

Information about serving a prison sentence

This folder explains the most important rules for people who are serving a prison sentence. 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.

1. State prison or local prison?

Prison sentences are usually served in a state prison. If your sentence is short, or if there are other special circumstances, you may serve your sentence in a local prison or in the Copenhagen Prisons (such as Vestre Prison). In many areas, the same rules apply here as in a secure state prison - see below for more details.

2. Open or secure prison?

Prison sentences are normally served in an open state prison. However, it may be decided that the sentence should be served in a secure prison, for example if your sentence is five years or more.

Secure prisons have more staff and stricter supervision than open prisons. Different rules also apply in secure prisons concerning, for example, money, phone use, visits and temporary leave. See below for more details.

3. Semi-open units

In some cases, you may be placed in a semi-open unit within an open prison instead of being placed in a secure prison - for example, if you need protection. Semi-open units are more strictly regulated than the rest of the open prison. You can ask the staff for more information.

4. Transfer to a secure prison

If you abuse the greater freedom in an open prison, you risk being transferred to a secure prison. This will typically happen if, for example, you leave the prison without permission, smuggle or misuse drugs or alcohol, behave threateningly or violently, or commit other crimes inside or outside the prison.

If you are transferred to a secure prison, you can ask the staff about the possibility of being transferred back to an open prison at a later date.

5. Sentence calculation

After sentencing, or when you arrive at the prison, you will receive a so-called sentence calculation. This will show the key dates for your imprisonment, for example the date of completion of your sentence, which is the latest date of your release. It will also show possible dates for temporary leave or parole.

6. Contact with other inmates

In state prisons, you will normally be with other inmates during working hours and leisure time. In most prisons, you can spend your free time and nights alone in your cell or room. Some prisons also allow you to serve your sentence entirely without associating with other inmates. In certain cases, you may be excluded from contact with others, for example to prevent escape or violent behaviour.

In local prisons and Copenhagen Prisons, contact with others is more limited. Special rules apply if you are under 18 - ask the staff if needed.

7. Personal, social and legal help

During your sentence, the staff in your unit are your main source of support and guidance. You can talk to them or to the area's social worker about personal or family issues.

When you arrive at the prison, you will be informed of your rights and duties and the general conditions of your imprisonment. A plan will be made together with you, outlining your activities while in prison and your situation after release.

If you need special support, you can contact the prison chaplain, nurse, doctor, dentist, teacher, or prison management. If you have questions about your sentence, you should contact your defence lawyer. Other legal questions can often be answered by the social worker or legal staff in the institution or district office. The staff can also refer you to lawyers who provide free legal aid.

8. Personal belongings and money

The cell is furnished, and you will receive bed linen, towels and work clothes. You may bring certain personal belongings, such as clothes and photos.

The rules for personal belongings vary between secure prisons, open prisons and local prisons.

Ask the staff whether you may receive sent belongings or money, or whether you are allowed to send

your belongings or money out of the prison. In general, it is not permitted to send money out of a secure prison, unless it is wages earned in prison.

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

9. Food and drink

In a state prison, you normally receive a food allowance so you can buy your own food. In local prisons, meals are provided. The doctor may prescribe a special diet for health reasons. If you are vegetarian or need a special diet for religious reasons, your needs can usually be met. Ask the unit staff or the chaplain.

You can buy coffee, tobacco and other consumer items in the prison. The selection varies between institutions.

10. Smoking

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

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

You may not keep tobacco or smoking items in your cell. Any violation of the rules will result in disciplinary punishment.

If you want to stop smoking, speak to staff about joining a free smoking cessation programme.

11. Work and education

If you are serving a sentence, you have the right and obligation to take part in work, education or other approved activities, including treatment. You will be paid for this. If you are signed off sick by a doctor, you will receive sick pay.

15% of your wages or sick pay will be saved up and can be used to cover expenses in connection with leave or release.

Special rules apply to those who are to be deported - ask the staff.

If you are held in pre-trial detention in a local prison, you have the right but not the obligation to work.

The work and education opportunities vary between institutions and are limited in local prisons. In state prisons, you may work in a workshop or industrial kitchen, in farming or forestry, in cleaning, building maintenance or groundskeeping. In local prisons, work tends to be simple production or maintenance tasks.

Education is offered either through the prison's own school, in connection with workshops or kitchens, or via teachers assigned to the local prison. Typical courses include adult education or vocational training.

Your interests and abilities will be considered as far as possible. Ask staff about your options.

In special cases, you may be allowed to work or study outside the prison ('day release') or continue your own work from inside the prison. If you earn income from such work, you will usually have to pay for your stay in the institution. Staff can tell you more.

