The Penal System of Denmark

Ministry of Justice - Department of Prisons

However, it should be mentioned that the renumeration system was changed as the following:

From April 1974 the ordinary rate to inmates in the penal institutions gives the inmate an income of about 60 d.kr. per week, and the total income is now at the disposal of the inmate. The renumeration may be reduced according to the text of the Penal System of Denmark. Furthermore a discharge amount of about 3 d.kr. per day in the penal institution is paid to the inmate at his release. From 1.st. of December 1974 the hours of work will be 40 per week - according to the agreement on the labour market. Cfr. page 42 f.

Other Changes of "The Penal System of Denmark".

Violation of Conditions for Parole.

If the parolee commits a new criminal offence during the period of parole, and legal action including a charge with the crime has been taken before the termination of this period, the court will make a decision according to the rules concerning probation in the Criminal Code, so that the unexpired term of the sentence is equal to a suspended sentence.

If the parolee fails to observe the other conditions imposed (e.g. anti-alcohol treatment), the Minister of Justice (Department of Prisons and Probation) may (a) give a warning, (b) change the conditions and extend the period of parole within the maximum period laid down in the Criminal Code, or (c) under special circumstances decide that he shall be recommitted to serve the unexpired term of the sentence. Cfr. page 30 "Recommitment".

Persons Addicted to Drugs.

In addition to the text on page 24 f it shoud be mentioned that the problem of drugs-users has become worse in recent years in the prisons, into which drugs are being smuggled. The problems are, however, still greater for probationers and parolees. To solve these problems the Department of Prisons and Probation has started building up a number of small institutions, where an intensive social work shall try to help the clients. Further institutions are being planned, but also new ways of treatment are being planned. Per September 1974 there were about 630 persons addicted to drugs in the prisons and about the same number of persons on probation or on parole.

Ministry of Justice

Department of Prisons and Probation. September 1974.

Supplementary Text to "The Penal System of Denmark".

Structure of the Department of Prisons and Probation:

1.st. of April 1973 the Danish probation- and parole-organization (Dansk Forsorgsselskab) was taken over by the state, i.e. the Department of Prisons and Probation, which from the same date has changed its name (formerly: Department of Prisons), cfr. page 16. Consequently the structural organization of the Department was changed, so that the Department was divided into two main divisions and more seperate sections, e.g. a section of social wellfare and aftercare, cfr. page 48 f. in "The Penal System of Denmark".

Changes of the Penal Measures and the Consequences thereof.

Due to a general criticism of the more or less indeterminate sanctions and the decreasing numbers of persons subjected to those sanctions the Criminal Code was changed from 1.st. of July 1973, and the following sanctions were abolished:

(1) Youth prison (ungdomsfængsel)
(2) "Workhouse" (arbejdshus)
(3) Security detention (sikkerhedsforvaring)
(4) Special imprisonment (særfængsel) (Imprisonment for mentally abnormal offenders)
(5) Special measure for alcoholics.

Besides the application of detention ("forvaring") was reduced to certain dangerous offences, cfr. p. 12, 16-24, and 33-36. The Penal establishments formerly housing the above mentioned special offenders are still in use more or less for the same categories of offenders (i.e. serving sentence of imprisonment for the 1.st time, recidivists, young and older offenders). Due to the amendment of the Criminal Code most of the administrative regulations were changed from about 1.st. of July 1973, but it was more a codification than real changes.

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The Penal System of Denmark

Ministry of Justice - Department of Prisons

Contents

FOREWORD

The present edition of "The Penal System of Denmark" has been in preparation for some time up until the summer of 1971.

Rather extensive and rapid change has characterized the Danish prison service within the past years; any publication describing the system can therefore only give a momentary picture of the service, which can not truly depict its more dynamic aspects.

For the same reasons, it must be expected that some of the information given in the present pamphlet will, in the course of a year or two from the publication, be more or less imprecise since the legal framework as well as the institutions will be changed to some extent in the current stream of penal reform.

The pamphlet has two major aims: to give a brief survey of the rules in the Penal Code and in administrative ordinances regulating the penal sanctions and their implementation, and to describe briefly the prison service, its operation and some of its ideology.

The pamphlet deals only cursorily with penal reactions outside the prison system. As to the operations of probation and parole, interested readers are referred to the pamphlet "Probation and Parole in Denmark", published by Dansk Forsorgsselskab (the Danish probation- and parole-organization), Vester Voldgade 94, 1552 Copenhagen V.

I. Introduction.

Denmark is situated between the North Sea and the Baltic, contiguous to the European continent and bordering on the German Federal Republic. The area of Denmark covers about 43.050 km² not including the Faroe Islands and Greenland. The total population is about 4.900.000 (1/1 1971) and the density of population is about 114 per km². The largest of the Danish islands is Sjælland (Zealand) where København (Copenhagen), the capital is located. Copenhagen has just over one million inhabitants; about 85 provincial towns account for another million, and about two millions live in rural and semirural districts.

II. The Constitution and the Administration of Justice.

Under the Constitutional Act of 1849 (last amendment in 1953) Denmark is a constitutional monarchy, according to which the legislative power is vested jointly in the King (whose influence is only of a strictly formal nature, however) and the Folketing (Parliament). The legislative assembly is elected by universal suffrage. The right of voting is attained by all men and women at the age of 20.

The administrative power is exercised by the secretaries of state (ministers).

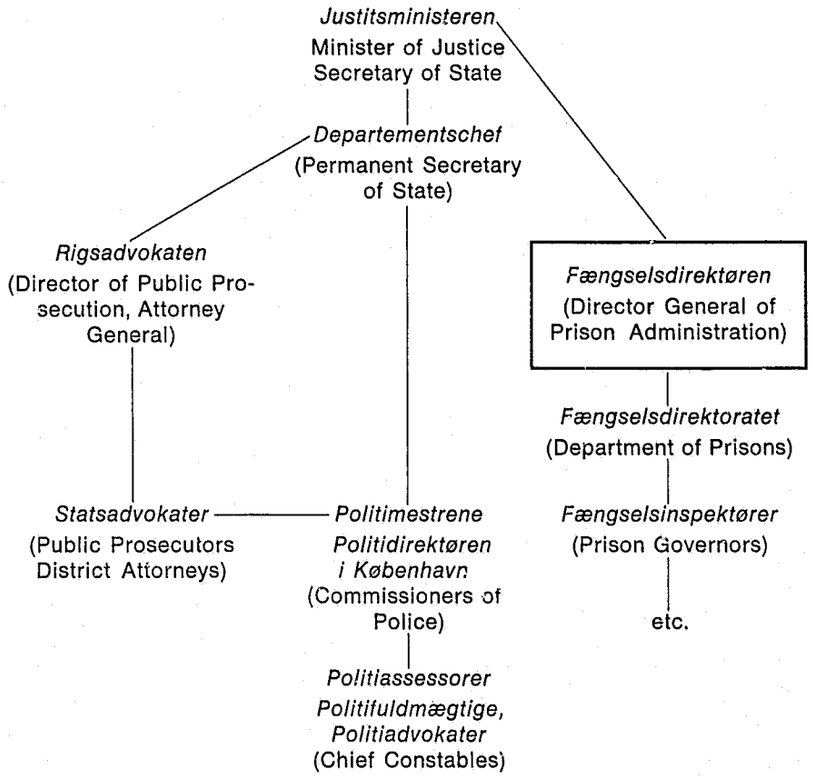
The judicial power is exercised by the law courts, the independence of which is ensured under the Act of Constitution.

The Supreme Court of Justice in Denmark is called *Højesteret*. There are two High Courts (courts of appeal) *(landsretter),* one – *Østre Landsret* – in Copenhagen, the other – *Vestre Landsret* – at Viborg in Jutland. There are just over 100 courts of first instance all over the country.

The hierarchical organization of the prosecution, the police and the prison system is shown in *Fig. 1.*

Fig. I.

The hierarchical organization of the prosecution, the police and the prison system in Denmark.



All the above mentioned posts are held by people having a degree in law. Some prison governors do not, however, have a degree in law, but another comparable degree.

As a general rule, the cases are prosecuted according to the decision of the Public Prosecutor. The more serious cases (those which carry a maximum penalty of imprisonment for 8 years or more) are tried by a 12

member jury and 3 legally trained judges in one of the two High Courts, which are normally the courts of appeal in criminal cases. These cases are, however, extremely rare. The remaining cases are tried before a court of first instance, composed of a legally trained judge and two lay judges. The Chief Constable, or one of his deputies, appears for the prosecution before these courts, but the Public Prosecutor decides whether the prosecution should appeal the sentence to the High Court, consisting in such cases of 3 legally trained and 3 lay judges.

This procedure is simplified in two categories of cases:

(a) If the accused has made a confession and this confession is corroborated by the other facts known to the court, the case can be tried summarily before one legally trained judge of the first instance. It is also a condition that the prosecution and the accused agree to this simplified procedure.

(b) In a larger number of cases involving violations of criminal provisions outside the Criminal Code, or where the maximum penalty is a fine or "*hæfte*" (lenient imprisonment), the Chief Constable has the competence himself to prosecute, and such cases are tried before a court of first instance by one legally trained judge only.

Defence counsel is chosen from practising barristers. If the accused has not himself asked a counsel to appear for him, the court assigns a counsel to him, if either he is remanded in custody, or if an indictment has been subscribed by the Public Prosecutor, or if a more serious penalty than a fine or "*hæfte*" (lenient imprisonment) may be imposed, as well as in certain other cases.

There are no juvenile courts in Denmark. As the age of criminal responsibility is 15 years, cases of offenders under that age are referred to the Child- and Youth- Welfare Authorities, which may impose measures pursuant to the Children's and Young Persons' Act. If the offender is under 18 years of age the Public Prosecutor may – and often does – waive prosecution on the condition that he is subjected to the care of the Child- and Youth- Welfare Authorities; such waivers are also used, although in rarer cases, against persons aged 18–20. Such care may continue until the age of 21 years. It may consist in mere supervision, or in placement in an institution. If the offender does not comply with the prescriptions of the Child- and Youth- Welfare Authorities, the criminal case may be reopened.

