



**FOLKETINGETS
OMBUDSMAND**

26 June 2023

Thematic report

Conditions for new remand prisoners

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1. Introduction

The Ombudsman's monitoring visits to institutions for adults in 2022 focused on conditions for new remand prisoners.

For remand prisoners who have not previously been imprisoned, the local prison is their first encounter with the Prison and Probation Service. The starting point of the investigation is conditions for new prisoners who, following arrest and questioning by the police, have been remanded in custody at a preliminary examination in court. Because of the close connection with the arrest, the investigation has also included relevant conditions for arrestees in police custody and the transfer from the police to the local prison.

Therefore, the investigation has been directed at both the Prison and Probation Service and the police.

The Ombudsman visited eight local prisons in order to investigate how new remand prisoners are received in the Prison and Probation Service, including how they are informed of their rights and the framework for their stay in the local prison.

As part of the investigation, the Ombudsman also visited eight police districts in order to uncover how the police ensure that persons arrested by the police know their rights, for instance the right to contact relatives and legal counsel.

During the visits to both local prisons and police districts, there was also focus on how authorities retrieve and exchange information relevant to the remand prisoners' health and safety.

2. The investigation's main results

It is *the Ombudsman's overall assessment* that the Prison and Probation Service and the police generally take care to inform arrestees and new remand prisoners of their rights etc. and to ensure their safety.

Overall, both management and staff with the investigated authorities showed an understanding of and insight into the vulnerable situation that new remand prisoners can find themselves in.

With respect to the *Prison and Probation Service*, the investigation gives occasion for a few general recommendations.

As such, in several instances, there was a need to increase and maintain the focus on the requirements of the local prisons when they receive new inmates, including remand prisoners.

The Ombudsman generally recommends that the Prison and Probation Service ensure continued focus on new inmates receiving sufficient guidance about their rights etc. in connection with the reception in the local prisons.

The investigation also showed that prison officers to a great extent uncover new inmates' mental health conditions without having received prior guidance about this task and without supervision.

The Ombudsman generally recommends that the Prison and Probation Service ensure that staff receive guidance or training in uncovering mental health conditions, including suicidal thoughts, when receiving new inmates.

In addition, the investigation has resulted in some specific recommendations and focus points for the visited local prisons.

With respect to *the police*, the investigation resulted in a few specific recommendations and focus points for some of the visited police districts. They primarily concern the police's documentation of the guidance given to arrestees.

Furthermore, the investigation has shown some *issues of a more general nature*, which have not given occasion for recommendations etc. in relation to the visited local prisons or police districts. For example, in several police districts, the Ombudsman found that the police are sometimes unable to transfer an arrestee to a local prison due to the occupancy situation in the Prison and Probation Service. The arrestee must therefore spend the night in a detention cell at the police station – even though it is not designed for it – until a preliminary examination the next day has clarified whether the arrestee's deprivation of liberty is to continue. In that connection, the investigation has also shown that issues with ensuring correct guidance of the arrestee can arise.

The Ombudsman has planned meetings with the Department of Prisons and Probation and with the Danish National Police as the authorities responsible for, respectively, Danish local prisons and police districts. At these meetings, the Ombudsman will convey the knowledge and discuss the issues that were uncovered by the investigation of the practice in the local prisons and police districts.

In addition, there will be a follow-up on recommendations and other relevant matters during future monitoring visits.

The investigated conditions and the results of the investigation are described in further detail below under items 4 and 5.

3. Background and method

3.1. Background of the investigation

New remand prisoners in Prison and Probation Service institutions will often experience a significant change in their lives and may be in an uncertain and particularly vulnerable situation.

After agreement with the Prison and Probation Service, the Ombudsman receives reports on all deaths, suicides, qualified suicide attempts and other qualified self-harming acts among inmates in the custody of the Prison and Probation Service. These cases indicate that the risk of such serious incidents is increased in the first few days after arrest and placement in remand custody.

In addition, Denmark has several times been given recommendations from the European Committee for the Prevention of Torture (CPT) about, among other things, the police's safeguarding of arrestees' rights, most recently in connection with a visit that the CPT made in Denmark in 2019.

In 2015, the Prison and Probation Service implemented a new reception procedure in Danish prisons focusing on, for instance, guidance of new inmates and quick uncovering of urgent matters and issues, including mental challenges. The reception procedure is also followed by the local prisons in an adapted form.

At the same time, conditions in the Prison and Probation Service are currently affected by high occupancy levels in the institutions combined with staff shortage and recruitment issues.