12. Treatment

If you have a particular need for treatment, you may be allowed to serve your sentence in an institution outside the Prison and Probation Service. If this is not possible, the Prison and Probation Service has various treatment options that you may be able to access, for example if you have an alcohol or drug problem or have been convicted of violent or sexual offences. The Service has special leaflets on treatment options - ask staff if needed.

13. Leisure

You normally have the right to at least one hour of outdoor time per day.

Young people under 18 have the right to two hours of physical activity per day, at least one of which must be outdoors.

You may listen to the radio, watch TV and read newspapers, magazines and books. Ask the staff about renting radios and TVs, or borrowing or buying newspapers, magazines etc.

Leisure options are more varied in open prisons and quite limited in local prisons. State prisons offer sports, exercise and various hobby activities. Ask staff about what's available.

14. Religion

Religious services are held in state prisons and some local prisons. You have the right to speak to a chaplain or equivalent from your faith. In addition to the prison chaplain, who is from the Church of Denmark, some institutions have permanent staff from other faiths, such as imams or Catholic clergy.

The prison chaplain or staff can also arrange contact with an outside representative of your religion.

If your religion forbids work on certain days, your work schedule must reflect this.

15. Illness

Each prison has an assigned doctor. When you are admitted, you will be offered a consultation with the doctor or nurse. If you later feel unwell, tell the staff - they will notify the medical staff.

The doctor will decide whether you need treatment, and whether this should be given in the institution or at an ordinary hospital.

16. Dental treatment

You are entitled to certain types of dental care. In some cases, you may have to pay for this yourself. Ask the staff.

17. Visits

You are entitled to visits once a week for at least one hour, and as far as possible for two hours. In state prisons, longer and more frequent visits may be possible. Visitors usually need to be approved in advance.

Visits are normally not supervised. You have the right to unsupervised visits from your defence lawyer in connection with the case that led to your imprisonment or in any ongoing case. The same applies to other lawyers appointed as public defenders.

If you do not have family or friends who can visit, ask staff about the possibility of having a volunteer visitor.

You are normally allowed to be visited by the press, but the Prison and Probation Service must grant permission, as certain restrictions may apply to what you are allowed to say to the media.

18. Phone calls

In open prisons, you can rent a mobile phone which is fixed to the wall, for use in your room. There are also payphones or similar. In secure state prisons and local prisons, you can only make phone calls with special permission. Staff will usually make the call and may monitor it. In most units in secure prisons and Copenhagen Prisons, special prepaid card phone systems are used. Ask staff for more information.

You must generally pay for calls yourself.

It is forbidden to bring a mobile phone into prison. In secure state prisons and local prisons, this is a criminal offence. It is also a criminal offence for your friends or family to bring one in during visits.

19. Letters

Your letters will not be read it is unless deemed necessary for order or security reasons, to prevent

radicalisation or crime, or to comply with rules applying to life or preventive detention sentences, or to protect your victim. Letters may be withheld for the same reasons.

Letters sent to you will normally be opened and inspected in your presence.

Letters you send from a secure state prison or local prison will usually be checked before posting. Letters sent from open state prisons are generally not inspected.

Staff are not allowed to open letters to or from the following: the Minister of Justice, the Director of the Prison and Probation Service, regional directors, 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 as counsel for the defense. Such letters may, however, be scanned to prevent smuggling.

If you struggle with reading or writing, tell the staff - they will try to help.

20. Digital Post

Many inmates do not have internet access and therefore cannot check their Digital Post from the authorities. If this applies to you, you can be exempted and instead receive paper mail at your registered address (unless you give another address). You can also authorise a relative to access your digital post for you. Ask staff for more information about Digital Post.

21. MitID

Inmates in local and state prisons can have their MitID issued or maintained by the Prison and Probation Service staff. As an inmate, you can use MitID if you have internet access in the prison. You can also use MitID when on leave and after your release.

22. Voting etc.

You have the right to vote by postal ballot in parliamentary, municipal and other elections. You also have the right to take part in other lawful political activities.

23. Inmate spokesperson scheme

Inmates have the right to influence general matters in the institution. This can be done through spokespersons elected by the inmates.

24. Temporary leave

Most inmates in open prisons are granted leave every third weekend. You can be granted leave after a minimum of 30 days in prison, but in some cases - for example, if you are serving a long sentence - it may take considerably longer.

Leave is also possible from secure prisons, but it cannot be granted as early as in open prisons. Ask the staff for more information.

If you abuse your leave - for example by not returning, attempting to smuggle drugs or alcohol, or committing new crimes - your leave permit may be revoked. It may also be revoked if you use, possess or sell drugs inside the prison. If you are in an open prison, this may also lead to a transfer to a secure prison.

