

Prison policy, prison regime and prisoners' rights in Denmark

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Legal policy developments

The Danish prison policy has three different sources: the law on the enforcement of sentences (2001), the program of principles (1993) and the four year financial agreement on the Prison and Probation Service between the government and various political parties.

The most predominant and central principle in the field of the Prison and Probation Service is the principle of normalization. It states, that "the daily activities of the Prison and Probation Service shall in general, and whenever specific agreements are reached, be related to normal life in the general community". This basis principle is reflected in each and every activity of the service. The actual content of this principle, however, is not a static phenomenon but is object to variations due to the political realities. But it is still the fundamental idea and all developments are compared with or measured against this principle.

The prison policy in recent years has been characterized by four developments.

In the first place there is an increased *focus on security*, such as the Governments' zero-tolerance policy towards drugs, increased use of urine sampling and external physical and technical securing of the institutions (partly as result of the zero-tolerance policy, partly due to new types of prisoners, such as terrorists resourceful and powerful external network) and restrictions in the inmates rights to bring there own property into the prison (to prevent smuggling on drugs, mobile phones et cetera).

Secondly there is a substantial increase in *efforts to provide treatment*, resulting in a number of new treatment offers and the introduction of a treatment guarantee as from 1 January 2007 for drug addicts and alcoholics (which reflects the treatment guaranteed in the general community), which means that a prisoner who expresses the wish to be treated for drug or alcohol abuse has the right to be placed in a treatment programme within fourteen days, as well as new incentives to motivate treatment (for example the 'give and

take'-policy providing the possibility for earlier release on parole for inmates who participate in a treatment programme).

Furthermore the *focus on alternatives to imprisonment* increased. The community service orders scheme has been expanded and electronic monitoring was introduced in the summer of 2005. Offenders sentenced for violation of the drunk driving rules of the Road Traffic Act and offenders under 25 years with sentences up to three months regardless the type of offence are the target group of pursuit. From July 2008 an extension has been decided by the Parliament making the scheme applicable for inmates with sentences up to three months regardless their age (provided that they are found suitable for this way of serving their sentence).

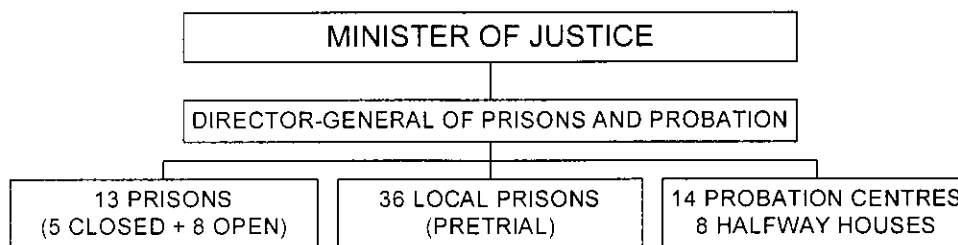
Another example is the possibility for early release on parole for certain categories of inmates under the condition that community service is performed instead.

At present a committee has been set up by the Government to investigate more efficient means to combat crime committed by minors and young persons including search for new alternatives to incarceration.

Finally the *focus on economics and management principles* increased. A comprehensive resource allocation scheme was introduced in the years just after the turn of the millennium allowing the state prisons a much higher degree of freedom and control over the use of their finances. This decentralisation was accompanied by the implementation of one year performance contracts between the director general and the prison governors.

Organisation of the Prison and Probation Service

The Prison and Probation Service is organised as follows:



Before the turn of the year 2006-2007, the pressure on the capacity of the state and local prisons was temporarily very high, and for a period offenders at large waiting for enforcement of their sentences had to wait for up to six months or more to start serving. However, by establishing a number of new

places (some temporary, some permanent) and by operating at a very high average occupancy, the Prison and Probation Service succeeded in reducing the waiting lists during 2006 so that, by the end of 2006, offenders did not have to wait to serve their sentences.

At between 3,200 and 3,600 inmates, the total number of inmates in state and local prisons, the prison population, has been fairly constant for a number of years. For 2006, the average number of inmates was approximately 3,900 due to the extraordinarily high occupancy and the temporary increase of the capacity.

