

Information about arrest and remand custody

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

Arrest

1. Appearance before a judge (preliminary examination)

You have been arrested. If you are not released within 24 hours, you must be brought before a judge. The judge can either release you, decide to uphold your arrest for up to 3 times 24 hours or decide that you are to be remanded in custody.

2. Lawyer/counsel

The police will advise you on your right to contact a lawyer. In connection with the preliminary examination, a lawyer must be assigned to you to act as counsel for your defense.

3. Arrest is upheld

If the judge decides to uphold your arrest, you must appear in court again within 3 times 24 hours after the end of the preliminary examination. The judge will then decide whether you are to be released or remanded in custody.

4. Solitary confinement

The police may decide that you are to be held in solitary confinement while under arrest and that you may not be in contact with any other inmates.

5. Foreigners

The police will advise you about your right to contact your country's embassy or consulate.

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

6. Police

The police can tell you more about the rules that apply during your arrest. The staff will help you contact the police, if you want to.

Remand custody

7. Counsel for your defense

In connection with the preliminary examination, counsel for your defense will be assigned to you. You will have an opportunity to discuss the case with your counsel before being examined in court.

8. Custody deadline

If you are remanded in custody, the judge will set a deadline for the court to review your custody status. The deadline may not exceed four weeks. You do not normally need to be present in court when the judge decides whether to remand you in custody again. The judge can require you to be present, however.

9. Solitary confinement

The judge may decide that you are to be held in solitary confinement. If you are held in solitary confinement by court order, it may be possible for you to receive more visits. However, see further details under Supervised visits and checks of letters below.

10. Appeal

You can appeal the judge's decision to remand you in custody and any order for solitary confinement to a higher court. Your counsel will advise you about this.

11. Supervised visits and checks of letters

The police may decide that you may not receive any visits or that your visits are to be supervised. You can demand that the decision of the police must be brought before the court. The police may also decide that your letters are to be checked. If the police decide to withhold your letters, this decision must be brought before the court immediately.

You are entitled to unsupervised visits from and unchecked correspondence with your counsel. You are also entitled to unchecked correspondence with the court, the Minister of Justice, the Director-General of Prisons and Probation, the Area Manager, and the Parliamentary Ombudsman. Special rules apply to correspondence with certain other public authorities. Ask the staff, if relevant.

The local prison may also decide that your letters are to be checked and your visits supervised, for example to prevent anything from being smuggled into or out of the local prison. See under Rules, orders and prohibitions below.

12. Telephone calls

Basically, you are not allowed to use the telephone. You may, however, be allowed to make calls in certain situations, for example if the matter is very urgent. The local prison will usually allow you to call your counsel, if you want to.

It is a criminal offence to bring a mobile or cell phone with you into the local prison. It is also a criminal offence for your friends or family to bring a mobile or cell phone with them when they visit you in the local prison.

13. Foreigners

The police will advise you about your right to contact your country's embassy or consulate.

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

14. Rules, orders and prohibitions

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

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

It is a criminal offence to escape from the local prison.

You must generally follow current rules and the staff's orders and prohibitions. The rules can be found in the local prison's house rules, in which you can also read more about practical details such as the access to buying necessities, visiting times and the handing over of personal property. You can read about the most important rules for your stay below.

15. Personal and social assistance

The Danish Prison and Probation Service must help you limit any disadvantages related to work and social and personal matters that may occur in connection with your arrest or remand custody.

You will receive a visit from a social worker who will help and advise you in cooperation with the daily staff at the local prison. You can talk with the daily staff or with the social worker about you and your family's personal and social problems.

If you need other special assistance, you can come into contact with a teacher, a chaplain, a nurse, a doctor or others. Ask the staff, if relevant.

16. Food and drink

You will be offered food and drink by the local prison. The doctor can prescribe special food for health reasons. If you are a vegetarian or need special food for religious reasons, such food requirements will be observed. Ask the unit staff or possibly the chaplain.

You can buy daily necessities, for example newspapers, tobacco and food, through the local prison. Talk to the staff, if relevant.

Your relatives or others may not bring you any supplies.

17. Smoking

Smoking is prohibited indoors in all institutions that fall under the Danish Prison and Probation Service. You are allowed outdoors. The smoking arrangements differ between institutions.

Tobacco, cigarettes and other smoking items - e.g. pipe, filters and rolling machine - will be kept in a locker outside your cell. The locker must always be locked, and you will have the key. You cannot keep tobacco or other smoking items in your cell.

Any violation of the rules will result in disciplinary punishment.

If you want to stop smoking, ask the staff whether you can join a free smoking cessation programme.

18. Bath/toilet

You will normally be able to have a bath once a day. You can get toilet items from the staff, or buy them through the local prison.