Using these matters as a starting point, the Ombudsman has with the theme for 2022 wanted to investigate conditions for new remand prisoners with a focus on authorities' securing of the prisoners' safety and guidance about rights etc.

3.2. Investigation method

The theme was investigated through eight double monitoring visits – first a visit to a local prison and in continuation thereof a visit to the police district from which the local prison especially receives remand prisoners. In this way, the information collected by the visiting team in the local prison could be used at the subsequent visit to the police.

In connection with visits to the police districts, the visiting team also inspected detention cells and holding cells. Matters uncovered during this inspection are included in the report to the extent that they are relevant to the theme.

Before each visit, the Ombudsman asked the local prison's management to send some information and material to elucidate how the local prison organises the reception of new inmates, including any internal guidelines relevant to the local prison's reception procedure. In the same way, the relevant police district management was asked to send information and material about guidance of arrestees and transfer of remand prisoners to the Prison and Probation Service, for instance relevant action cards.

In addition, the Ombudsman asked the local prison and the police to send case documents concerning five remand prisoners that had recently been transferred from the police district to the local prison. The local prison was also asked to send health records of the five prisoners' first days in the local prison.

During the monitoring visits, the visiting teams spoke with management, staff, arrestees, inmates and possibly volunteer visitors (in local prisons) about conditions relevant to the theme.

The monitoring visits were carried out as part of the Ombudsman's general monitoring activities pursuant to Section 18 of the Parliamentary Ombudsman Act and as part of the Ombudsman's task of preventing that persons who are or who can be deprived of their liberty are exposed to for instance inhuman or degrading treatment, cf. the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The Ombudsman's work to prevent degrading treatment etc. pursuant to the Protocol is carried out in cooperation with the Danish Institute for Human Rights and with DIGNITY – Danish Institute Against Torture. The Institute for Human Rights contributes with human rights expertise. DIGNITY contributes to the cooperation with medical expertise. Among other things, this means that staff with expertise in these two fields from the two institutes participate in the planning and execution of and follow-up on monitoring visits.

4. In Prison and Probation Service custody

4.1. Rules etc.

Remand prisoners' conditions are first and foremost regulated in the Executive Order on Remand Custody (Executive Order No. 173 of 31

January 2022) and in the guidance notes to the Executive Order (Guidance Notes No. 9074 of 31 January 2022 (Remand Guidance Notes)).

It is set out in the Executive Order on Remand Custody that remand prisoners must soon after arrival at an institution be informed of their rights, duties and other matters during the stay.

In addition, it is set out in the Executive Order on Remand Custody that a remand prisoner is entitled to medical treatment, including the summoning of their own doctor, and other health-related assistance pursuant to the rules in the Executive Order on Health-Related Assistance for Inmates in Prison and Probation Service Institutions (Executive Order No. 965 of 22 June 2022).

According to the latter Executive Order, the Prison and Probation Service Area must, as soon as possible after imprisonment, give the inmate general information about the healthcare scheme in the institution and must verbally offer the inmate a consultation with a doctor or nurse affiliated with the Prison and Probation Service Area. However, this does not apply if the stay is expected to be quite brief, or if the inmate has been transferred from another Prison and Probation Service institution where the inmate has been offered a consultation with a doctor or a nurse.

The Department of Prisons and Probation has issued a circular on creation of action plans in the Prison and Probation Service (Circular No. 9741 of 28 June 2022; the Action Plan Circular) and a guide on creation of action plans in the Prison and Probation Service (the Action Plan Guide; Guide No. 9926 of 26 August 2022). It is set out therein that action plans must be created for remand prisoners and that the first action plan must be created no later than seven working days after imprisonment. The Prison and Probation Service's action plans must be created in cooperation with the inmate.

4.2. The investigated conditions

As mentioned above under item 3.1, the Prison and Probation Service has implemented a procedure for receiving new inmates. The reception procedure was implemented in Danish prisons in 2015 and subsequently adjusted to the conditions in the local prisons.

The procedure presupposes that the local prisons go through the following three steps:

1. Reception interview
2. Uncovering mental health conditions
3. Establishing cooperation with authorities (action plan).

In the light of the relevant rules and guidelines, the Ombudsman's visiting teams investigated if – and how – the reception procedure had been implemented in the visited local prisons and how the local prison would otherwise inform new inmates of their rights etc.