On 1 January 2007, a comprehensive police and court reform was launched. A resulting (and presumably temporary) reduction in efficiency in the processing of cases in these fields has placed the Prison and Probation Service in the opposite situation at the moment compared with the years before 2007. The inflow of newly sentenced offenders has thus been so low during the past year that some enforcement places are temporarily closed. However, developments are monitored closely as the structural reforms mentioned above are expected to be fully implemented during 2008. Subsequently, the completion of piled-up cases with the police and the courts will probably result in a rapid increase in the inflow of sentenced offenders. A notable increase in the average number of remand prisoners for the period from February to April 2008, compared with the preceding years, substantiates this assumption.

The prison population

A breakdown of inmates in the state and local prisons shows that remand prisoners constitute just over one-fourth of the prison population, and that three-fourths of the inmates are serving prison sentences.

The character of the prison population has gradually changed over the last twenty years or so. As a result of the crime policy trend since the 1980's towards sentence reductions, more suspended sentences and more alternatives to custodial punishment, including community service, the institutions of the Prison and Probation Service now hold a rather heavier clientele than before in terms of social, mental and behavioural problems, including addiction problems.

Often, the inmates are thus characterised by having had troubled family backgrounds, no or limited education and no or only intermittent ties with the labour market. In addition, persons with addiction problems and mental problems are heavily overrepresented.

Around two-thirds of the inmates in 2006 had been convicted of offences characterised as dangerous to the person (assault, robbery, sexual offences, arson and aggravated drug offences), while only one-third of the inmates had been convicted of offences against property, traffic violations, et cetera. In 2006, men aged 20-40 years made up 68% on average of the prison population. In the same year, 19% of the inmates in the prisons and clients under supervision or on probation had a national background other than Danish, with a particularly high representation among the very young clients.

Enforcement purpose and principles of the Prison and Probation Service

The overall purpose of the Prison and Probation Service, together with the rest of the penal system, is to contribute to reducing crime. Its most important task is to enforce sentences: that is custodial sentences, including supervision activities related to release on parole, suspended sentences and community service sentences. But the Prison and Probation Service also handles other tasks, such as the administration of remand custody and detention under the Aliens Act (*udlændingeloven*) as well as supervision of mentally ill offenders sentenced to a sanction allowing for, for example, committal to a psychiatric hospital (under the general hospital services).

The Prison and Probation Service has to exercise necessary control and security to enforce sentences, while at the same time supporting and motivating the offenders to live crime-free lives by assisting personal and social development. These two facets of the main task are complementary and of equal importance. This indication of the means to be applied by the Prison and Probation Service to fulfil the purpose of crime reduction has been incorporated into section 3 Sentence Enforcement Act (*straffuldbyrdelsesloven*).

It has also been stipulated as a general requirement that sentences must be enforced in such a way that sentenced offenders retain their civil rights under the Constitution as well as the generally recognised human rights as laid down in the European Human Rights Convention and other conventions. A means of meeting this requirement is the principle of legality, which has been expressed in section 4 Sentence Enforcement Act, which reads: "During enforcement of a sentence no restrictions may be imposed upon a person other than such as are prescribed by law or are a consequence of the sentence itself".

As a foundation to support the employees in their attitudes to the performance of their tasks, the Prison and Probation Service prepared a programme of principles for its work in 1993. According to this programme, enforcement of sentences must be based on the following principles.

Normalisation

Normalisation implies that conditions for inmates must be arranged so as to correspond to conditions in the general community to the extent possible.

This principle of normalisation is expressed, for example, in section 45 Sentence Enforcement Act, that ensures the same quality of healthcare services for inmates as for other citizens. Several other provisions of the Sentence Enforcement Act may also be said to be generally based on the principle of normality, and the most recent example is a provision from 2007 implying a treatment guarantee for inmates who are drug addicts, which is largely a copy of the treatment guarantee applicable in the general community.

Openness

Openness implies an obligation for the Prison and Probation Service to ensure that the sentenced offenders have good opportunities to make and to maintain contact with relatives and the ongoing life of the community. This is achieved through rules on visits, correspondence by letter, telephoning and leaves. Both principles of openness and of normalisation contribute to the reduction of the negative effects of the deprivation of liberty.

Exercise of responsibility

This principle implies that the offenders must have an opportunity to develop a sense of responsibility, which may improve their chances of a subsequent life without crime. The essential content of this principle is that the offenders should themselves take responsibility for their own lives, and that the staff's helping efforts should in the first place consist of motivation, counselling and guidance, including guidance in the offenders' rights and duties in connection with the enforcement. Of course, these activities are combined with a general human concern and support for individual inmates or clients who are or will remain unable to deal with their problems by themselves.