Furthermore, the Public Prosecutors may waive the prosecution in minor cases, possibly subject to the condition of payment of a fine and damages.

III. Penal Laws.

The first Danish Criminal Code dates back to 1866. The present Criminal Code of April 15, 1930, came into force on January 1, 1933. It has since then been amended several times, the latest being in 1970. It is divided into a general part, dealing with the general principles of liability, attempts, complicity etc., the system of penalties and other measures, and a special part comprising a selection of crimes which correspond with the indictable offences of English penal law. The special part consists of the chapters XII to XXIX, of which in practice of course only a small group predominates. The most important is chapt. XXVIII covering all offences against property, which in the annual criminal statistics make up more than 90 % of all Criminal Code offences reported to the police.

Most petty offences are dealt with by other acts, but that does not necessarily mean that all or most offences dealt with by other acts are in fact petty offences. Beside the Criminal Code the more important laws containing provisions for penal measures are the police-regulations (city-ordinances; by-laws) and regulations of traffic, commerce, customs, duties, taxation, and drug-laws etc. Transgressors of these laws may incur sanctions of fine, "hæfte", or in some instances even up to two years of imprisonment.

The Criminal Code of 1930 changed the penal system in various respects:

(1) Capital punishment was abolished,

(2) Corporal punishment was abolished,

(3) Imprisonment at hard labour was abolished,

(4) Youth prison was introduced in a form that had been greatly influenced by the English Borstal system,

(5) Special forms of detention were introduced for professional and habitual offenders i.e. *'forvaring'* (detention), *'sikkerhedsforvaring'* (security detention or preventive detention), and *'arbejdshus'* (workhouse),

(6) Special measures were provided for mentally abnormal offenders and for alcoholics.

This called for the establishment of a number of new penal institutions and a reorganization of the whole system.

In 1938 the local gaols, which were formerly owned and administered by the local authorities, were taken over by the state. To-day all enforcement of punishment involving deprivation of liberty rests with the state.

IV. The Penal System in Force.

The minimum age of criminal responsibility is 15 years, but in the majority of cases against offenders between 15 and 18 years of age the Public Prosecutor will waive prosecution on the condition that the offender is subjected to the care of the Child- and Youth- Welfare Authorities, cfr. page 11.

Liability to punishment for an offence is also subject to the condition that the offence has been committed intentionally or, in some cases, through negligence.

Even where these conditions for the imposition of punishment are satisfied, such imposition may be precluded because of psychic abnormalities. The detailed rules on the subject provide that punishment cannot be imposed upon persons, who at the time when the offence was committed, were irresponsible owing to insanity or similar conditions or to pronounced mental deficiency (section 16 of the Criminal Code). Punishment is also precluded (section 17 of the Criminal Code) if, at the time of committing the punishable act, the more permanent condition of the perpetrator involved defective development, or impairment or disturbance of his mental faculties, including sexual abnormality, of a nature other than that indicated in sect. 16, provided that – in the opinion of the court – the offender is considered 'not susceptible to punishment'.

Mentally deviant persons, who are thus not liable to punishment – either because they are found 'irresponsible' under sect. 16 or found 'not susceptible to punishment' under sect. 17 – but against whom measures for the protection of society are deemed necessary, may, according to sect. 70, be sentenced to indeterminate security measures, e.g., in a mental hospital or in 'forvaring' ('detention') (for so-called 'psychopaths'). If the court finds that the psychically abnormal offender, *is* susceptible to punishment, it may still decide that the custodial sentence shall be served in a special institution intended for such persons (sect. 17 of the Criminal Code) – so-called *særfængsel* ('special prison', formerly called 'prison for psychopaths').

Quite often pre-sentence investigations including considerable information about the accused are presented by a probation officer. In addition, before a charge is brought in a criminal case in which – because of psychic abnormality – security measures may be applied, as well as in a number of other cases, the offender is submitted to a mental examination, in some cases by admittance to a mental hospital, to an institution for the mentally deficient, or the like. The observation report in more serious or doubt-

ful cases will further be supplemented by a statement from *Retslægerådet* (the Board of Forensic Psychiatry), a state-board of medical experts.

V. Brief Survey of the Different Measures that may be Applied to Offenders.

A. The Ordinary Sentences.

The ordinary sentences are *bøde* (fine), *hæfte* (lenient imprisonment), and *fængsel* (ordinary imprisonment).

a) Bøde (fine).

The fine is the most frequently applied punishment in Denmark. In 1967 fines made up 25 % of all Penal Code sentences plus the majority of non-Penal Code offences. It is chiefly applied in the case of minor offences. If a fine is not paid voluntarily, and it cannot be recovered through distraint, the offender is committed to serve a term fixed by the court in default, normally as '*hæfte*' (lenient imprisonment). In general, the alternative term cannot be less than two days, nor more than 60 days.

(b) Hæfte (Lenient Imprisonment).

According to the Criminal Code *hæfte* (lenient imprisonment) can be inflicted for a term ranging from 7 days up to 6 months. The sentence of lenient imprisonment is applied in particular to intoxicated drivers of motor vehicles (1967: ca. 6.000 plus ca. 9 % of all penal code offences), to the less serious violent offenders, and other minor cases.

Lenient imprisonment is a milder form of imprisonment, and it differs from ordinary imprisonment particularly in that the prisoners are accorded more rights and privileges, e.g. in regard to getting food other than the usual prison diet, and finding their own work etc. The sentence of lenient imprisonment used normally to be served in the local gaols, and as a general rule in solitary confinement; this was due to the fact that most local prisons had been built as cellular establishments, usually without common living- and working-rooms. In recent years it has been possible for an increasing number of persons to serve lenient imprisonment in open prisons (camps) offering facilities for the inmates working in workshops and spending their leisure time in association. As of April 1971 about 150 out of a total of ca. 500 persons serving lenient imprisonment were in open institutions.

(c) Fængsel (Imprisonment).

Imprisonment, which is the most frequently applied form of deprivation of liberty (1967: c. 28 % of all penal code sentences), may be imposed for life-time or for a definite period, not less than 30 days nor more than 16 years. Sentences of imprisonment are normally served in the so-called

'state prisons'*) which may be either closed cellular prisons or (semi-) open institutions. The classification and distribution of the prisoners between the different prisons is normally made by the Central Administration of the Prison Service on the basis of an individual evaluation of the documents of the case, including personal information.

In a state prison a sentence of imprisonment is generally spent in association – in the open institutions during the day and to some extent also during the night, but in the closed cellular prisons as a rule only during the hours of work, instruction, exercise in the prison yard, and leisure-time.

Due to lack of space in the state prisons some very short sentences of imprisonment (between 30 days and 3 months) are served in local gaols, i.e. normally in solitary confinement, but this is becoming increasingly rare.

(d) Suspended Sentences.

The suspended sentence (probation) has been applied in Denmark since 1905.

Through amendments to the Criminal Code in 1961 and in 1965 the system of suspended sentences was considerably changed and extended. At present about 33 % of all sentences for violation of the Criminal Code are probation sentences.

The courts may apply a suspended sentence, when the enforcement of a penalty is not deemed to be required, and the courts have the choice between three forms:

(1) a suspended sentence with a fixed penalty, the enforcement of which is suspended, (ca. 14 % of all sentences),

(2) a suspended sentence without fixing the penalty, (ca. 13 % of all sentences),

(3) a combined unconditional and suspended sentence (ca. 6 % of all sentences) in two forms:

(a) a sentence with a penalty imposed, of which a portion – not to exceed 3 months – must be served, whilst the serving of the remainder is suspended conditionally,

(b) a sentence with penalty imposed – not to exceed 3 months – which must be served, combined with a suspended sentence without a fixed penalty.

*) In Denmark, all prisons – including the local goals – are now operated by the state, but the term 'state-prison' is still used to distinguish the ordinary prisons from the local goals and from the so-called 'special institutions' under the Department of Prisons, e.g. youth-prison, workhouse, detention etc.

In connection with all forms, conditions of supervision may be imposed for a probationary period, or part of it. Such a period is normally 3 years, with 5 years as the maximum period within which probation can be recalled. The following conditions are now mentioned in the Criminal Code to be applied at the discretion of the court:

(a) regulations as to education, employment, place of residence, leisure-time activities or as to contact with certain persons,
(b) placement in an institution for a period not exceeding one year,
(c) refraining from abuse of alcohol,
(d) treatment against abuse of alcohol,
(e) psychiatric treatment, if necessary in a hospital,
(f) regulations as to administration of income and fortune,
(g) compensation for damages.

Also other conditions may be used at the discretion of the court.

If the convicted offender does not observe the conditions imposed, and the case is referred to the court, the court may either issue a warning, alter the conditions, extend the probation period, or impose a penalty or other sanction for the offence committed, or, if a penalty has been fixed in the suspended sentence, the court may decide that the sentence shall now be served.

The supervision of the probationer is normally undertaken by a semi-official organization, 'Dansk Forsorgsselskab' (The Danish probation- and parole-organization). For further details see the pamphlet "Probation and Parole in Denmark", published by Dansk Forsorgsselskab.

B. Young Offenders and Habitual Criminals

(a) Young Offenders.

The minimum age of criminal responsibility (15) and the existing possibility of waiving prosecution against persons between 15 and 18 (20) years – subject to child- and youth-welfare measures – have already been mentioned. Ordinary unconditional deprivation of liberty is very seldom applied to persons under 18 years of age. If deprivation of liberty is found necessary, the accused will, as a rule, be sentenced to *"ungdomsfængsel"* (*youth* prison, Borstal training).

Also as regards the age group 18–20 years, the application of ordinary unconditional imprisonment is largely restricted, to that about 75 % of such offences, as would otherwise carry sentences of imprisonment for terms exceeding 6–8 months, result in a sentence to youth prison, while most of the remaining offenders in this age group receive suspended sentences. Unconditional imprisonment is notably applied in cases of violence. On the other hand, the application of unconditional *'hæfte'* (lenient imprisonment) is not restricted in this age group. Besides, as regards persons who at the time of the sentence are under 21 years of age, the penalties of a fine and of hæfte (lenient imprisonment), may be applied even where only stricter penalties are provided for by the violated section of the penal code.