In addition, the Ombudsman's visiting teams investigated the local prisons' practice in relation to informing new inmates about the local prison's healthcare services and other health-related matters of relevance to new inmates, especially including new remand prisoners.

The Ombudsman's visiting teams also focused on whether the local prisons use interpreters to a relevant extent when receiving foreign nationals.

Lastly, the Ombudsman investigated how the local prisons obtain relevant information from the police on transfer of new remand prisoners. The result of this part of the investigation can be found under item 5.4 below on the police transfer of arrestees to the Prison and Probation Service.

4.3. Reception interview and guidance about rights etc.

4.3.1. Basis of the investigation

As mentioned, it is set out in the Executive Order on Remand Custody and in the related Guidance Notes that, soon after arrival to a Prison and Probation Service institution, remand prisoners must be informed of their rights, duties and other matters during the stay.

According to the Prison and Probation Service's reception procedure, a reception interview must be held within the first 24 hours after imprisonment. The purpose of the reception interview is to uncover whether the inmate has urgent problems that must be taken care of immediately after imprisonment, for instance in relation to children, house pets, work, education, health or substance abuse etc. In connection with the interview, the inmate's apparent mental state is also uncovered; read more about this under item 4.4 below. A safety assessment is also made, which may include affiliation with certain groups and gangs as well as matters from any previous imprisonments.

Central information from the reception interview must be entered into a special module in the Prison and Probation Service's client system in order to ensure that the interview more systematically covers all relevant matters.

The Department of Prisons and Probation has made a leaflet, 'Information about arrest and remand custody', with guidance about the legal situation that arrestees and remand prisoners are in and with guidance about for

instance the possibility of receiving visits and contacting relatives, legal counsel and authorities etc.

The leaflet has been translated into 16 languages and must be handed out to inmates upon imprisonment, according to the Remand Guidance Notes. In relation to the Prison and Probation Service's reception procedure, a standard checklist has been created, which says that the leaflet is to be handed out to the new inmate in a relevant language.

During the monitoring visits, particularly staff in the local prisons have pointed out that new remand prisoners focus a great deal on their situation and on urgent matters that must be taken care of. On arrival, the prisoners can thus be less receptive to guidance about rights etc. during imprisonment.

During the investigation, the Ombudsman's visiting teams have therefore focused on whether the local prisons' staff, to a relevant extent, take care to follow up on the reception interview and the written guidance about the inmates' rights etc., including how the staff ensure that the inmates have the necessary information, if the inmates are encouraged to ask questions, etc.

The Remand Guidance Notes further presuppose that a short and easy-to-read written briefing on the institution will be handed out when receiving the remand prisoner. In that connection, the Ombudsman's visiting teams investigated whether new inmates receive guidance about and are made familiar with the local prison's house rules etc. in order to acquaint themselves with relevant matters as well as rights and duties in the local prison.

Lastly, the Ombudsman's visiting teams investigated whether the local prisons ensure that prisoners with linguistic challenges, including foreign nationals, understand the guidance given upon reception.

4.3.2. Results of the investigation

The investigation has shown that it is an incorporated practice with the local prisons that a prison officer has a reception interview with the inmate within the first 24 hours after imprisonment.

Generally, the local prison staff focus on guiding new inmates, including remand prisoners, on an ongoing basis about their possibilities of using their rights and about conditions in the local prison. At the same time, the staff support the inmates' use of their rights, for instance by helping the inmates contact employer and relatives, including facilitating visits. Generally, the staff also take care to help new inmates with using in practice the possibilities in the local prison in order to have a sense of community with other inmates, to exercise, etc.

In some instances, however, it was found in connection with some interviews with inmates that the inmates had had to be proactive in order to get information about their rights etc., including that the inmates had had to seek information about the conditions in the local prison by asking other inmates.

In three local prisons, management was recommended to ensure continued focus on inmates receiving sufficient guidance about their rights etc. upon reception.

It was the visiting teams' impression that new inmates were generally receiving clear guidance about the most important conditions in the local prisons. A central part of this is that new inmates are made familiar with the local prison's house rules, to begin with typically in the form of a more brief and easy-to-read overview (a 'pixie' version of the house rules or similar).

In relation to two local prisons, the Ombudsman has given recommendations to ensure that inmates are made familiar with the local prison's house rules upon reception and that the house rules are available to all inmates.

It was recommended to three local prisons that the house rules, including the short overview version, be translated into relevant languages.

Based on the investigation, it is also the visiting teams' impression that the local prisons focus on relieving language barriers and to a great extent use interpreters when needed.