19. Property and money

There are rules for the sorts of property that can be handed over to you during your stay. You can freely have money sent to you from outside and spend it in the local prison. There are, however, some rules specifying how much cash and how large amounts you may have in your possession. The staff can inform you of the rules about having your own property and money with you in the local prison.

You are not allowed to bring your mobile or cell phone into the local prison. Read more under Telephone calls.

20. Visits

You are normally allowed to receive visits. The police may, however, oppose visits to you or decide that visits must be supervised, see under Supervised visits and checks of letters.

If the police have not denied you the right to visits or insisted on supervision, the following rules apply:

You are entitled to visits as often as permitted by the situation in the local prison. The duration of the visit may not be shorter than half an hour. Visits are mostly unsupervised. The Danish Prison and Probation Service may decide, however, that visits must be supervised, if necessary, for example to prevent smuggling or other criminal offences. In certain cases, the Danish Prison and Probation Service may also prohibit visits from certain persons.

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

If the court has decided that you are to be held in solitary confinement, you should be allowed a visit at least once a week, if possible. The duration of the visit may not be shorter than one hour.

You are normally allowed visits from the press, unless the police oppose this in view of the purpose of the remand custody. If you are to be interviewed, you first need permission from the Prison and Probation Service.

You are always entitled to unsupervised visits from your counsel.

21. Letters

Letters that are not checked by the police are checked by the local prison to ensure that they are not used for smuggling anything in or out. The letters that you receive will therefore be opened in your presence.

The letters that you send are to be handed over open to the staff. After being checked, they are sealed in your presence. The letters will normally not be read.

22. Digital Post - mail from the public authorities

Most inmates don't have access to the Internet and therefore can't check their Digital Post. If you don't have internet access, you can be exempted from Digital Post. Instead, you will receive letters from the public authorities by mail. You may also choose to give a relative a written authority, so he/she can access your Digital Post online. Ask the staff for more information.

23. Leave

Leaves are only granted to a very limited extent and only for very special purposes, such as the serious illness or funeral of closely related persons. Leaves are only granted with police approval and are always escorted leaves.

24. Association

Even though the police or the court has not decided that you are to be held in solitary confinement, conditions in the local prison will usually mean that only limited association with other inmates is possible. In some cases, you may be denied the right to associate with others ("exclusion from association"). If you are under 18 years of age, special rules apply to association. Ask the staff, if relevant.

25. Transfer to state prison

In certain cases it is possible to be transferred to a state prison already before your judgment is delivered (section 777 of the Administration of Justice Act). Ask your counsel, if relevant.

26. Work

As a remand prisoner in a local prison you have a right to occupation through work, education or other approved activity, including treatment. If you are occupied, you will receive wages. If you become ill, you may receive sick pay.

You are also allowed to find work that can be carried out in the local prison, but in that case the work has to be approved by the Danish Prison and Probation Service and must comply with the rules for order and security.

27. Education

The local prison offers education. Talk to the staff if you are in doubt about the options. If you are interested in planning a long course of education while serving a sentence, talk to the staff about it. You will receive wages when you attend education.

28. Leisure time

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

The local prison has some recreational activities, such as table tennis, chess and fitness training. Ask the staff about the possibilities, if you are interested.

You can listen to the radio, watch television and read newspapers, magazines and books. In very rare cases, the police may prohibit this, however. Ask the staff about the possibilities of renting a radio and/or television set and of borrowing or buying magazines, newspapers, etc.

If the court has decided that you are to be held in solitary confinement, you can have a television set made available free of charge.

29. Elections, etc.

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

30. Illness

The local prison has a medical surgery. You will be offered a consultation with the doctor or a nurse. If you believe that you need a doctor in other cases, tell the staff who will then notify the doctor or the nurse.

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

31. Dental treatment

You are entitled to emergency treatment, that is, urgent dental treatment. In certain cases you must pay for the expense yourself. Ask the staff, if relevant.

32. Compensation in connection with accidents

You are entitled to compensation if you are injured during your stay in an institution of the Danish Prison and Probation Service. You may receive compensation in connection with accidents that occur at work as well as accidents that occur during your leisure time. You may also receive compensation if e.g. your glasses break as a result of an accident.

33. Case management

You usually have a right to make a statement before your case is settled. Normally, all refusals and decisions going against you must be substantiated. You are entitled to receive decisions in writing. According to the general rules about the right of access to documents, you are also entitled to receive a copy of the written material available and to comment on it before a decision is made.