The following section will discuss the sanction of *youth prison* (Borstal training) which was introduced by the Criminal Code of 1930.

Up till 1961 this penalty could be imposed if it was thought that the offence of which the person was convicted should be regarded as a manifestation of 'criminal tendencies' or of 'an inclination for idleness or for associating with bad companions', and that measures of education and instruction might be appropriate. According to an amendment to the Criminal Code in 1961 the requirements are now merely that the person shall be between 15 and 21 years of age, (in exceptional cases between 21 and 23 years) and that the resort to youth prison instead of ordinary imprisonment is considered 'expedient'. The amendment must be viewed in connection with a new formulation of the regulations determining how young persons should be dealt with in the youth prison. It is stated in the Act that, when implementing the sentence, emphasis shall be given to the social and characterological development of the young offenders through vocational training, education and instruction.

The regulations were an indication of some extension in the scope for youth prison; in the 'sixties' the number of inmates in the youth prisons increased, in contrast to the number of inmates in the other institutions of the Prison Service. The reason for this – in addition to the increase in the number of young men in the 15–21 years age group resulting from the rising birth-rate during the war years – may partly be ascribable to the fact that, even before the above-mentioned amendment, the courts were inclined to avoid ordinary prison sentences for this age group. The greater resort to youth prison was supplemented by a rule that if a convicted person detained in a youth prison should prove to be so psychically abnormal that he is unsuited for treatment in a youth prison, the Prison Board may decide that he shall be transferred to an institution established for mentally deviant persons, which is under the charge of a medical superintendent who is a qualified psychiatrist ('Særfængsel', see page 23).

Since 1968, however, the number of inmates in the youth prisons has been falling steadily. This has partly been caused by a more liberal practice of

releasing earlier than before, but may also have been influenced by the general criticism and scepticism of the value of indeterminate penal measures in general.

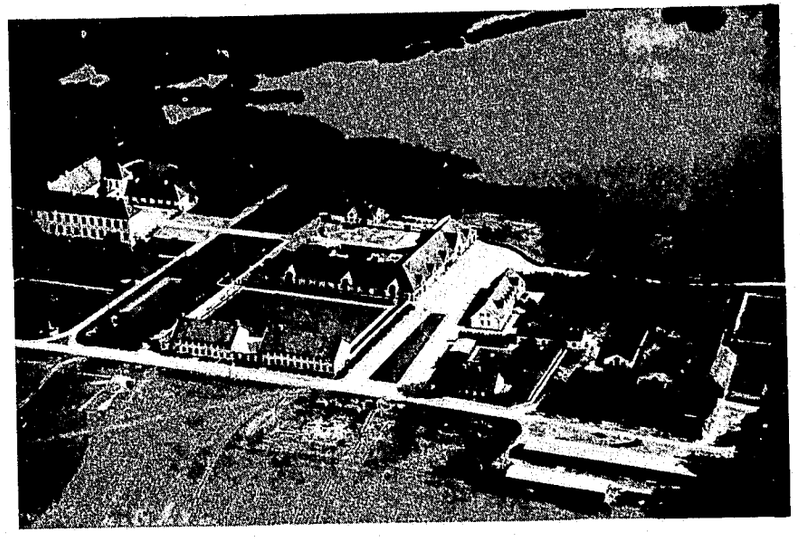


Fig. 2. The State- and Youth-Prison Søbysøgård

The sentence of youth prison is not imposed for any definite period. According to the Criminal Code a person sentenced to youth prison can be retained from one year up to three years, and – in the case of recommitment because of non-observance of the conditions prescribed for a release on parole – eventually for another year.

At the expiration of one year after commitment, i.e. including the time spent in custody under remand, the Prison Board must decide, on the recommandation of the governing body of the institution, whether or not the prisoner shall be released. Exceptionally release may be decided before that time.

If the prisoner is not released after one year the question of release on parole has to be reconsidered not later than at the expiration of the following year. In practice, however, a youth prisoner is not usually detained

for more than 16–17 months, and the average period served by youth prisoners is now (1971) about 14 months, including time spent in custody awaiting trial.

(More about release on page 38).

There is no youth prison for females, the sentence being applied in practice only to males.

At the introduction of youth prison in Denmark there was only one youth prison – an open one, that of Søbysøgård – and a reception and disciplinary centre in the State Prison of Nyborg. Half of the State Prison of Nyborg is still used as a closed youth prison, which includes a special section for the most difficult inmates, mainly those in need of psychiatric treatment. Up till 1968 an increasing number of young offenders was sentenced to youth prison; this necessitated the taking over of two open prisons (Møgelkær and Kærshovedgård) for housing youth prison inmates. From 1961 to 1969 a section of the Copenhagen gaol served as a reception centre.

To-day there is no special reception centre, and the two remaining open youth prisons now house also persons serving sentences of *hæfte* (lenient imprisonment) (Møgelkær) and ordinary imprisonment for young offenders (Søbysøgård), in addition to their ordinary youth prison clientèle.

The inmates have their own rooms. Work is generally carried out in association and, as a rule, leisure-time may be spent in common living-rooms, in hobby-rooms, or in the inmates' own rooms.

(b) Habitual Offenders.

The Criminal Code provides for the application of two forms of relatively indeterminate detention in lieu of imprisonment for persistent, but mentally normal criminals. The milder form, that of *"arbejdshus"* (workhouse), is intended for the relatively undangerous group of offenders; the more severe form, that of *"sikkerhedsforvaring"* ("security detention", "preventive detention"), is for the more dangerous offenders. These measures are mainly intended for persons on whom previous sentences of imprisonment for definite terms have had no corrective effect, wherefore it is assumed that they are in need of penitentiary treatment for a longer period of time.

The application of both provisions presupposes that the offender has relapsed into crime within a period of 5 years since he was released from his latest deprivation of liberty (sect. 81).

Both forms of detention may be applied to men and women alike; in practice, however, they are hardly ever applied to women.

In recent years the number of persons serving workhouse or security detention sentences has been falling. This is due to a change in practice of the courts, so that to-day such persons are now more often sentenced to ordinary imprisonment.

1. Arbejdshus (Workhouse).

According to the Criminal Code the sentence of workhouse may be applied by the court to persons showing 'a constant inclination to lead an anti-social life' marked by acquisitive or sexual offences, if the person in question has received a certain number of previous sentences. Furthermore, the court may apply workhouse to an inebriate who has committed an offence while intoxicated, even if he has not been punished before.

The sentence of workhouse is not imposed for any definite period, but the term of retention is not less than one year nor more than four years. In case of recommitment because of non-observance of the conditions of release on parole the period of detention may be extended by the Prison Board for another year.

If the governing body of the institution considers that an inmate should be released at the expiration of one year, a decision granting this *may* be made by the Prison Board. At the expiration of two years the Prison Board *must* decide, on the recommendation of the governing body of the workhouse, whether the convicted person shall remain in the institution. If release is not granted at that time, the question shall be reconsidered at the expiration of the following year, or under special circumstances before that time.

(More about release on page 31).

Workhouse is served in an open institution (Sdr. Omme) without any form of surrounding wall or fence. The institution includes a special, closed section and a half-open section. Most inmates enjoy a fair amount of liberty and are occupied in common workshops or in farming.

2. "Sikkerhedsforvaring" (security detention, preventive detention).

Security detention may be imposed upon an offender who in respect of a sexual offence or in pursuance of two sentences for other offences has served a term of imprisonment or has been detained in workhouse for not

less than two years, *if* the available evidence characterises him as a professional or habitual offender, *and if* public safety is considered to require the application of this measure.

Fig. 3. The Workhouse (and State Prison) at Sdr. Omme

In practice security detention is applied to serious property offenders; most of these detainees show manifest symptoms of character disorder.

Security detention is an indeterminate sentence. At the expiration of four years, the Prison Board must decide whether the prisoner shall be released. If release is not granted at that time, the question must be reconsidered every second year or, under special circumstances, before that time. When a person has been subject to security detention for 20 years, he shall be released, unless such release is considered inadvisable by the Prison Board. In the latter case the question must be brought before the court. If the court decides that the prisoner shall remain in security detention, the question of his release shall be laid before the court every second year.

If release is granted before the expiration of 20 years, it is always on parole; otherwise it is unconditional. In practice, the average term of de-

tention has been some seven years from the first sentence to security detention. The average number of persons sentenced to security detention has in recent years decreased to about one or two a year.

(Further details on release on page 31).

Security detention is always served in a closed institution. All inmates have their own room, but work is normally carried out in association. Leisure-time may be spent in common living-rooms, in hobby-rooms, or in the prisoners' own rooms. In recent years the detainees have been treated together with the other inmates at the detention institution at Horsens, where security detention takes up a few cells in a small section of the institution.

C. Mentally Deviant Offenders.

The Criminal Code provides for the application of various "special measures" to mentally deviant offenders.

1. Security Measures.

In the case of mental deviancy such that the person is exempt from punishment (see page 13), the judge may pursuant to sect. 70 of the Penal Code apply more or less comprehensive preventive measures, having regard to what public safety – in the opinion of the court – requires in each particular case. The more comprehensive measures which may be used include placement, (a') in a mental hospital, (b') in an institution for mental defectives, or (c') other curative institution, (d') in an asylum for inebriates, or (e') in a 'special detention institution': *forvaringsanstalt* (in the following: *forvaring* (detention institution).

Application of these security measures, which are indeterminate, is in all cases decided by the ordinary courts on the basis of medical reports. Decision as to termination or change of any such placement is likewise made by the court.

(Further details of release on page 31).

Re (a'), (b'), (c'). The care of mentally deficient and insane offenders is administered by other authorities than the Ministry of Justice and the Prison Service, and will therefore not be dealt with here.