You may be granted leave for special reasons, such as the serious illness or death of someone close to you. Leave always requires a valid and approved purpose, and there must be no risk of abuse. In some cases, leave may be granted with an escort.

25. Parole

You may be eligible for parole after serving two-thirds of your sentence, but only after serving at least two months.

In certain cases, you may be paroled between halfway and two-thirds through your sentence, for example if you have made special efforts to avoid reoffending, such as participating in drug or alcohol

treatment. Ask the staff for more information.

Inmates with life sentences can only be paroled after serving at least 12 years.

The regional Prison and Probation Service office normally decides on parole. Parole may be denied if there is a risk that you will reoffend.

A probation period will be set. If you commit a new offence during this period, the remainder of your sentence is normally added to the new sentence.

In some cases, parole is granted only under supervision by the Prison and Probation Service. There may also be special conditions, such as treatment for alcohol abuse. If you break the conditions, the Service may order you back to prison (re-imprisonment).

26. Notification of victims

If you are convicted of a violent or otherwise dangerous offence - such as assault, psychological abuse, stalking, threats or a sexual offence - and you were held in custody before serving your sentence, the victim can request to be notified in the following situations:

- when you are granted your first unescorted leave
- if your sentence is temporarily interrupted before you are granted your first unescorted leave
- if you are placed outside the prison with the possibility of unescorted leave before that first leave occurs
- when you are released
- if you escape.

The victim can also request notification if you:

- take part in a TV or radio programme to be broadcast in Denmark where you have a prominent role
- take part in a profile interview in a Danish magazine.

The police decide whether the victim should be notified.

The victim may request notification about your leave, release or similar if the crime was committed after 1 July 2011. If you appear in the media, the notification rules apply regardless of when the crime was committed.

27. Rules, orders and bans

You have the right to see the rules of the Prison and Probation Service, the European Prison Rules and the institution's internal rules.

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

Escaping from prison is a criminal offence.

You must otherwise comply with the rules in force and follow the instructions given by the staff.

28. Disciplinary sanctions

If you break the rules, you may receive a disciplinary sanction such as a warning, fine, temporary loss of leave, temporary restriction of visits, letter-writing or phone use, or solitary confinement. You have various rights in connection with disciplinary proceedings, which the staff will inform you about, including the right to give your statement before a decision is made and to receive the reasoning for the decision. In some cases, you may also be excluded from having contact with other inmates. See also **Complaints**.

29. Searches

When admitted to a prison, you may be searched. Staff will check whether you are bringing in any prohibited items. If necessary, you may be required to undress fully - even if this is against your religion. This type of search is carried out by staff of the same sex as you.

You may also be searched during your stay, for example, before and after a visit. Your room may also

be searched for security reasons. See also **Complaints**.

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

30. Use of force

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

All use of force is subject to strict controls and must meet specific conditions. Force must be used as gently as possible and only when necessary to achieve the purpose. See also **Complaints**.

31. Compensation for wrongful measures

You are entitled to compensation if you have wrongfully spent too long in prison, been wrongly placed in a solitary, disciplinary or security cell, or excluded from having contact with other inmates. You may also receive compensation for other wrongful actions, if certain conditions are met.

32. Compensation for accidents

You can receive compensation if you are injured during your sentence. This applies to accidents during both work and leisure time. You may also be compensated for damaged property, for example if your glasses are broken in an accident.

33. Case processing

You generally have the right to make a statement before a decision is made on your case. Refusals and decisions that go against you must usually be justified. You are entitled to receive the decision in writing. As a rule, you have the right to receive copies of documents in your case and to comment on them before a decision is made.

Special rules apply to decisions on placement, exclusion from having contact with other inmates, and transfer between institutions. In these cases, you do not have the right to access documents and therefore a limited right to receive a justification, among other things.

34. Complaints

Decisions by the regional Prison and Probation Service

You generally cannot appeal decisions made by the regional office to the Directorate of the Prison and Probation Service. However, some specific decisions can be appealed, such as those concerning:

- placement and transfer
- refusal to place young offenders under section 78 of the Enforcement of Sentences Act and withdrawal of a permit
- sentence calculation
- body searches of inmates
- disciplinary cell, interrogation cell and temporary ban on leave
- placement in a security cell, use of handcuffs and other restraints
- use of handcuffs and other restraints
- use of force
- contact with other inmates
- correspondence
- visits - including refusal to allow a child to stay with you during the sentence
- restrictions on media contact
- temporary leave
- deductions
- confiscation
- parole
- recall to prison to serve the remainder of your sentence after parole
- revocation of permission to serve your sentence with an electronic tag
- compensation for unjustified measures taken during your sentence.

You can find more detailed information about your right to complain in the relevant regulations. Staff can help you locate them.