Security

This principle implies that the enforcement of sentences must take into due consideration the protection of both ordinary citizens against crime and inmates against assaults and harmful influence from others. The purpose of the security activities is partly to ensure implementation of the deprivation of liberty, partly to prevent inmates from committing further offences while serving their sentences, both in the prisons and in connection with leaves.

Security also implies the prevention of suicide and self-mutilation and of smuggling of drugs, alcohol, weapons and other items not compatible with prison rules into the prison.

An important element of the security activities is that it is multi-pronged, meaning that it does not solely rely on physical and technical means of various kinds (static security), but also on personal contact and a general knowledge of what is going on in the institution (dynamic security).

Least possible intervention

This means that no more than the necessary force or restrictions may be used. Naturally, this principle of lenience and proportionality is incorporated in all provisions of the Sentence Enforcement Act on interventions against inmates, and it is the basis of the rules on allocation and transfer of inmates.

Sentence Enforcement Act

Statutory rules

The most important source of law within sentence enforcement law is the Sentence Enforcement Act, which entered into force on 1 July 2001. Prior to this Act, conditions for inmates were governed through a few provisions of the Criminal Code (*straffeloven*) and a large number of administrative regulations. The adoption of the Sentence Enforcement Act thus constituted an important reform of principle, which implied that the Parliament now has a much larger say in the determination of the rights and duties of inmates. The almost 130 sections and about 80 administrative regulations (executive orders, circulars and guidelines) constitute the legal basis for the treatment of inmates. However, also the Criminal Code comprises parts governing the conditions of inmates, like the conditions for release on parole. The treatment of remand prisoners is governed through a few provisions of the Administration of Justice Act (*retsplejeloven*) and through the so-called Remand Custody Order (*varetægtsbekendtgørelsen*). To a wide extent, the same administrative rules apply to both remand prisoners and to sentenced inmates. However, special rules have been laid down for remand prisoners in areas like allocation of remand prisoners, leaves, correspondence by letter, telephone conversations and visits.

It should be noted that the legal position of inmates as explained in the following is the legal position applicable to sentenced offenders unless otherwise expressly stated.

Main contents of the Sentence Enforcement Act

The Sentence Enforcement Act applies to the enforcement of prison sentences, sentences imposing a fine, suspended sentences and probation orders, community service and security detention. This delimitation implies that the Act has no provisions on the enforcement of sanctions against mentally ill offenders (sects 68 and 69 Criminal Code), as the general hospital sector and the social authorities are in charge of the implementation of a substantial part of these sanctions.

The Act contains very detailed rules on the question of what penitentiary institutions, including criteria for allocation to an open or closed state prison or a local prison, and subsequent transfer between institutions.

The Act contains also rules on inmates' rights and duties during their stay in the institution, for example, on the right to associate with other inmates, co-determination, work, education and training, leisure-time activities and assistance in social and health matters.

The Act furthermore governs the inmates' possibilities of contact with the outside world, such as right on leaves, visits, correspondence by letter, telephone conversations, newspapers and books, et cetera, and the right to make statements to the media from inside the institution.

The Sentence Enforcement Act moreover includes detailed regulation of the conditions for and the method to be applied in case of interventions against inmates, that is, the right to search an inmate's person and quarters, photography and taking of fingerprints, use of force, exclusion from association, disciplinary punishment, et cetera. In that connection, rules have also been laid down that strengthen the inmates' possibilities of obtaining compensation for unjustified intervention during their imprisonment.

Section 78 of the Act governs the issue of the right of the Prison and Probation Service to decide whether a custodial sentence should be served in the halfway houses or in institutions outside the Prison and Probation Service. This provision includes the requirement that convicted young offenders below the age of eighteen must be placed in such a type of institution, unless essential considerations of enforcement make placement outside prison inappropriate. This provision must be seen in the light of Denmark's obligations under the UN Convention on the Rights of the Child.

Section 78a ff of the Act authorises the Prison and Probation Service to decide administratively that a prison sentence of up to three months may, in certain situations, be served at the offender's home through electronic monitoring.