However, in relation to three visits, the Ombudsman has recommended that the local prison ensure use of interpreters to the necessary extent, including during reception interviews.

The conditions found during the investigation of the local prisons' guidance of new inmates have overall led the Ombudsman to generally recommend that the Prison and Probation Service ensure continued focus on new inmates receiving sufficient guidance about their rights etc. in connection with reception.

4.4. Uncovering mental health conditions

As part of the Prison and Probation Service's reception procedure, the local prisons must within the first 24 hours after imprisonment uncover new inmates' mental health conditions.

The uncovering is typically conducted by a prison officer in connection with the reception interview, as described above. It presupposes that the prison

officer ask questions about the inmate's previous contact with the psychiatric sector and about any thoughts of suicide or self-harm.

With the exception of Western Prison (Vestre Fængsel), which is the largest local prison in Denmark, the investigation showed that prison officers carried out this task without further prior guidance and to a great extent without supervision.

In relation to two local prisons, the Ombudsman has therefore recommended that staff receive guidance or training in uncovering mental health conditions, including suicidal thoughts, when receiving new inmates. In relation to another five local prisons, this has been emphasised during discussions with the local prison management as a matter that the local prison should focus on.

The Ombudsman generally recommends that the Prison and Probation Service ensure that staff receive guidance or training in uncovering mental health conditions, including suicidal thoughts, when receiving new inmates.

4.5. Establishing cooperation with authorities (action plan)

As mentioned above under item 4.1, according to the Action Plan Circular, an action plan must be created for inmates within seven working days after imprisonment in the local prison. In accordance with this, it is set out in the Prison and Probation Service's reception procedure that the inmate's needs must be uncovered within seven working days.

According to the Prison and Probation Service's reception procedure, a cooperation must be established between the relevant authorities within 10 working days after imprisonment. Generally, this is done by a caseworker in the local prison telephoning the relevant municipality.

Overall, the investigation showed that the local prisons' practice in this area works well and is in accordance with relevant rules and guidelines.

The conditions thus only gave occasion for a few specific recommendations. The Ombudsman recommended that one local prison ensure that the deadlines for creating action plans be observed. In two local prisons, there were questions about the inmates' knowledge of the contents of their action plans, including in instances where the action plan was not handed out to the inmate. It was recommended to those two local prisons that they consider how to ensure that the inmate is familiar with the action plan.

4.6. Health-related matters upon reception of new inmates

4.6.1. New inmates' contact with healthcare staff

The visited local prisons all had a scheme that meant that new inmates were offered a check-up by a nurse within the first few days after imprisonment. In that connection, the inmates received a general briefing on the healthcare services in the local prison.

The local prisons' practice was thus in accordance with the rules that, soon after imprisonment, new inmates must receive a general briefing on the healthcare scheme and be offered a consultation with a doctor or a nurse affiliated with the Prison and Probation Service.

In addition to the written records about five new inmates that the Ombudsman had asked for as part of the investigation, the visited local prisons were also asked to register how many new inmates that had been referred to the local prison's doctor or for external medical treatment within a given period. The registered information showed that new inmates were referred to a doctor or specialist etc. to a certain extent. The information has not given the Ombudsman occasion for comments or to conduct further investigation.

During the investigation, the Ombudsman's visiting teams also focused on the extent to which the healthcare services used interpreters and if they instead used for instance Google Translate or included other inmates as 'interpreters' in connection with the uncovering of health conditions.

Generally, it is the visiting teams' understanding that the healthcare services when in contact with new inmates, including remand prisoners, use interpreters to a relevant extent and that other initiatives of the mentioned nature in the healthcare services only take place on a very exceptional basis and in quite rare situations.

In addition, it is the visiting teams' general assessment that the healthcare staff and the uniformed staff focus on, to the necessary extent, exchanging information that is relevant to the new inmates' health and safety, including information about new inmates' mental health conditions uncovered during the reception interview (item 4.4 above).

The investigation of health-related matters when receiving new inmates has overall not given the Ombudsman occasion to give recommendations etc. relating to the theme of the investigation. However, the Ombudsman has recommended that two of the visited local prisons ensure that the health-related documentation meets the formal requirements for record-keeping.

4.6.2. Documentation upon suspicion of abuse

In connection with visits to two local prisons, the Ombudsman's visiting teams received information and material about two incidents where information had arisen about possible abuse by the police in connection with the arrest before the inmate was placed in the local prison.

