply with the applicable rules and the instructions of staff. The local prison's house rules also contain practical information such as how to buy personal necessities, visiting hours, and handing in personal items. Below are the key rules for your stay.

15. Personal and social support

The Prison and Probation Service must help you minimise the employment, social and personal disadvantages of being arrested or remanded.

You will be visited by a social worker, who - together with the daily staff - will offer help and guidance. You can talk to the staff or social worker about personal or family issues.

If you need special help, you may contact a teacher, chaplain, nurse, doctor or others. Ask the staff.

16. Food and drink

Meals are provided by the local prison. The doctor may prescribe a special diet for health reasons. If you are vegetarian or need a specific diet for religious reasons, those needs will be met. Ask the staff or the chaplain.

You can buy basic consumer items such as newspapers, tobacco and food through the local prison. Ask the staff.

Family or others may not bring consumer items for you.

17. Smoking

Smoking is prohibited indoors in all Prison and Probation Service institutions. You may smoke outdoors, although procedures vary.

Tobacco, cigarettes and smoking items are typically stored in a cabinet outside your cell or held by staff. If you have a cabinet, it must be kept locked, and you will have the key.

Tobacco and smoking items may not be stored in your cell. Breaking the rules can result in disciplinary punishment.

If you want to stop smoking, ask staff about free smoking cessation courses.

18. Shower and toilet

You normally have the opportunity to shower daily. Toiletries are provided by the staff or can be purchased through the prison.

19. Personal belongings and money

Rules apply to what you may possess during your stay. Money can be sent to you electronically from outside the local prison and used in the prison. However, there are rules that limit the amount of cash and money you may have. If the prison operates a cashless system, you may not keep cash at all. Ask staff about the current rules on personal items and money.

You may not have a mobile phone - see **Phone calls** above.

20. Visits

You are normally allowed to receive visitors. However, the police can refuse visits or require monitoring - see **Monitoring of visits and letters**.

If no restrictions have been imposed by the police, the following applies:

You may receive visits as often as the local prison allows. Visit duration must be at least 30 minutes. Most visits are unmonitored. The regional Prison and Probation Service may require monitoring to prevent smuggling or other offences, or may ban certain individuals from visiting.

If you have no family or friends who can visit you, you can ask the staff about the possibility of a volunteer visitor.

If the court has ordered isolation, you should still be allowed at least one visit per week of no less than one hour.

You may receive visits from the press unless the police object for reasons related to your detention. If you are being interviewed, you must obtain permission beforehand, as there may be limits on what you can say to the media.

You have the right to unmonitored visits from your defence lawyer.

21. Letters

Letters not monitored by the police are checked by prison staff to prevent smuggling of objects in and out of prison. Letters you receive will be opened in your presence. Letters you send must be handed in to staff unsealed. After inspection, they will be sealed in your presence. Letters may only be read by staff if necessary for safety or security reasons.

22. Digital Post

Many inmates do not have internet access and cannot monitor their Digital Post from the authorities. If you are one of them, you may be exempted from receiving Digital Post. You will instead receive paper letters sent by normal post to your registered address, unless you give another address. You can also authorise a relative to access your Digital Post. Ask staff for more information.

23. Leave

Leave is only granted in very limited cases, such as the serious illness or funeral of someone close to you. It requires police consent and is always accompanied.

24. Contact with other inmates

Even if neither the court nor police has ordered isolation, you will usually only have limited access to other inmates. In some cases, you may be excluded from contact entirely. Special rules apply if you are under 18 - ask staff.

25. Transfer to state prison

In some cases, you can be transferred to a state prison before your judgement is delivered (under section 777 of the Administration of Justice Act). Ask your defence lawyer.

26. Work

As a remand prisoner in a local prison, you have the right to work, study or take part in other approved activities, including treatment. You are paid for work. If you become ill, you may receive sick pay.

You can also arrange your own work within the local prison, subject to approval by the regional Prison and Probation Service and compliance with safety rules. 15% of your wages or sick pay will be saved and can be used for expenses related to leave or release.