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

34. Complaints

Complaints about decisions made by the Danish Prison and Probation Service Area

As a rule, you cannot complain to the Department of Prisons and Probation about decisions made by the Danish Prison and Probation Service Area. However, it is possible to complain about decisions regarding:

- Leave
- Visits, including refusals of requests for having your child with you in the remand prison
- Personal examination of the inmate
- Disciplinary and interrogation cells
- Placement in protective cell, use of handcuffs and other protective measures
- Use of force
- Association with other inmates
- Right to contact with the media.

You can find more detailed information about your complaint options in the act on custody and in the acts on the individual areas. The staff may help you find the right documents.

If you are entitled to complain about a decision, the staff will inform you hereof. In case of written decisions, your complaint options will be evident from the decision.

If you wish to complain to the Department of Prisons and Probation about decisions made by the Danish Prison and Probation Service Area, you must do so within two months of receiving the decision.

Complaints concerning staff behavior

You can also complain about staff conduct to the management of the local prison or to the Department of Prisons and Probation. If you complain about the prison staff's conduct and your complaint is not upheld, or if no final decision has been made within two weeks of submitting the complaint, you can take the complaint to court. The court may dismiss your complaint, for example because the court finds it to be unfounded. But the court may also dismiss your complaint if, for example, you complain more than four weeks after the occurrence of the conduct which is the subject of the complaint.

The Parliamentary Ombudsman

You may complain to the Parliamentary Ombudsman about a final decision made by the Danish Prison and Probation Service. The Ombudsman cannot alter a decision, but he can ask the authority that has made the decision to reconsider the matter. In practice, recommendations by the Ombudsman will be observed.

35. Act on Processing of Personal Data

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

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

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

36. Disciplinary punishment, etc.

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

37. Use of force

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

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

38. Search

When you are admitted to the local prison, you will be searched. This means that the staff will examine whether you have brought any items with you that are prohibited in the local prison. You must remove all your clothing, even if this is against your religion. The search will be performed by persons of the same sex as you.

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

You may also be ordered to provide a urine sample so that the staff can check whether you have taken any drugs or doping products.

Judgment and enforcement

39. Community service

In certain cases the court may decide that you are to be sentenced to community service instead of imprisonment. This may be the case, particularly if you are sentenced for drunk driving or offences against property.

You can apply for community service before your judgment is delivered.

If you want to know more about community service, the Danish Prison and Probation Service has a special folder about it. Ask the staff of the local prison or the social worker, if relevant.

40. Continued remand custody?

When your judgment is delivered, the court decides whether you are to be released or have to remain in remand custody until you can start serving your sentence.

41. Appeal

The deadline for appeal is 14 days from the day when your judgment is delivered. You can appeal when the judgment is delivered or by telling the staff, who have a special appeals book. Your counsel has a duty to advise you in questions concerning an appeal.

42. Electronic tagging

Offenders who have received a sentence of up to six months may be able to serve the sentence in their home (electronic tagging). Ask the social worker, if relevant.

43. Treatment

In local prisons, addicts remanded in custody may participate in so-called motivation treatment with a view to becoming motivated to undertake actual rehabilitation.

If you are in need of special treatment, you may in some cases be able to serve in an institution outside the Danish Prison and Probation Service. If this is not possible, the Danish Prison and Probation Service offers a range of treatments that you may choose to undertake, e.g. if you have an alcohol or drug abuse problem or have been convicted of violence or sexual offence.

Most of these offers are only available to offenders with a sentence.

The Danish Prison and Probation Service has special folders with information about the treatments available etc. Ask the staff, if relevant.

44. If you have to serve a prison sentence

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

45. Practical assistance, etc.

When you are remanded in custody, you will receive a visit from a social worker from the Prison and Probation Service within the first two weeks of custody. The social worker will assist you with practical problems, such as contact with your relatives, your employer and the social services.

If you are admitted to a prison to serve a sentence, the civil register is automatically notified, and you lose the right to social benefits, but you can apply to your local authority for assistance with housing expenses, etc. A social worker of the Danish Prison and Probation Service can help you with the application to the social services.

46. Information for relatives

If you are a relative of a remand prisoner, you may find a reply to your questions here.

The rules for visits, telephone calls, letters, leaves, etc., are described in detail above. If you want to visit a remand prisoner, you have to apply to the Danish Prison and Probation Service for permission. You also have to book a time for the visit. In addition, you have to be aware that you have to bring photo ID when you visit remand prisoners in local prisons.

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

If you are a relative of a remand prisoner, you are always welcome to speak to a social worker from the Danish Prison and Probation Service.

47. Confidentiality

All members of staff of the police and the Danish Prison and Probation Service are subject to a duty of confidentiality.

No information about the charge or the remand prisoner may be disclosed to relatives or other third parties. Only the inmate himself or herself may tell relatives or others about personal matters unless the inmate has given the staff permission to do so.

48. Telephone hotline

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

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

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