Re (e'). There are two closed *forvaringsanstalter* (detention institutions) for men, one in Herstedvester, and one in Horsens. To each of them is attached a small, open institution, situated at some distance from the principal institutions. Transfer to the open institutions, however, does not normally take place until shortly before the time when the institution intends to raise the question

of release on parole.

In the women's prison there is a small detention unit for mentally deviant female offenders.

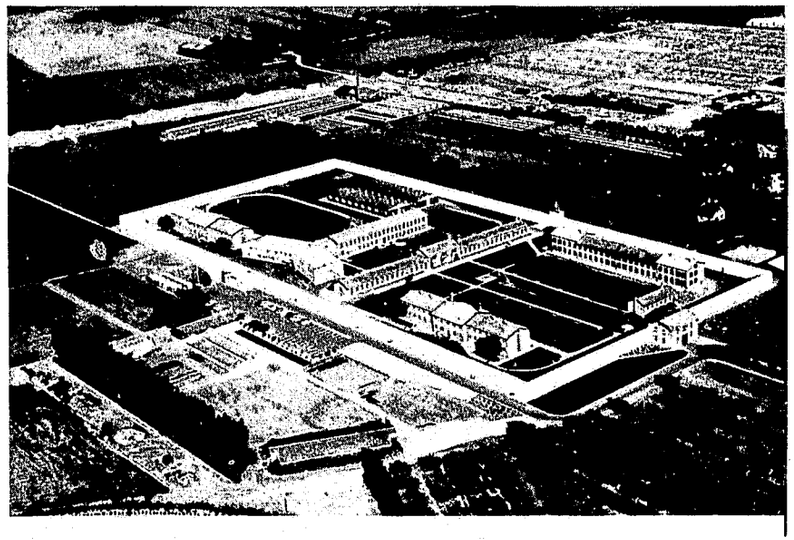


Fig. 4. The Detention Institution (forvaringsanstalten) and »Special Prison« (særfængsel) at Herstedvester

2. Særfængsel ('Special Imprisonment').

Mentally deviant offenders whom the courts consider 'susceptible to influence through punishment' may under the Criminal Code be sentenced to 'special imprisonment' which is 'special' in the sense that it is served in an institution with psychiatric service.

'Special imprisonment' (særfængsel) may be inflicted for the same term as ordinary imprisonment. In practice the sentence of 'special imprisonment' is mostly used in connection with terms between six months and three years. The rationale behind this is that the period of imprisonment must not be so short as to make the treatment illusory, or so long that commitment to *forvaring* (a detention institution) is considered more adequate.

For a long period, this provision was not used very much, but the number of sentences to 'special imprisonment' has been increasing during recent years. A sentence of 'special imprisonment' is served in the closed deten-

tion institutions mentioned under (1) (e') above. The treatment of this category of inmates has in all essentials been organized on the same lines as the treatment of persons committed to the said detention institutions.

3. Since 1970 one of these institutions, the one at Horsens, also has a section for offenders sentenced to ordinary imprisonment, but deemed to be in need of psychiatric service.

D. Persons Being under the Influence of Alcohol or Addicted to Drinking.

According to the Criminal Code, intoxication does not, as a principal rule, preclude punishment. An offender, however, is not liable to punishment, if he has acted 'without consciousness', i.e. in a state of acute abnormal reaction to alcohol or in extreme intoxication, comparable to insanity. Furthermore, intoxication may exclude criminal intent (mens rea) and thereby criminal responsibility.

The treatment of alcoholic offenders may involve deprivation of liberty or may take place at out-patient clinics. Ambulatory treatment of alcoholism may be instituted as a condition of a suspended sentence, as a condition of a waiver of prosecution, or in connection with release on parole.

As mentioned above, workhouse may be applied to alcoholics, instead of imprisonment.

The detention institution at Herstedvester is also charged with treating those offenders sentenced to "treatment in an asylum for inebriates" as a 'security measure' under section 70 of the Penal Code (re C. 1. (d') above on page 22).

The treatment of alcoholics includes medical, psychological, and social therapy. The comprehensive treatment of alcoholism now applied to criminal alcoholics was commenced in 1948–49, after Danish scientists had discovered the substance of 'antabus' (disulfiram), but to-day other substances (e.g. dipsan) are used as well.

E. Persons Addicted to Drugs.

Since 1965 an increasing number of persons abusing various drugs (narcotics) has been committed to Danish penal establishments. Due to the increasing import of narcotics it has been found necessary to include in the Criminal Code a provision penalising drug offences of a more professional character with up to six years of imprisonment. As a general rule a person is not held criminally liable for his own consumption of euphoriants, and

less severe criminality is still treated on the basis of the Euphoriants Act, where the penalty is a fine or imprisonment for a term not exceeding 2 years.

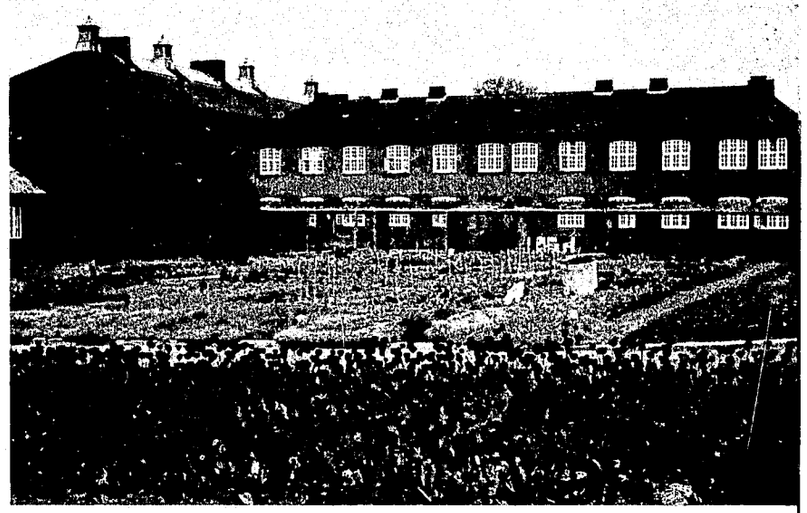


Fig. 5. The State- and youth- Prison at Nyborg. Exterior of special section for young drug offenders

The Criminal Code and the Euphoriants Act do not provide the courts with any special measures, and thus any of the measures outlined above – including suspended sentences – may be applied. As to young offenders there is, especially among youth prison inmates an increasing number of drug-users and a tendency among them to use harder drugs.

An increasing number of users suffer from hepatitis; in addition to their need for physical care there is in many cases need for psychiatric treatment and for considerable socio-psychological support.

F. Sexual Offenders.

Up till 1967 the courts might sentence dangerous sexual offenders to castration, but so far compulsory castration has not been carried out. In several cases, however, particularly among offenders submitted to *forvaring*

(detention for mentally deviant offenders), voluntary castration of dangerous sexual offenders has taken place; this operation will quite often change the situation in such a way that further detainment is no longer required, so that it will be justifiable to release the offender on parole, or to pardon him.

G. Other penal sanctions:

(a) Forfeiture of Civil Rights.

According to an amendment act in 1951 of the Criminal Code a punishable offence does not automatically involve the suspension of civil rights; a person who has been convicted of a punishable offence may nevertheless be deprived of his right to carry on a business requiring a special public authorization or permission, if the offence committed involves an obvious risk of abuse of the position or the occupation concerned.

(b) Confiscation.

In connection with a sentence the court may in certain cases decide that objects obtained through a punishable act, or objects used for or intended to be used for the commission of an offence, or objects relating to the offence, or the profit gained through a punishable act, shall be confiscated for the benefit of the Exchequer. Instead of the objects themselves an amount of money equivalent to their value may be confiscated.

VI. Statistics of the Measures Applied to Offenders.

In order to illustrate to what extent the courts apply the different types of sentences etc., a list of the number of persons convicted in 1968 is given in *Table 1.* The table, which has been prepared on the basis of the statistical data for the year 1968 (published by Danmarks Statistik in 1970), relates only to persons convicted of violation of the Criminal Code of the 15th of April 1930, i.e. *crimes,* but *not* violations of so-called 'special legislation' (e.g. the Traffic Act, the drug laws, tax laws etc.) nor breaches of police regulations (city ordinances).

Table 1.

Sanctions for Penal Code Offences in Denmark in 1968.

	Men	Women	Total
1. Waivers of prosecution	3689	748	4437
2. Fines	2400	146	2546
3. Probation (sentence suspended)	2932	510	3442
4. Lenient imprisonment (unsuspended)	1094	13	1107
5. Ordinary prison sentences (unsuspended)	3150	85	3235
6. Special prison	122	1	123
7. Youth prison	266	–	266
8. Workhouse	20	–	20
9. Security detention	1	–	1
10. 'Forvaring' (detention for 'psychopaths')	40	1	41
11. Sentences to care for the mentally deficient	48	1	49
12. Measures against psychotics etc.	52	20	72
13. Other preventive measures	6	–	6
Total	13.820	1525	15.345

Source: Kriminalstatistik 1968. – Statistiske Meddelelser, 1970: 14. – Danmarks Statistik, København 1970.
(Criminal Statistics 1968. Copenhagen 1970).

VII. Parole and After-care.

Rules governing release on parole were introduced by the Criminal Code of 1930 and have been amended in 1956 and by an Act of 4th of June 1965, giving the institute a wider field of application.

As regards the authority competent to make decisions in matters of release on parole, three different systems are applied in Denmark:

1) a purely administrative one,
2) one in which the decision is made by a special board of experts, including a judicial element,
3) one in which the decision is made by the ordinary courts.

System 1. Administrative Decisions.

The purely administrative decision, which rests with the Minister of Justice (the Department of Prisons), is applied in the case of ordinary sentences of imprisonment for a definite term, including so-called *særfængsel* ('special imprisonment'). Considering that about 95 % of the sentences of imprisonment in Denmark are for a term of two years or less, remission of part of the term does not amount to very much in terms of time. This remission is important, however, in that it establishes the basis for parole supervision and other measures of after-care.