27. Education

The jail offers education. Ask the staff about the options. If you wish to plan a longer course of study, e.g. if you receive a longer sentence later, speak to staff. You are paid for attending education.

28. Leisure

You normally have the right to at least one hour of outdoor time per day in the courtyard. See the house rules.

Young people under 18 are entitled to two hours of physical activity per day, at least one of them outdoors.

Local prisons offer limited leisure activities, such as table tennis, chess or fitness training. Ask the staff about what is offered.

You may listen to the radio, watch TV and read newspapers, magazines and books. In rare cases, the police may prohibit this. Ask the staff about renting a radio or TV and borrowing or buying newspapers, magazines, etc.

If the court has ordered isolation, you may be offered a TV free of charge.

29. Voting, etc.

You may vote by postal ballot in parliamentary or municipal elections if you meet certain conditions, for example that you are a Danish citizen. Ask the staff for details. You also have the right to engage in other lawful political activity.

30. Illness

A doctor visits the local prison. You will be offered a consultation with a doctor or nurse. If you feel unwell, tell the staff - they will inform medical staff.

The doctor will decide whether treatment is needed and whether it should take place in the prison or at a hospital.

31. Dental treatment

You are entitled to emergency dental care. In some cases, you must pay for it yourself. Ask the staff.

32. Compensation for accidents

You may receive compensation if you are injured while in a Prison and Probation Service institution - whether during work or leisure. You may also be compensated for accidental damage to personal items such as glasses.

33. Case handling

You normally have the right to make a statement before a decision on your case is made. Refusals and negative decisions must usually be justified. You are entitled to receive the decision in writing. You usually have the right to see your case documents and comment on them before a decision is made.

Special rules apply in cases about remand in custody, exclusion from contact with others or transfers between Prison and Probation Service institutions. You have no right to access documents in those cases, and limited rights to receive explanations for decisions, among other things.

34. Complaints

Complaints about decisions made by the regional Prison and Probation Service

You generally cannot appeal these decisions to the Directorate. However, you can appeal decisions in certain areas, such as:

- leave
- visits - including refusals to allow your child to visit you in custody
- body searches of inmates
- disciplinary cell, interrogation cell and temporary ban on leave
- placement in security cell, use of handcuffs and other restraints
- use of force
- contact with other inmates
- media contact

You can find more detailed information about your complaint options in the Act on Remand Custody (*varetægtsbekendtgørelsen*) and other relevant regulations. The staff can help you find the rules.

If you are entitled to appeal a decision, the staff will inform you. Written decisions will state your appeal rights.

If you wish to complain to the Directorate of the Danish Prison and Probation Service about a decision made by a regional Prison and Probation Service office, you must do so within two months of receiving the decision.

Complaints about staff conduct

You can complain to the regional Prison and Probation Service or the Directorate of the Danish Prison and Probation Service about the conduct of staff. If you complain about the behaviour of prison staff and your complaint is rejected - or no final decision has been made within two weeks - you may bring the matter before a court. The court may reject the complaint, for instance if it finds the complaint to be unfounded, or if you complain more than four weeks after the incident that led to the complaint.

The Parliamentary Ombudsman

You can complain to the Ombudsman about a final decision made by a regional Prison and Probation Service office or by the Directorate. The Ombudsman cannot change the decision but may ask the relevant authority to review the case. In practice, the Ombudsman's recommendations are usually followed.

35. Collection and processing of personal data

When you are a client of the Prison and Probation Service, we collect personal information about you both in paper form and electronically. Under the data protection legislation, you have the right to:

- Be informed when data is collected for processing
- Request access to the data we collect and process
- Request that incorrect or misleading data - or data processed unlawfully - be corrected, deleted or blocked

36. Disciplinary sanctions, etc.

If you break the rules, you may be given a disciplinary sanction. These may include: a warning, a fine, temporary loss of leave, temporary restriction on visits, letter-writing or phone access, or being placed in solitary confinement. You have various rights during the disciplinary procedure. Staff will inform you of these, including your right to give a statement before a decision is made, and to receive the reasoning behind the decision. In some cases, you may also be excluded from having contact with other inmates. See also **Complaints**.