The Act also includes rules on issues concerning the release, including supervision by the Prison and Probation Service on release on parole, condi-

tional pardon and temporary interruption of sentence as well as reporting in case of violation of conditions.

Moreover, the Act includes assessment rules making it obligatory for a prison, on its own initiative, to consider and decide on certain questions of essential importance to the inmate, such as permission to leave, release on parole and transfer to another prison for continued enforcement.

The Act also gives rules on payment for stays in the institutions of the Prison and Probation Service. These rules imply that inmates do not pay for their stay unless they have their own paid work or receive a pension or other social benefits from public authorities.

The Act provides improved possibilities for the inmates to have vital decisions taken as part of the enforcement of the sentence reviewed by a court. The administrative decisions that an inmate can require to be brought before the courts are thus decisions that are similar to criminal proceedings or are otherwise of an especially intervening nature for the inmate.

Inmates' legal position

Choice of penitentiary institution

In accordance with the principle of openness, the point of departure is that offenders who are to serve a prison sentence will be allocated to an open prison (sect. 22 Sentence Enforcement Act). As a predominant rule, however, enforcement of a sentence must be effected in a closed prison when the sentence is of five years or more. Moreover, offenders may be allocated to a closed prison if:

- it is deemed necessary to prevent assaults on fellow inmates, staff or others in the institution;
- there are specific reasons for assuming that, if placed in an open prison, the inmate will escape, commit a criminal offence or a serious breach of discipline or exhibit other behaviour obviously incompatible with a stay in an open prison; or
- it is deemed necessary to protect the inmate against assault.

Most prisons have established various kinds of specialised units where inmates can be placed on the basis of individual considerations.

In accordance with the principle of least possible intervention, the sentence enforcement legislation has laid down rules of examination intended to ensure that an inmate of a closed prison is transferred to an open prison as soon as the conditions for placement in a closed prison are no longer fulfilled.

Association

In the institution, the predominant rule is that the inmate will have his own cell. Section 33 Sentence Enforcement Act allows inmates to associate with other inmates as far as possible. In practice, the duration of association and the number of inmates associating with each other depend on the type of institution involved. In closed prisons and in certain parts of open prisons, inmates will thus only be able to associate with other inmates in the same unit.

Co-determination

The Sentence Enforcement Act rules that inmates must have an opportunity to exercise co-determination on their lives in the institution through elected spokesmen. This is effected through the election of a spokesman in each unit or for specific groups of inmates. The institution has a duty to take the initiative of regular discussions with the spokesmen. All inmates may be elected spokesman, and elections are carried out by written, secret ballot jointly observed by the institution and representatives of the inmates. A spokesman cannot be dismissed by the institution.

Ecclesiastical service

Denmark has a longstanding tradition for employing prison chaplains from the Danish Evangelical-Lutheran Church in the institutions of the Prison and Probation Service. The chaplain has a very special role in a custodial system. Consultations with the chaplain are fully confidential, and the chaplain is under a duty of confidentiality, providing the inmate with the possibility to discuss personal affairs with someone who is not part of the prison system.

The Prison and Probation Service employs chaplains in all open and closed state prisons as well as local prisons. In most closed state prisons and a few of the open state prisons, the positions are on a full-time basis, while the positions in the other state prisons and the local prisons are part-time positions. Imams are employed now in three of the state prisons. The other state prisons and the local prisons summon imams when requested by the inmates. In addition, a Catholic nurse is attached to one of the prisons.

In December 2006, a working group set up by the Prison and Probation Service submitted a report on the ecclesiastical service offered to inmates affiliated with religious communities other than the Evangelical-Lutheran Church. The recommendations of the report reflect the need to assure inmates in the state and local prisons uniform opportunities for ecclesiastical service regardless of religious affiliation.

Contact with society

The inmates' right to keep in contact with the outside world through visits, correspondence by letters, telephone conversations and leaves is an important part of the principle of openness and enhances the inmates' opportunities for maintaining their contact with relatives and others.

The Sentence Enforcement Act entitles inmates to at least one weekly visit of at least one hour and, as far as possible, of two hours. As a rule, the institutions provide possibilities for more visits than the minimum requirements of the Act. Visits are not supervised by staff, and conjugal visits are not prohibited. Visits from defence counsel are always unsupervised.