Under the Criminal Code a decision on whether the prisoner should be released on parole must be made at the expiration of two-thirds of the term of imprisonment, provided that this period is not less than 4 months. If the unexpired portion of the sentence is less than 30 days, no release will be granted, as a general rule. The conditional release is regarded as a regular part of the penal treatment. Nearly all first-termers are released on parole; the latest statistics (1969) show that 86 % of all inmates sentenced to imprisonment for more than 4 months are released on parole. Of the total 6 % were not released on parole, because they did not want to submit to the conditions of supervision, or because they otherwise objected.

Even if release has been refused at the expiration of two thirds of the term, the question of release on parole may be reopened at a later time on the initiative of the Minister of Justice, the prison governor, the inmate or his relatives, or the inmate's counsel. Such release may be granted in case

of a favourable employment offer or a changed attitude of the person concerned, indicating that he has acquired a better insight into his own conditions.

Under special circumstances, release on parole may be granted already when the inmate has served one half of the period of imprisonment, also subject to a minimum of 4 months. This rule is used exceptionally, where the circumstances are positively in favour of the conditional release, e.g. when a postponement of the release will mean that the inmate cannot accept an offer of a most favourable job, that his own firm is threatened by a financial breakdown, or that the health of the inmate himself, his wife or children is at stake.

As mentioned above, the decision as to parole is made by the Ministry of Justice, but the competence of decision, in most cases of parole after two thirds of the term, has since 1969 been delegated to the prison governors. In practice, only serious or very dubious cases are decided by the Prison Department of the Ministry of Justice. In such cases the decision is made on the basis of a written recommendation from the governing body of the institution.

According to the Criminal Code release on parole presupposes *that* this measure is 'not inadvisable' on account of the personal situation of the inmate, *that* appropriate lodging and work or other maintenance has been provided for him, or that his placement has otherwise been adequately secured, and *that* he declares himself willing to comply with the conditions of parole.

Among the considerations as to whether or not release on parole should be granted, account is taken of the following factors: previous record, conduct in the institution, (e.g. whether the inmate has made an effort to utilize the opportunities provided by the institution in the form of instruction and vocational training), the nature of previous criminality, experience from previous releases on parole, the desirability of submitting him to supervision, and his willingness to collaborate with the supervisor. In some cases of grave criminality the question is submitted to the public prosecution or, in the case of sexual offences against minors, to the Child Welfare Authorities, if the parolee is to return to a home in which there are minors. The question may also be submitted to the court.

It is always a condition for release on parole that the person concerned leads a regular and law-abiding life within the probationary period. According to the Criminal Code the probationary period is not less than one year,

nor more than three years. The normal probationary period is two years, but if the unexpired term of imprisonment exceeds three years a probationary period of up to 5 years may be imposed.

On his release on parole, the offender will normally be placed under supervision of a special institution, Dansk forsorgsselskab, (The Danish probation- and parole-organization) with an obligation to observe the instructions given by the supervisor. The period of supervision is often the same as the probationary period, but may be – and in quite a few cases is – fixed at a shorter period. The condition of supervision may be cancelled during the probationary period if this is deemed advisable.

Further conditions for release on parole may be imposed according to the same rules as for suspended sentences (see page 16).

Recommitment.

The Ministry of Justice decides whether recommitment to serve the remainder of the unexpired term shall take place if the prisoner fails to observe the conditions of parole. About 90 % of the cases of recommitment (or recall) are due to criminality in the probationary period. Instead of recommitment the Ministry of Justice may alter the conditions for release, or may prolong the probationary period.

After recommitment, a renewed release on parole may be granted, even if the condition is not fulfilled that the inmate must have served at least two thirds (exceptionally one half) of the term with a minimum of 4 months.

Pardon.

An administrative decision is also made when the King exercises his prerogative of mercy and exempts a person from serving, in whole or in part, a sentence of hæfte (lenient imprisonment), ordinary imprisonment, or other punitive measure. In practice the decision is made by the Prison Department of the Ministry of Justice.

Pardoning is applied in very rare cases, i.e. when the enforcement of a sentence will involve a disproportionate suffering to the person concerned or to his family.

In addition this reprieve is applied to the rather small number of persons sentenced to imprisonment for life, for whom a release on parole is barred

by the Criminal Code. Such pardon is generally granted after 15 years of imprisonment, if this measure is not deemed inappropriate with regard to the personal situation of the inmate. Pardon is subject to conditions similar to those of release on parole.

System 2. Decisions Made by a Special Board of Experts Including a Judicial Element.

The Prison Board is a permanent organ attached to the Ministry of Justice, and is presided over by a judge. The other members are the Director-General of the Prison Administration, a psychiatrist, and one or more persons concerned with social welfare-services for young persons or for discharged prisoners.

The Prison Board decides upon release on parole of young offenders sentenced to youth prison, and of persons sentenced to workhouse or security detention. These measures are – as mentioned earlier – of a relatively indeterminate character.

Release on parole is conditional on the parolee leading a regular and law-abiding life within a probationary period of not less than one year nor more than three years.

Generally the parolee is placed under supervision, and other conditions may be imposed on him according to the same rules as for suspended sentences.

If the parolee does not observe the prescribed conditions, the Prison Board may alter the conditions, extend the probationary period or decide to recommit. In cases of recommitment the Prison Bord may also prolong the maximum period of detention with another year. Such prolongation does not apply to *sikkerhedsforvaring* (security detention), the maximum period of which is normally 20 years, (see page 20).

System 3. Release Decided by the Courts.

Security measures for mentally deviant offenders, pursuant to sect. 70 of the Criminal Code, are totally indeterminate. In these cases the decision of 'release' rests with the courts, which must formally change the sentence from deprivation of liberty to less comprehensive measures until it makes a final decision terminating the measures conclusively.

The question of release can be brought before the court by the Public

Prosecutor, by the governing body of the institution concerned, or by the guardian appointed by the court for the offender, but not by the detainee himself.

Fig. 6. Cell-corridor in the youth-Prison at Nyborg

If the court decides that the person concerned shall be released, a probationary period will be fixed, and supervision and other conditions may be imposed at the discretion of the court.

Conclusion:

As mentioned above a major goal of the deprivation of liberty is to promote the social readjustment of the inmate.

This aim is supported by practical welfare measures taken by the prison institution before the release, and after the release by *Dansk forsorgsselskab,* the Danish probation- and parole organization.

A more detailed description of the after-care of convicted persons is given in the pamphlet 'Probation and Parole in Denmark' published by Dansk forsorgsselskab.

VIII. Institutions of the Prison Service.

Prior to the Criminal Code of 1930 all prisoners were committed to closed institutions. The local gaols were intended for commitment of persons kept in custody on remand and awaiting trial, persons serving a 'sentence' in default of payment of a fine or of maintenance allowance, and persons serving 'lenient imprisonment' or short-term ordinary imprisonment. Each of the three State-prisons at Horsens, Nyborg and Vridsløselille had accommodation for 300 or 400 prisoners serving sentences of long-term imprisonment. Some open and half-open sections were attached to the Horsens prison. All the closed institutions were arranged as cellular prisons in the sense that the prisoners were placed in solitary confinement during the night. Of the three big prisons, however, one was arranged according to the system of association (the State-prison at Horsens, which was built in 1853), one according to the system of complete isolation (the State-prison at Vridsløselille, which was built in 1859), and one (the State-prison at Nyborg, which was erected in 1913) as a cellular prison with a certain number of common workshops.

A map of Denmark, showing where the prison institutions are located, is found on page 52.

The Criminal Code of 1930 brought about the introduction of new forms of treatment, which called for the establishment of new institutions. An open workhouse for men was organized in a new-built institution at Sønder Omme in a moorland tract of Jutland. The manor-house of *'Søbysøgård'* in Funen was converted into an open youth prison (Borstal) for men, and a new institution was established at Herstedvester outside Copenhagen for commitment of certain mentally abnormal male offenders (sentenced to *'forvaring'* (detention) or *særfængsel* 'special prison'; (imprisonment for psychopaths)). The last-mentioned institution was organized as a closed institution with single cells, but also according to the system of association, the prisoners being chiefly engaged in common workshops and allowed to spend their leisure-time in association.

During the years following the coming into force of the Criminal Code of 1930, several common workshops and common living-rooms have been arranged in the three closed prisons. The prisons at Vridsløselille and Nyborg are still mainly used for long-term prisoners, i.e. prisoners serving more than 2 or 3 years. A section of the prison at Vridsløselille is, however, used for short-term offenders, and half of the prison at Nyborg is used as a

closed youth prison. The former state prisons at Horsens is now used for criminals sentenced to særfængsel ('special imprisonment'), forvaring (detention) and sikkerhedsforvaring (security detention), and also for some

Fig. 7. The State- and youth-Prison at Nyborg: Day-room

offenders serving ordinary imprisonment, but in need of psychiatric treatment.

In order to relieve the ever-increasing overcrowding of the prisons, a few, chiefly small, open institutions were established during the Second World War and in the postwar years, for the commitment of inmates sentenced to imprisonment for terms ranging from five months to about two years. At the same time, an open institution, (Kastanienborg), was established for men subject to forvaring (detention), who are supposed to be nearing the point at which they can be released. In these open institutions, which were chiefly situated in rural areas, the inmates were chiefly engaged in cultivation work, farming, gardening, and other outdoor work. Most of the institutions were arranged in such a way as to permit the inmates to live in association day and night, the institutions having only a limited number of single rooms.