37. Use of force

In certain situations, staff are permitted to use force and security measures. This may include holds, handcuffs, batons and pepper spray.

All use of force is strictly controlled and must meet specific legal conditions. Force must be used as gently as possible and only when necessary for the intended purpose. See also **Complaints**.

38. Searches

When you are admitted to a local prison, you will be searched (body search). This means staff will check whether you are carrying prohibited items. You must undress fully, even if it is against your religion. The search will be conducted by staff of the same sex as you.

You will also be searched during your stay, for example before and after visits. For safety reasons, your room may also be searched.

You may also be required to provide a urine sample to test for drugs or doping substances.

Sentencing and enforcement

39. Community service

In some cases, the court may sentence you to community service instead of imprisonment, particularly for offences like drink-driving or theft. You can apply for community service before sentencing.

The Prison and Probation Service has a separate folder about this - ask the staff in the local prison or the social worker.

40. Continued remand in custody?

When you are sentenced, the court will decide whether you should be released or remain in custody until your sentence begins.

41. Appeal

You have 14 days to appeal after sentencing. You may appeal immediately after the verdict is given or inform the staff, who keep a special appeal book. Your defence lawyer is obliged to advise you about appeals.

42. Electronic tagging

If you receive a sentence of up to six months, you may be eligible to serve it at home with an electronic tag. This depends on your housing and employment situation. Ask the social worker for more information.

43. Treatment

If you have an alcohol or drug problem, you can receive addiction treatment during your remand in custody. Local prisons offer pre-treatment and, later, full treatment.

If you have special treatment needs, you may in some cases be able to serve your sentence in an institution outside the Prison and Probation Service. If that's not possible, the Service has a number of treatment programmes you may be able to join - for example if you have substance abuse issues or are convicted of violence or sexual offences.

Most of these programmes are available only after you are sentenced.

The Prison and Probation Service has folders about treatment options - ask the staff.

44. If you are to serve a prison sentence

The Prison and Probation Service has a separate folder about serving a prison sentence. You can get it from the staff.

45. Practical assistance

When you are remanded in custody, you will be visited by a member of staff within 24 hours. They will help with urgent matters involving your family, home, pets, workplace, health, etc., and will inform you about the rules and practical aspects of staying in the local prison.

You will also be visited by a social worker within the first seven weekdays. They can assist with practical matters such as contacting the local municipality, applying for exemption from subscriptions, or help with rent payments.

If you are sent to state prison, the civil registry will be automatically notified. You will lose the right to certain social benefits, but you may apply to your local authority for housing support and similar assistance. A social worker from the Prison and Probation Service can help with this.

46. For relatives

If you are a relative of someone in custody, this section may answer your questions.

Rules on visits, phone calls, letters and leave are explained above. To visit someone on remand, you must apply to the regional Prison and Probation Service (the local prison) for a visitor permit and book a time in advance. You must also bring photo ID when you visit an inmate in a local prison.

Bringing a mobile phone into a closed prison or local prison during visits is a criminal offence.

As a relative, you are always welcome to speak to a social worker from the Prison and Probation Service.

47. Confidentiality

All police and prison staff are bound by confidentiality.

Information about the charges or the remand prisoner may not be disclosed to relatives or others. Only the prisoner may share personal information, unless they authorise staff to do so.

48. Telephone helpline

If you have questions, you can call the anonymous telephone helpline of the Prison and Probation Service on **70 26 04 06** to speak with a social worker and get information about your rights and the rules.

The helpline is open:

- Monday to Friday: 9.00-14.00
- Monday to Thursday evenings: 19.00-21.00
- Sundays: 12.00-16.00
- Closed on Saturdays.

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