The information and documentation in the two cases led the visiting teams to investigate the Prison and Probation Service's – including especially the healthcare services' – documentation in several local prisons as well as their securing of medical traces and evidence if information arose about possible abuse of a person while in police or Prison and Probation Service custody.

The local prisons' information indicates that there is no fixed practice, procedure or the like for how the local prisons' healthcare services handle such matters. The issue will be part of the discussions of relevant general matters with the Department of Prisons and Probation as a follow-up on the monitoring visits.

5. In police custody

5.1. Rules etc.

The Ministry of Justice has issued a circular (Circular No. 9155 of 18 March 2010) for the police and the Prosecution Service about arrestees' right to notify relatives etc., contact with legal counsel and national representation as well as access to a doctor.

The circular contains guidelines for the police's guidance of arrestees about their rights; read more under item 5.2.1 below about the basis of the investigation of police practice. For arrestees who are charged by the police, the circular's rules on contact with legal counsel supplements Executive Order No. 467 of 26 September 1978 on Guidance for Charged Arrestees on Access to Request Defence Counsel.

In addition, the Danish National Police has created action cards on filling in prisoner information sheets for remand prisoner cases that describe how the individual items in the sheets are to be used. The prisoner information sheets are pre-printed forms, which the police and the Prosecution Service fill in digitally or manually and which contain central information about the arrestee, including information relevant to the police investigation and the inmate's and the staff's safety. The prisoner information sheets follow the arrestees in connection with appearance in court and the transfer to the Prison and Probation Service. The Danish National Police's action cards and the police districts' local guidelines and action cards have been retrieved and to the relevant extent included in the basis of the investigation.

5.2. Guidance to the arrestee

5.2.1. Basis of the investigation

It is set out in the above-mentioned circular from the Ministry of Justice that the police must inform arrestees of the following:

- Arrestees' access to notify relatives etc. about the arrest
- Arrestees' access to contact legal counsel
- Arrestees' access to medical attention if needed.

Foreign national citizens must also be informed of the access to contact their country's embassy or consulate. The guidelines also state that the guidance must take place in a language that the arrestee understands.

During the monitoring visits to the eight police districts, it was investigated whether the police observe this guidance duty and how the police support the arrestees in using their rights.

5.2.2. Result of the investigation

The Danish National Police has created a leaflet that includes guidance about the matters mentioned in bullets above and on the possibilities of complaining about the police. The leaflet is available in 12 languages.

The visiting teams' conversations with management as well as staff showed that the police hand out the leaflet to all arrestees as part of a fixed routine. The visiting teams found that there were usually versions of the leaflet in different languages lying by the reception desk at the police stations (where all arrestees are brought in).

According to the police's information, the police use interpreters as needed, either in the form of telephone interpreting or by the interpreter showing up in person. Interpreting often takes place early on, in some cases already in the patrol car after arrest.

Furthermore, it is the visiting teams' general understanding that the police also take other measures to make the guidance understandable to all arrestees, including by repeating the written guidance verbally and by encouraging the arrestees to ask questions.

The visiting teams' understanding of the police's handling of this task was verified by statements from inmates in the local prisons who had recently been in police custody.

The documents in the specific cases about arrestees that the Ombudsman had received before the monitoring visit and supplementary explanations from police management and staff showed that the police's reports are to a great extent filled in using fixed templates. This also applies to the police's guidance of arrestees. As such, the police's case management system works as a kind of checklist for police staff in order to document relevant matters. However, the case management system does allow for adaptations and additions based on specific matters in the cases, of which the visiting teams saw many examples.

The visiting teams found differences in the police districts' use of the case management system to document the guidance of arrestees. In some police districts, the guidance was primarily documented through physical documents and not in the electronic case management system.

In a few police districts, there were instances where the guidance had not been documented in the case material at all. The Ombudsman recommended that one police district ensure that it was documented that arrestees have received guidance about their rights, while it was emphasised to two police districts as a matter that they should focus on.

Only in one police district, the Ombudsman's visiting teams could doubt whether the police in all instances took care to ensure sufficient guidance of the arrestees about their rights, especially with respect to repeat offenders who had previously been arrested. In some of the reviewed cases from the same police district, documentation of the guidance was missing. In that case, the Ombudsman recommended to ensure that arrestees be informed of their rights etc. and that this is documented.

5.3. Health-related matters

Based on the investigation, it is the Ombudsman's assessment that the police generally ensure the requisition of timely medical assistance from a doctor for arrestees complaining about or presenting symptoms of illness that may require urgent medical attention.