At present, several of these open institutions are used for male prisoners who are to serve a sentence of imprisonment for the first time, for terms ranging from 30 days to 2 or 3 years. Recidivists are, however, often placed

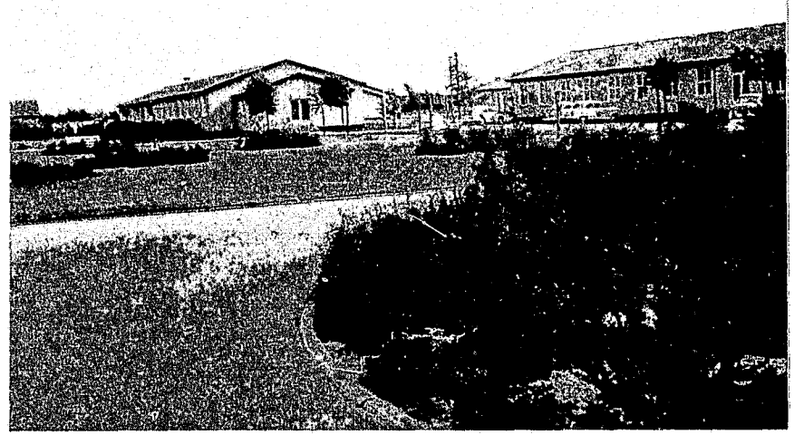


Fig. 8.
The State Prison at Kragskovhede

in institutions for first-termers, if the recidivism has taken place several years after their serving the first sentence.

As mentioned before there was an increase in the number of young offenders sentenced to youth prison and this meant that two institutions (Kærshovedgård and Møgelkær), which were formerly used for ordinary prisoners, for a time were used only for youth prisoners. To-day, however, only part of the institution at Møgelkær is used for commitment of youth prisoners (in addition to the original youth prison at Søbysøgård and the closed youth prison at Nyborg).

A large open institution, the State-prison at Kragskovhede, was inaugurated in 1948 and has since then mainly been used for recidivists sentenced to imprisonment for terms ranging from 2 months to 3 or 4 years.

Finally, a women's prison which also includes a detention section for women (forvaring), has been organized in an open institution at Horserød.

So far, the experience gained by the application of open institutions is encouraging. Several of the institutions, which for the greater part have been built for other purposes, have the disadvantage of not permitting all of the inmates to have their own room during the night. Alterations to meet this disadvantage have already been made to a certain extent, and further improvements will be made during the coming years.

The fact is that to-day about half of the inmates who are sentenced to imprisonment or to similar measures, are placed in open institutions.

The distribution of male prisoners is made individually with regard to obtaining manageable prison populations in the different institutions.

The central administration of the prison service undertakes in most cases the classification of the convicted offenders on the basis of the documents of the case and personal information about the person in question, partly from the institutions to which they have previously been committed, partly from the local gaol, where the convicted is normally held in custody until he can be transferred to the institution in which he is to serve his sentence. The majority of the inmates who are placed in open institutions are transferred to them directly from the local gaols, but some inmates, first committed to a closed prison, may later be transferred to an open institution. To-day there is no classification centre for any category of inmates.

In order to illustrate to what extent prisoners are placed in open institutions, a table showing the distribution of the total number of inmates as between closed and open institutions is given in *Table 2* on page 37.

Table 2.

The Average Number of Inmates (Men and Women) of the Institutions under the Danish Department of Prisons in 1969 (a) and Actual Number of Inmates as of April 1st 1971 (b).

Category	In closed institutions (a) 1969	In closed institutions (b) 1/4-1971	In open institutions (a) 1969	In open institutions (b) 1/4-1971	Total (a) 1969	Total (b) 1/4-1971
1. "Long-term" prisoners[1])						
a) Ordinary imprisonment (Fængsel)	405	466	630	895	1035	1361
b) Special imprisonment (Særfængsel)	98	107	–	14	98	121
c) Workhouse (Arbejdshus)	–	–	70	40	70	40
d) Persons sentenced to detention (Forvaring)	195	121	1	20	196	141
e) Persons sentenced to security detention (Sikkerhedsforvaring)	11	6	–	3	11	9
f) Youth prison (Ungdomsfængsel)	122	120	206	162	328	282
Total 1	831	820	907	1134	1738	1954
2. "Short-term" prisoners[2])						
a) Lenient imprisonment (Hæfte)	374	304	104[3])	155[3])	478	459
b) Persons kept in custody on remand awaiting trial	823	1146	3	5	826	1151
c) Ordinary imprisonment (short-terms) (Fængsel)	151	89	–	–	151	89
Total 2	1348	1539	107	160	1455	1699
Total 1 and 2	2179	2359	1014	1294	3193	3653

[1]) Serving in 'state prisons' or so-called 'special institutions'.

[2]) Mainly in local gaols.

[3]) In special sections of the state prisons.

IX. Enforcement of Sentences, etc.

In pursuance of the Criminal Code the detailed rules determining the enforcement of the various sentences of imprisonment and special measures are laid down by the Prison Administration. The Criminal Code contains few provisions regulating the serving of sentences of ordinary imprisonment, nor does it specify the contents of the so-called 'special measures' (detention etc.), but it lays down certain basic rules. This has been an advantage, having permitted various experiments to be made in the field of enforcement, *inter alia* in regard to the establishment of open institutions, without the necessity of having to resort to the slower machinery of legislation.

It would carry too far to state the principles of treatment of the various orders. Certain common features, however, of the measures involving deprivation of liberty are given in the following.

In Denmark, the promotion of the social readjustment of the inmates is considered a major goal of the deprivation of liberty. This aim has been positively expressed in the Royal Order of July 3rd, 1962, on the implementation of sentences of ordinary imprisonment in state prisons.

Except for the deprivation of liberty itself it is not intended to inflict any hardship on the inmate. The stated aim is to create conditions in the institutions which to the greatest possible extent correspond to the conditions of the outside world. If measures for determinate terms are applied, efforts must be made to achieve the aim within a fixed period, whereas it is possible to a greater extent to adapt the detention period to individual treatment with the more or less indeterminate measures. This is particularly important in the youth prisons where emphasis should be given to instruction and education.

The problem of solitary confinement versus association, which in older times was often an either/or, has been solved to the effect that treatment in association shall be the general rule, provided that the inmates are placed in solitary confinement during the night, as far as accommodation permits.

The 'progressive system', to which great importance was attached up to 1947, was abandoned in 1962 in the treatment of offenders, in particular as a consequence of the introduction of association. The advantages which were formerly obtained after a long time are now, as far as some of them are concerned, granted to all inmates shortly after the commencement of the deprivation of liberty, and as far as other advantages are concerned, as privileges according to individual judgement in each particular case.

In the treatment of offenders special importance is attached to work, leisure-time activities and – especially as regards the young offenders – to instruction. Furthermore it is considered important for the inmates to main-

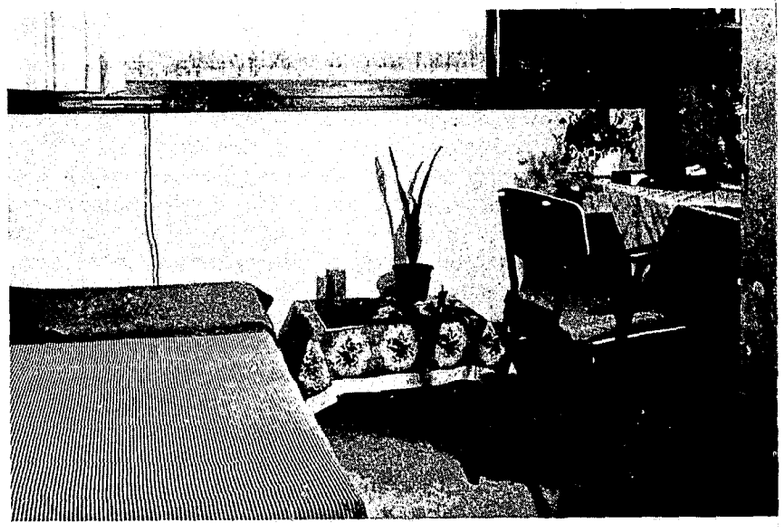


Fig. 9. The State Prison Renbæk: Inmate room

tain contact with their relatives and other supports outside the prison. In addition, efforts are made to prevent or to reduce as far as possible the disadvantages created by the inmate's segregation from the outside world, and to assist him after release.

a. Work and Vocational Training.

Prison labour is of vital importance to the inmate to enable him to return to a normal life. The Commission on Prison Labour has stated that prison labour as a principal rule must take place in the form of productive work and as to methods and organization be similar to the work performed in well-organized private firms. Consequently, work must take place in common.

Educationally designed practice in working techniques, including vocational instruction, is considered equivalent to productive work, when this is

important for the inmate's rehabilitation into economic activity. Efforts are made to accustom the inmates to a rhythm of work corresponding to what is normal in society, and to improve their skills by instruction and vocational training in work, in which they will probably be employed after release. The latter applies particularly to young offenders. Inmates who are psychically handicapped are given training in work to overcome these disabilities as far as possible.

In the large, closed institutions most of the inmates are engaged in some trade in common workshops, whereas the inmates of the local gaols are chiefly employed at work in their cells. In the open institutions the inmates are to a greater extent employed at outdoor work. Several of these institutions, however, also have facilities for engaging the inmates in various crafts.

Vocational training and education in the prisons take place partly as regular apprenticeships, and partly as training courses for unskilled and semiskilled labourers (practically and theoretically). The prison workshops are to a certain degree approved to train apprentices. The theoretical training is performed in the institution by the ordinary and the professional teachers. In a number of cases apprenticeships started outside are completed during the stay, but sometimes a complete training is carried through in the institution, or a training is started with a view to completion after release. The annual number of completed apprenticeships is about 15, corresponding to 2 % of the man-power in the workshops and building activities.

For the unskilled and semiskilled, training courses are arranged on a par with the state courses in similar topics, i.e. concrete-work, modern building methods and mechanics. In some cases these courses are held within the prison, but mostly the inmates attend an ordinary school in the neighbourhood of the prison for such courses. In the latter case the inmate spends the night and his leisure-time in the prison, but sometimes the technical schools are situated so far from the prison, so that the inmate is either transferred to another prison, is placed in a hostel, or in some case is allowed to live in his home. Furthermore training courses and education are given in topics related to the daily work, directed by the foremen and taking place outside the working hours.