Inmates are also entitled to write letters to and receive letters from whomever they want. Only in special cases correspondence will be read. An inmate is entitled to unchecked correspondence by letter with public authorities, such as the Minister of Justice, the Director-General of the Prison and Probation Service, the courts, the Parliamentary Ombudsman, the European Court of Human Rights, the European Committee for the Prevention of Torture, the UN Human Rights Commission and the UN Committee against Torture.

To the extent possible in practice, inmates are entitled to have telephone conversations. The right to have telephone conversations may be refused, if it is found necessary for reasons of order or security or in order to protect the victim of the offence. In open prisons, the inmates have access to pay-phones operated by coin or card. In closed prisons the inmates have access to card-operated pay-phones enabling them to make calls to a number of approved telephone numbers.

~~Inmates may be permitted to leave the prison temporarily if the leave has a specific purpose, and if the Prison and Probation Service deems that there is no risk that the inmate will abuse the leave to commit new crime or fail to return. All leaves have a specific purpose, and there are different categories of purposes. There are leaves for special purposes such as for a job interview or in case of relatives' illness or death.~~

~~Home leave in the form of weekend leave may be granted when a period of the sentence has been served. In certain situations, a unit officer will escort the inmate during the leave for security reasons.~~

~~During the last part of the sentence, the inmates may also obtain leave in connection with education or work outside the prison or to be stationed at, for example, one of the halfway houses of the Prison and Probation Service.~~

If an inmate abuses a leave, he may be deprived of the right of leave and may also incur a disciplinary punishment or be transferred to a closed prison.

Less than 3 percent of the leaves lead to abuse, such as the inmate's too late return to the prison or return under the influence of alcohol or drugs. Abuse in the form of new crime occurs in 0.1 to 0.2 percent of all leaves.

Inmates' own property and money

Inmates are entitled to bring with them, possess and deal with their own property in the institution unless this is incompatible with order or security. The detailed rules on the inmates' right to possess their own money and property thus reflect a compromise between the principle of normalisation on the one side and considerations of order and security on the other. One of the outcomes of this compromise is that inmates in closed state prisons are not allowed to bring their own television and music system with them. Instead, they have a right to rent such items for use in their cells.

Items which are generally illegal in the institutions include mobile telephones, items that can be used for escape or as weapons, alcohol, drugs and clothing with racist messages or likely to be perceived as a demonstration of power (typically motorcycle gang symbols).

In order to restrict the possibilities of drug dealing, the amount of cash that inmates are allowed to hold is limited. One prison is cash-free so that the inmates' financial dealings in the prison take place through transfers between accounts.

Occupation and leisure time

Inmates in state prisons have a right to and a duty of occupation by participating in work, education, training, treatment or programme activities or other approved activities. Inmates in local prisons have a right to, but no duty of, occupation. If an inmate needs treatment, such treatment has priority over occupation. Accordingly, the occupational remuneration is paid for participation in treatment.

All the institutions offer work in the form of cleaning, building maintenance, park and gardening work, production and project workshops and assembly work of various kinds. The nature of the production work varies from prison to prison and depends on the local situation.

Concerning education and training, the prisons operate with the principle that inmates should have an opportunity to catch up with the fundamental level of knowledge of our society, namely the lower secondary school level. If possible, the inmates are offered education in the established educational system outside the prisons through day-release. If this is impossible, for example for security reasons, the inmates are offered education in the prison.

Such education is mainly given by teachers employed by the Prison and Probation Service or by educational institutions that move their teaching to the prisons. To a certain extent, various vocational courses and courses aimed at the labour market, upper secondary-level education and tertiary education are offered through private study, both inside the prisons and through day-release.

In a study from April 2007 on the inmates' education and wishes for education and training, approximately 40% of the inmates expressed a wish for vocational training during their imprisonment. In the same year, an open state prison (Møgelkær State Prison) had launched a cooperation project with a local vocational training centre to uncover the inmates' competencies, wishes and need for training and guidance during their imprisonment. The object of the guidance is to help the inmate piece together a complete training course, mainly the basic course, through the right work placement, thereby improving his or her situation upon release. Two pilot projects under the Møgelkær Model (later called VOKS – Vejlednings Og Kompetence System – Guidance and Competence System) have been completed with excellent results, and several prisons are trying to introduce elements of the project.