If you have the right to appeal a decision, the staff will inform you. In written decisions, this will be

stated.

If you wish to appeal to the Directorate, you must do so within two months of receiving the decision.

Complaints about staff conduct

You may complain to the prison management if you have been mistreated or abused.

The Prison and Probation Service is obliged to investigate allegations of criminal conduct.

Decisions by the Directorate of the Prison and Probation Service

Some of the decisions made by the Directorate can be brought before the courts. This applies to decisions concerning:

- sentence calculation
- certain decisions about withholding letters
- decisions on disciplinary punishment involving placement in a disciplinary cell for more than seven days
- certain decisions to confiscate items or money
- certain decisions to deduct compensation amounts from your work pay
- refusal of parole after you have served two-thirds of a fixed-term sentence
- refusal of parole after you have served 14 years of a life sentence
- decisions requiring you to return to prison to serve a custodial sentence
- certain decisions to refuse compensation for unjustified measures taken during enforcement of your sentence.

You can find more precise information about the possibility of bringing a decision before the courts in the Sentence Enforcement Act.

If a decision by the Directorate can be brought before the courts, the decision letter will include guidance on how to do this. If you want a decision to be brought before the courts, you must request this within four weeks of receiving the decision.

The Danish Parliamentary Ombudsman

You can complain to the Ombudsman about a final decision made by the regional Prison and Probation Service or the Directorate for the Prison and Probation Service. The Ombudsman cannot change a decision directly but can ask the authority that made the decision to reconsider it. In practice, the Ombudsman's recommendations are usually followed.

35. Collection and processing of personal data

When you are in the care of the Prison and Probation Service, we collect personal data about you, both on paper and electronically. Under 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
- have incorrect or misleading data corrected, deleted or blocked if it has been processed in breach of the law

36. Information for foreign nationals

Rules

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

Language issues

You will usually be able to speak English with the staff, and sometimes in other languages too. If you do not speak any of these languages, a member of staff or another inmate may be able to help you with interpretation. If necessary and practically possible, staff can call in an external interpreter.

Spokesperson

In some institutions, a specific spokesperson is appointed for foreign nationals in custody.

Embassy etc.

You are entitled to contact your country's embassy or consulate. Ask staff for help if needed.

Voting rights

In some cases, you may be entitled to vote in local elections, etc. Ask staff for further information.

Transfer to serve your sentence in another country

It may be possible for you to serve your sentence in your home country or country of residence. Whether you can be transferred depends on several factors, including which country you would be transferred to and how much of your sentence remains. Transfers usually take place to your country of citizenship. In some cases, you may be transferred even if you do not wish to be. Ask staff for more information.

Staying in another country while on parole

Once released on parole, you may in some cases be allowed to stay in another country - usually your country of citizenship. In that case, the other country would be responsible for supervising your compliance with the conditions of your parole. Whether this is possible depends partly on which country would be taking over the supervision. Ask staff for more information.

Expulsion

If the court has ordered that you be expelled once released, you will usually have to serve your sentence in a secure prison.

If you are to be expelled, you may be released on parole after serving half your sentence, even if you do not wish it. The police will decide how the expulsion is to be carried out and will normally arrange for this to happen when you are released. Ask staff or your defence lawyer if you are unsure about anything related to the expulsion.

37. Information for relatives

If you wish to visit someone in prison, you normally need a visit permit from the institution where they are serving their sentence. The institution can advise you on the visit rules, for example how to book a visit, what items may be brought in, and that you may be required to allow your outer clothing and any items brought along to be checked.

There are rules on how much personal property and money inmates are allowed to have in prison. You can get more detailed guidance from the individual institution if you wish to give an inmate any items or money.

Letters you send to an inmate will normally not be read by staff but are usually opened in the inmate's presence to prevent smuggling. In some cases, however, a letter may be read. A letter can also be withheld. In that case, it will normally be returned to the sender, and in all cases, the sender must be informed within four weeks that the letter has been withheld.

For details on inmates' right to temporary leave or make phone calls, see the relevant sections above.

In secure state prisons and local prisons, it is a criminal offence to bring a mobile phone with you when visiting.

38. Confidentiality

All staff in the Prison and Probation Service are bound by confidentiality. Information about an inmate may not be disclosed to relatives or other third parties. Only the inmate can choose to share personal information - for example with family - unless they have given permission for staff to do so.

39. Telephone helpline

If you have any questions, you can speak to a social worker from the Prison and Probation Service and get information about rules and rights by calling the service's anonymous telephone advice line on 70 26 04 06.

The helpline is open:

- Weekdays: 9:00-14:00
- Monday to Thursday evenings: 19:00-21:00
- Sundays: 12:00-16:00
- The line is closed on Saturdays.

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