For a number of years youth prisoners and workhouse inmates, as well as offenders sentenced to *'forvaring'* (detention), during the final stage of their commitment have been enjoying the privilege of working outside the institution for a private employer, while staying in the institution outside working hours (work-release). As mentioned above, the inmate may also be transferred to another penal establishment or live with his family to work for a private employer, especially for educational purposes. Ordinary prison inmates obtained this right in 1965, and in this way vocational training and education, considered to be of substantial value to inmates after their release, may be secured for them. Such a gradual transition to a freer life constitutes an important part of the preparation for release, relieving the inmates of some of their possible fear and doubts in this connection. As a general rule this provision, applicable to persons serving ordinary imprisonment, has been used with great caution, permission being granted only to persons serving long terms, and only towards the end of their sentence. In recent years, however, this provision has been used to a greater extent, which is due to the general success of such courses and to the possibilities of working outside the prison.

The hours of work are normally 41¾ a week – regulated according to the agreement on the labour market. In order to illustrate the daily life in the prison institutions a table showing the ordinary hours of the different activities is given in *Table 3.*

Table 3.

Monday – Friday.	
Calling and inspection	6 a.m.
Toilette, cleaning, breakfast and exercise	6 a.m. – 7 a.m.
Work	7 a.m. – 12 a.m .
Lunch	12 a.m. – 0.30 p.m.
Work, exercise etc.	0.30 p.m. – 4 p.m.
Instruction and leisure-time	4 p.m. – 6 p.m.
Supper	6 p.m.
Leisure-time and instruction	6.30 p.m. – 9.30 p.m.
Inspection and bed-time	9.30 p.m.

On Fridays, however, the hours of work in the afternoon are from 0.30 p.m. till 3.15 p.m., and bed-time is postponed in most institutions to about 11 p.m.

Saturday and Sunday.

Calling and inspection is normally at 7 a.m. and there is no work, but some voluntary instruction and various leisure-time activities. Except for persons kept in custody under remand, working is compulsory, and apart from prisoners sentenced to hæfte (lenient imprisonment) or forvaring (detention) who are allowed to carry out work found by themselves, the inmates are required to carry out the prescribed work.

The production is mainly for state purposes; the state pays the costs and receives the proceeds.

b. Remuneration.

The inmates receive a small remuneration for their work. Approximately 50 % of the employed inmates are paid the general rate, while the rest are paid according to piece-work rates which are fixed so that earnings on an average are the same as the ordinary rate.

The ordinary rate (April 1971) to inmates in the penal institutions gives the inmate an income of about 50 d.kr. (c. 50 s. or 7 US $) per week, but this payment may be reduced if sufficient industry is not displayed. Suspension

of the rate can only be decided according to the rules of disciplinary punishment. For trusted work an increase of the remuneration may be granted according to the character of the work. For necessary work exceeding the working hours specified for each profession the rate is increased by 50 %, and an increase is also paid for necessary work between 10 p.m. and 6 a.m., on Saturdays and Sundays. Inmates who are exempted from ordinary work to attend school classes or undergo special training or treatment do not lose their remuneration.

The remuneration does not belong to the inmate before it is actually paid to him, and consequently cannot be deducted in any way before disbursement. Since mid-1970 the inmates have at their disposal 40 % of their earnings which can be used for tobacco, chocolate, materials for hobbies, etc., 40 % may be spent on items which in the long run are of importance, e.g. private clothing, dental care or as financial support to their relatives, while the remaining 20 % must be saved until release. Further liberalization of these rules is presently under consideration.

Formerly the available proportion of the earnings was paid out in the form of special prison currency (token money) for purchases in the prison shop. To-day it is normally not paid out, but kept in the book-keeping section of the prison or – in a couple of institutions – paid in ordinary money.

c. Instruction.

Inmates under 30 years of age as a rule are required to attend elementary instruction in Danish, arithmetic, and citizenship, just as the inmates are generally required to attend the vocational instruction given in connection with work. Participation in athletics and sports is now voluntary. In addition to the compulsory instruction, however, provision has been made for voluntary instruction in any subject being taught in the individual institution. In the case of subjects in which instruction cannot possibly be provided in the institution, the inmates may take correspondance courses. The study group system is frequently applied and many prisoners carry on studies on their own.

Inspired by the experience gained in group counselling in the United States (Norman Fenton), this new form of group discussion was introduced in Denmark a few years ago. A group is composed of one or two staff members and 8 – 10 inmates; the purpose is to get inmates to know each other and discuss their problems thoroughly; it is fundamental that the discussions should be free, and that the leader should not play a dominant

role. Experience has shown that inmates tend to react attentively and become personally engaged in the problems raised when they get acquainted with the attitudes of their fellow inmates. This kind of group work may be carried out by any member of the prison staff having gone through a special course. Presently, however, it is only used to a limited extent. A new form of study group with persons not attached to the prison service has newly been started, and so far with great success.

d. Leisure-time Activities.

In all institutions efforts are made to give the inmates the opportunity of developing healthy and good leisure-time pursuits with the purpose of helping them not to lapse into idleness, which often leads to criminality after release. In their leisure-time in the evenings and in the week-ends the inmates may engage in any healthy leisure-time activity, if necessary under the guidance of the teachers of the institution or of other prison officers. Sometimes clubs are established. In the leisure-time hours there is access to hobby-workshops and common living-rooms with facilities for reading, e.g. newspapers, listening to the radio, watching T.V., and games (e.g. football and table tennis). Arrangements are made for regular showing of films, for lectures, and concerts. Inmates who are interested in gardening have in several institutions been given small gardenplots.

There is an increasing participation in the inmates' leisure-time activities of persons not attached to the prison service, and from the open institutions excursions are quite often arranged.

e. Contact with the Outside World.

All categories of inmates are entitled to corresponding with their relatives and other persons with whom it is considered of importance for them to keep into contact. Formerly the inmates were restricted to receive and write two letters per week, but to-day in practice there is no limitation as to the number of letters to and from the inmate. Up till 1968 all correspondance with private persons was censored. Through experiments in some penal establishments the censorship there has gradually been abolished, so that now there is only a certain control in these institutions with incoming mail in order to prevent smuggling, e.g. of drugs. Besides, the inmates are allowed to send closed letters to members of Parliament (Folketing), the

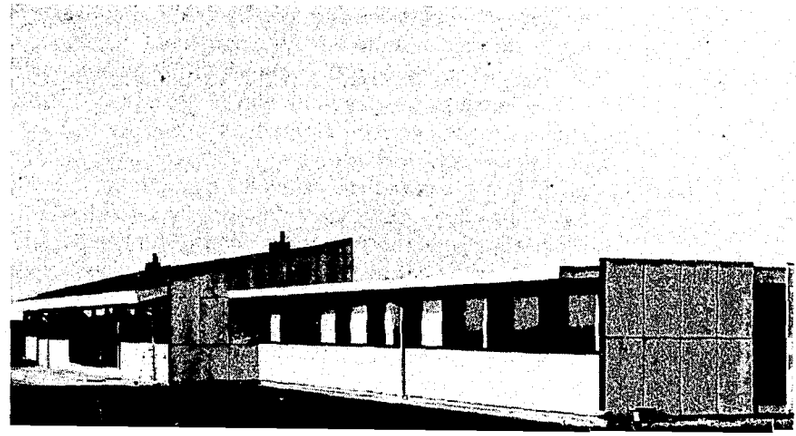


Fig. 10. The State Prison Renbæk: Facade of new standard housing unit

Fig. 11. The State Prison Renbæk: Day-room

Minister of Justice, the Director-General of the Prison Service, the 'Ombudsmand' and other authorities. A person kept in custody under remand may as a rule correspond with the counsel for his defence without any control.

The inmates are generally allowed to receive visits by their relatives or other persons every fortnight, but the governor of the institution may grant additional visits, and in several penal establishments visits are allowed every week. In some cases the visits take place in the presence of a prison officer, but more often – and particularly in the open institutions – only subject to a certain visual control. In the open institutions the visits often take place in the open air during the summer season. In open institutions after 4 weeks of stay the inmate may leave the institution for visits up to 8 hours. Due to the limited number of visiting-rooms – especially in the closed institutions – the duration of the visits is generally one hour, but if the visitors come from far away, or if the inmate concerned but rarely receives visits, the duration of the visit may be extended up to several hours.

For many years inmates committed to workhouse or youth prison have been enjoying the privilege of having a short-term leave without escort, as a rule of a few days' duration, in order to visit relatives or to find work in view of a forthcoming release. The granting of leave is subject to the condition that the inmate's conduct is satisfactory, that no risk of abuse exists, and – as a rule – that he has been staying in the institution for some length of time. The number of escapes during leave is small in proportion to the number of leaves which are granted.

Through a change in the Criminal Code in 1965 a general provision was introduced, which authorized the establishment of administrative regulations concerning furloughs and leaves, involving all categories of institutions in which penal sanctions are served.

During the first couple of years these rules were used rather restrictively, but since then the opportunities for leave have been considerably expanded. In 1971 a set of new and more liberal administrative regulations have been introduced.

In open institutions, leaves are granted as a matter of routine and at short intervals to all inmates who serve sentences that are not very short. In closed institutions the provisions are used in a more limited fashion and on the basis of a concrete judgement in each case.

Leaves may be granted for a multiplicity of purposes, including: providing the inmate with an opportunity to work outside the institution, or to take courses or instruction in the free community, to visit relatives, or – with a

view to the inmate's social reintegration – to allow the inmate to seek employment shortly before release.

Furthermore, leave can be granted for inmates' participation in sporting events, for visits to cinemas, etc. Leaves granted for inmates to go out for up to 8 hours during the day when relatives are visiting them may be converted to week-end home furloughs during which the inmate may stay at home for up to two nights.

Leaves and furloughs may be granted subject to certain conditions relating e.g. to treatment for abuse of alcohol (intake of antabus before the leave), that the inmate during his leave must appear for control at the local police station or at the local section of the probation and parole organization, or with an obligation to stay overnight in the local gaol, or in a specified boarding-house.

There is presently in the prison service a general development in the direction of expanding the inmates' opportunities for contact with the outside world; this must be seen as a part of the general 'process of normalization', which in later years has been one of the hallmarks of the reform efforts.