Concerning their leisure time, inmates have to handle practical tasks relating to their personal affairs themselves to the widest extent possible, including cooking and cleaning, and the prisons must offer leisure-time activities to the inmates. These activities are mainly different sports activities, such as fitness training and ball games, and various hobby activities.

Health services

In principle, sick inmates should be treated through the general treatment system, which has a varied range of treatments allowing for the best possible fulfilment of the individual person's treatment needs.

Like all other citizens in the society, inmates are entitled to hospital treatment. Likewise, inmates in the institutions of the Prison and Probation Service have a right to choose the hospital, although this right may be restricted for security or enforcement reasons. The doctor of the institution will refer an inmate to hospital treatment, and the hospital will assess whether the inmate has to be hospitalised.

However, for reasons of both economy and security, healthcare arrangements have been established in state and local prisons. All state and local prisons have an arrangement with a prison doctor, mainly a local general practitioner, who visits the institution once or twice a week for a specified number of hours. All state prisons and the largest local prisons employ a nurse on either a full-time or part-time basis. Moreover, all prisons employ a

psychiatrist, mainly on a consultancy basis, which means that a psychiatric consultant visits the institution for a specified number of hours a week. Most prisons employ a psychologist as well, also as a rule on a consultancy basis. In addition, the largest prisons have a dental clinic where a local practicing dentist is present for a couple of hours a week.

Procedures have been laid down to ensure that, as soon as possible after their admission, all new inmates receive a general briefing on the healthcare arrangements in the institution as well as an oral offer of a consultation with the doctor or nurse of the institution. It is a statutory principle that any contact with health services is normally only made at the patient's wish, and the initial contact with healthcare staff will thus only take place if the inmate consents to it.

The inmates of the state and local prisons include quite a significant number of persons who need psychiatric/psychological support and care, either periodically or during their entire stay, or who are unable to stay in an ordinary prison unit for somatic reasons. Therefore, treatment offers which can reasonably accommodate the existing need for psychiatric/psychological care have to be available.

The Herstedøester Institution has a capacity of 147 places and is a treatment institution for inmates with a special need for psychiatric/psychological care. The institution covers the whole country and employs psychiatrists and psychologists on a full-time basis. Its main task is to receive male and female convicted offenders and to a limited extent remand prisoners from the entire country who are not mentally ill, but need psychiatric/psychological care.

The Western Hospital is a hospital unit (36 places) for the Copenhagen Prisons, but it also functions as a somatic hospital unit for the whole Prison and Probation Service.

The National Patients' Complaints Board (*Patientklagenævnet*) considers complaints about the treatment given by healthcare staff, including doctors' prescription of medicine. Moreover, supervision of healthcare staff is carried out by the National Board of Health (*Sundhedsstyrelsen*) and its regional medical officers of health, not by the Department of Prisons and Probation.

Compensation

Section 106 Sentence Enforcement Act entitles an inmate to compensation if, without justification, the inmate has suffered imprisonment for too long, been placed in an questioning cell, a segregation cell or a protective cell or has been excluded from association.

In addition to this mandatory rule on an inmate's entitlement to compensation in certain situations, the Sentence Enforcement Act also provides for

compensation granted optionally to an inmate if the inmate has been subjected to other unjustified interventions during the enforcement of a sentence. An example might be unjustified transfer from an open to a closed institution.

Rules on appeals and complaints

There is a general administrative right of appeal which means that all decisions made by prisons may be appealed to the Department of Prisons and Probation.

Since the Sentence Enforcement Act came into force in 2001, the inmates' rights were expanded to bring before the courts certain vital decisions made as part of the enforcement of the sentence. Against a decision of the Department of Prisons and Probation the inmate may ask certain decisions been reviewed by the court. This applies to decisions on the calculation of the sentence period, retention of letters in view of the victim of the offence, disciplinary punishment in the form of segregation cell for more than seven days, confiscation, set-off of compensation, refusal of release on parole of inmates with determinate sentences after they have served two-thirds of the sentence, refusal of release on parole of inmates sentenced to life imprisonment after they have served fourteen years of the sentence, recall after release on parole and decisions refusing compensation for unjustified imprisonment for too long or confinement in a segregation cell for more than seven days. District Court decisions in such cases may be appealed to the High Court in accordance with the general two-instance principle.

Disciplinary punishments and the use of force and mechanical restraints

Inmates may incur disciplinary punishments if they violate the prison rules. Violations may be the possession of drugs or alcohol or mobile telephones, refusal to work, escape, violence or threats of violence.

Depending on the nature and extent of the violation the punishment may vary between a warning, a fine or segregation. A fine can be a week's wages maximum and the maximum duration of segregation as a disciplinary punishment is four weeks. The vast majority of the disciplinary punishment, 75% consist of fines.

In certain cases, superior unit officers may decide that an inmate must temporarily be segregated. The reason may be to prevent escape or criminal activities or that it would be manifestly reckless to let the inmate associate with

other inmates. In recent years, there have been between 700 and 800 involuntary segregations per year. Segregation cells are usually located in a special unit. The decision on segregation must be considered every week, and in most cases segregation lasts less than fourteen days.

Most closed prisons and some of the major local prisons have protective cells. A protective cell is a completely bare cell with a bed bolted to the floor, where it is possible to restrain the inmate with a body belt and possibly ankle and wrist straps. When mechanical restraints are applied, a doctor must be summoned immediately, and a guard must constantly attend the inmate. Protective cells are used if necessary to avoid threatening violence, to overcome violent resistance or to prevent suicide or self-mutilation.

The number of detentions in protective cells has been in the order of 200 to 300 per year in recent years. In about half the cases, the inmate is placed under restraint during his stay in the cell. Half of the protective detentions last for less than six hours.

The Sentence Enforcement Act authorises the use of handcuffs in various situations, but in practice handcuffs are mainly used if necessary to prevent an inmate from escaping during transport.

Since the 1960's, the staff has not been issued with firearms, while truncheons are available in the prison. Truncheons are not carried during ordinary service, but are in store and are used very rarely. The stores also have helmets with visors, shields, gas masks and CS gas, but also these means are used very rarely.

Release on parole

Release on parole is a conditional release from the prison before the entire sentence imposed has been served.

Apart from shortening the punishment, release on parole can help limit the risk of recidivism. The threat of having to serve the remaining part of the sentence may keep the parolee from re-offending. Moreover, conditions may be attached to a release on parole. These conditions may consist of supervision by a probation officer or conditions that render support to the parolee, check that the conditions are complied with and intervene with sanctions – if necessary with recall to the prison – if there is a breach of the conditions.

According to section 38(1) Criminal Code, inmates with a prison sentence of three months or more are usually released on parole when they have served two-thirds of the sentence. In about 25% of cases, inmates are refused release

on parole after having served two-thirds of the sentence, either because the inmates are not willing to accept the conditions for the release, or because the prison deems that the risk of re-offending is too high.

Inmates may also be released on parole already when half the sentence has been served if warranted by very special circumstances, for example if the inmate or his spouse or children suffer from a serious illness (sect. 38(2) Criminal Code).

Pursuant to section 40a Criminal Code, certain categories of offenders other than those mentioned in section 38(2) may be released on parole when half the sentence, but not less than four months, has been served. Accordingly an inmate may be released on parole if he or she has made a special effort to avoid re-offending. A special effort may be, for example, that the inmate has completed a relevant education during the imprisonment or participates in treatment for addiction to drugs or alcohol or a special corrective behavioural programme.

An inmate may also be released on parole in cases where the overall situation of the inmate makes it unnecessary that the inmate serves the remainder of the sentence in prison and instead carries out a community service. This will apply to inmates with a good and stable personal situation and a good social network, who have no addiction problems and whose offence does not reflect a criminal pattern. Approximately 160 inmates a year are released on the basis of section 40a Criminal Code.

As a rule, an inmate can only be released on parole if a suitable lodging and work, training, education or financial support has been secured for the inmate. In addition, the inmate must be willing to comply with the conditions for release. Release on parole is always conditional upon the inmate not re-offending for a probation period of usually two years. Additional conditions may be supervision by a probation officer and treatment for drug abuse or alcoholism.

If the parolee violates the conditions for the release on parole, the Prison and Probation Service can issue a caution, change the conditions or, in special circumstances, recall the inmate to prison.

If the parolee re-offends during the probation period, a joint sentence for the new criminal offence and the remaining punishment will be imposed.

~~Inmates with a life sentence may only be released on parole after serving at least twelve years of their sentence.~~ Inmates sentenced to security detention cannot be released on parole, but they can be discharged on parole by the court.