One side hereof is the effort to increase inmate participation in activities outside the institution (as stated above in connection with the leaves- and furlough-program), another side is represented by efforts at bringing citizens into the institution from the outside community to participate in the activities there, e.g. in sports games, discussion groups, establishments of youth clubs in the prison, arrangements by which a group of persons functions as 'prison visitors' for inmates who do not otherwise receive visits from outside.

These efforts have a dual purpose: Not only is the aim to integrate the prison in the surrounding community, but it is considered equally important to engage the inmates in shaping the daily life of the institution, and thereby increasing their own sense of responsibility for what happens there.

For several years, experiments with spokesman-arrangements have been made in order to give the inmates a chance of expressing their views; in June 1971, regulations have been issued which establish formal channels for securing inmate participation in the decision-making process of institutions under the Department of Prisons.

f. Health.

To each of the institutions is attached a medical doctor, who is responsible for the medical attention of the inmates, the hygiene of the institution, and the diet. The inmates are submitted to a thorough medical examination

at the time of commitment or else when appropriate. The larger institutions have a sick bay. If necessary, the inmates are admitted to an ordinary hospital or, in certain cases, sent to the prison hospital in the Copenhagen gaol.

A dentist is attached to each institution, and in recent years also part-time psychiatrists have been attached to several institutions.

A chief-psychiatrist is also attached to the youth prison. The chief-psychiatrist of one of the detention institutions for mentally deviant offenders also works as psychiatric consultant to the Prison Service, and he is also in charge of a psychiatric observation centre at his institution.

The personnel of the two institutions for mentally deviant offenders include a number of psychiatrists and psychologists. Treatment of the inmates in these institutions takes place under psychiatric guidance according to psychiatric- and social-psychological methods of work.

g. Complaints.

The inmates may request an interview with the governor of the institution and other superior prison officers and may on this occasion make complaints about their treatment. In addition, the inmates may send closed letters of complaint to the 'Ombudsmand' (an official appointed by Parliament), to the Minister of Justice, and to the Director-General of the Prison Service. The Director-General of the Prison Service or one of his deputies pays regular visits to the institutions, and during such visits the inmates may ask for an interview with him.

h. Disciplinary Punishments.

The disciplinary measures to be applied to inmates, who are found guilty of disciplinary offences, include deprivation of liberty, and fines in the form of reduction or suspension of earnings. Furthermore, an inmate may be committed to solitary confinement which also has the effect of prolonging the sentence for up to 3 months (not exceeding one-third of the term of the total penalty).

X. Organization and Staff of the Prison Service.

a. Organization.

The central administration of the prison service, the Department of Prisons, is entrusted to a Director-General, who is directly responsible to the Minister of Justice. The Director-General attends to the administration of the staff and buildings of the prison service and to the treatment of the

inmates. In addition, the Minister of Justice has delegated to the Director-General his competence in questions of release on parole of persons sentenced to lenient, ordinary, or 'special' imprisonment, as well as questions

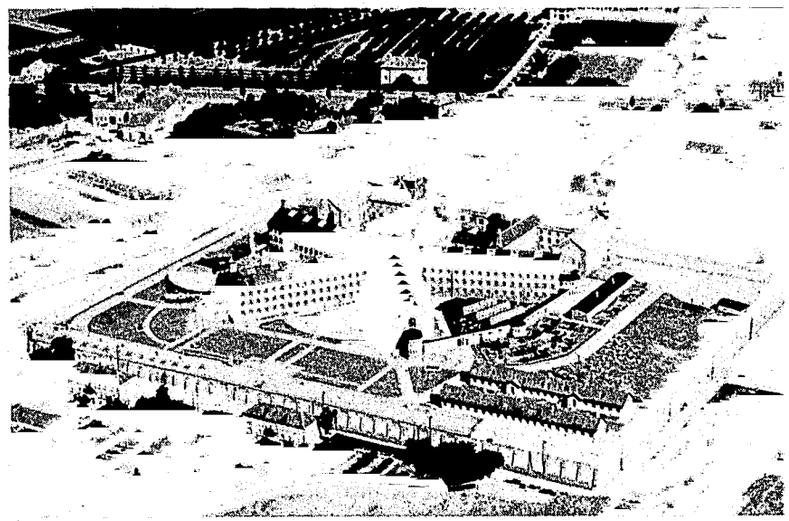


Fig. 12. The State Prison at Vridsløselille.

concerning the pardoning of inmates. The Director-General is also responsible for the administration as well as for the treatment of inmates in the detention institutions for mentally deviant offenders.

The Prison Department is divided into several sections. One is responsible for staff, budget, etc., another for buildings, maintenance and inmate work, while still other sections take care of individual and general problems of inmate treatment. There is a special section for local gaol inspections, as well as a central book-keeping section. A number of consultants are attached to the Prison Department.

b. Staff.

The training of all members of staff in the Prison Service is centralized in the Department of Prisons of the Ministry of Justice. A prison governor is

the director of training and in charge of the training school for all prison service employees in Denmark.

Recently the training of prison officers has been re-modelled. It is divided into a practical in-service training in some selected establishments, and into theoretical courses at the Training School for Prison Officers at Albertslund outside Copenhagen, close to the State Prison of Vridsløselille and the detention institution for mentally deviant offenders at Herstedvester.

Vacancies for the Prison Service are advertised in newspapers, and applicants are sent a special form which must be returned to the Prison Department where an initial sift is made.

The applicants are then called to a prison near their homes for an interview and a test, the result of which is sent to the Prison Department with the governor's recommendation. The successful candidates are then called before a selection board consisting of the Director of Training representing the Prison Department, a prison governor, and a representative from the Prison Officers' Union. The selection is made on the basis both of personal interviews with each member of the board and of group discussions.

When a candidate is accepted, he is appointed a prison officer on probation for two years, during which time he must carry out a laid-down syllabus of in-service training, pass an examination at the Training School, and be found medically fit. During this two-year period the probationary officer must first serve for two months in a closed establishment and one month at an open establishment (or at a closed one if the initial training was at an open one), and for one month in a local gaol. When this 4 months' training has been completed he must continue his service in the first training prison to which he was attached.

The in-service training at the establishments is supervised by specially appointed and trained officers. They hold weekly group discussions, arrange the duties of the officer on probation, and they organise their initial training in first aid, self-defence, security, and prison rules.

In due course the probationary officers will be called to the Training School for a 5 months' course in both practical and theoretical work. The latter will consist of lectures on criminal law, criminal procedure, criminology, civics, prison rules, and the like. At the end of the course the probationary officer must pass an oral examination. Failure results in his dismissal from the prison service. If successful, however, he returns to his training prison for the rest of his probationary period. At the end of two years from appointment he receives a certificate establishing him as a prison officer.

Periodically, established officers are called back to the Training School to take refresher- and supplementary or development courses.

The Prison Training School also organizes courses for officers who are assistants to the social workers, as well as additional training in mental hospitals for all officers appointed to the detention institutions for mentally deviant persons or who work in prison hospitals. Selected officers may take courses in social work, the treatment of drug addicts, group counselling, and other similar treatment and training media.

All governors in the Danish prison service are university graduates, most of them having a degree in law. Thus there can be no promotion from the ranks without a degree. Annual seminars for governors are held in cooperation with other Scandinavian countries, because the total number of governors in any country is too small to justify a purely national conference, and also because there are many penal and criminological problems common for these countries.

For other members of the prison service, such as doctors, teachers, social workers, and chaplains, seminars and special short courses are arranged.

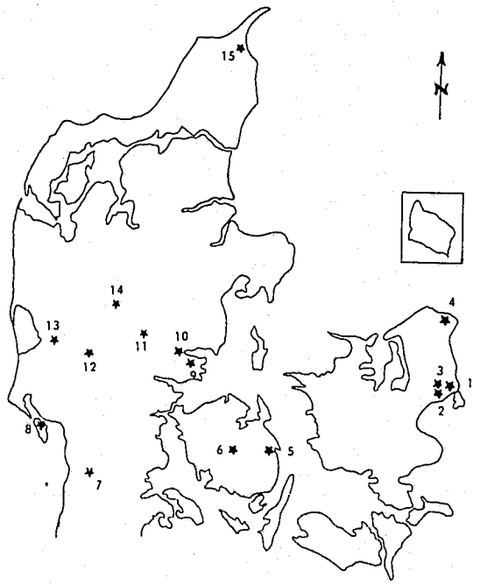
In all, every member of the Prison Service should attend at least one course every fifth year of his service.

The large institutions of the prison service are managed by prison governors, whereas the local gaols are administered by the legally trained chief constables, with a prison-trained keeper in charge of the daily business. The treatment of offenders committed to the detention institutions for mentally deviant persons is entrusted to chief physicians having completed a psychiatric training.

The staff of most large institutions include persons who have been trained in education, (psychology), theology, medicine, or social work. In the local gaols the medical inspection is normally exercised by health inspectors appointed by the state, and the spiritual ministration by the local parson.

The institutions have the necessary number of custodial and workshop staff. The latter is recruited from trained artisans, whereas no requirements of special vocational training are made for the custodial officers. In recent years, however, the treatment of prisoners has been intensified and individualized, and efforts have been made to cut down the purely custodial staff as much as possible by involving all members of the staff in the active treatment of inmates.

XI. Danish Prisons and Special Institutions under the Danish Department of Prisons.



1. The Copenhagen Gaols*) (Københavns fængsler)
2. The State Prison at Vridsløselille
3. The Detention Institution and 'Special Prison' etc. Herstedvester
4. The State Prison at Horserød
5. The State- and Youth-Prison at Nyborg
6. The State- and Youth-Prison Søbysøgård
7. The State Prison Renbæk
8. The Prison Section at Nordby, Fanø.
9. The State- and Youth-Prison Møgelkær
10. The Detention Institution and 'Special Prison' etc. at Horsens
11. The State Prison at Nørre Snede
12. The Workhouse and State Prison at Sønder Omme
13. The State Prison Section at Tarm
14. The State Prison Kærshovedgård
15. The State Prison at Kragskovhede

*) Other local gaols are excluded

END