5.4. Police transfer of arrestees to the Prison and Probation Service

It is the visiting teams' impression that, overall, there is good cooperation between the police and the Prison and Probation Service with respect to new remand prisoners' conditions.

As mentioned under item 5.1 above, the Danish National Police has created prisoner information sheets that are to follow the arrestees when they are transferred to other authorities. One of these prisoner information sheets is designed to follow arrestees who are to be brought for preliminary

examination and who can be remanded in custody of the Prison and Probation Service.

Under 'Information about special conditions' in the prisoner information sheet, it is stated in parentheses that the police must fill in information about 'illness, suicide risk, etc.' The purpose is that such central information is noted clearly for authorities receiving the arrestee, including the Prison and Probation Service or possibly the psychiatric sector.

The monitoring visits have generally shown that the police fill in the prisoner information sheets and that the local prisons through prisoner information sheets and verbal information from the police are given the necessary information about arrestees, including in order to attend to new remand prisoners' safety.

In a few instances, the visiting teams could point to health-related matters or knowledge about suicide risk which were evident from the cases that the visiting team had reviewed before the visit but which did not appear from the specific prisoner information sheets in the cases. The investigated matters have not led to recommendations, but it has been pointed out to two police districts that the police should take care to ensure that all relevant information follows an arrestee on transfer to the Prison and Probation Service. Actual recommendations were not given to the specific police districts, among other things because measures had already been initiated in order to ensure that such information was noted on the prisoner information sheet and because, based on information from the police and the relevant local prison, the visiting teams could assume that information of this nature was forwarded verbally to the receiving authority.

5.5. Placement of arrestees in detention cells and holding cells

5.5.1. Rules

With authority in the Police Act, there are rules on placement in detention cells in the Executive Order on Detention (Executive Order No. 988 of 6 October 2004) and in the Detention Proclamation (the National Commissioner of Police's Proclamation A II No. 55 of 2 February 2006 on placement of intoxicated persons in police detention cells).

However, the rules in the Executive Order on Detention do not apply if, as an exception, the detention cell is used for placement of non-intoxicated persons. In a circular letter of 12 January 2011, the Danish National Police has stated guidelines for the police's use of detention cells and holding cells for placement of arrestees.

5.5.2. Placement in a holding cell

An arrestee is placed in a holding cell at the police station for periods when the arrestee for instance is waiting for questioning and appearance in court or possibly afterwards waiting for transfer to remand custody.

The Danish National Police's guidelines presuppose that arrestees are only placed in holding cells for brief periods of time. The information that the visiting teams received from the police confirmed that this is the case.

The inspection of holding cells at the eight visited police stations did not give occasion for initiatives of general importance to the investigation's theme about the conditions for arrestees and possible later remand prisoners.

5.5.3. Placement in a detention cell

Generally, only people who are under the influence of alcohol or euphoriant drugs etc. are placed in a detention cell – and only if they are a danger to themselves or others, or if deemed necessary in order to uphold public order and safety.

Arrestees who are to be questioned and possibly appear in court are instead placed in a holding cell. When staying longer, including overnight, arrestees are usually placed in a local prison.

However, arrestees who are under the influence of alcohol or euphoriant drugs etc. when arrested can initially be placed in a detention cell and later be moved to a holding cell awaiting questioning or appearance in court etc.

There is no bed in a detention cell, so if spending the night, the arrestee has to sleep with a blanket on a mattress on the floor. In addition, there is a risk of being disturbed because new arrestees or detained intoxicated people may be brought into detention during the night.

Only in exceptional cases are detention cells meant to be used for people who are not intoxicated. As such, they are not designed for arrestees spending the night. However, the visiting teams found in several police districts that it happened regularly that arrestees who were not intoxicated spent the night in a detention cell because the local prisons did not have capacity to receive the arrestee due to overcrowding.

In that connection, the visiting teams also found that the mentioned issue sometimes meant that arrestees who had been placed in a detention cell because there was no room in a local prison were given the leaflet 'Where do you go when you go out', even though it contains information that is only relevant to detained intoxicated people etc. Conversely, the visiting teams

found that detained intoxicated people etc. in some instances were given the Danish National Police's leaflet, the purpose of which is to guide arrestees.

The use of detention cells for arrestees spending the night and the issue of ensuring correct guidance will, as mentioned above under item 2, be discussed at meetings with the responsible authorities in the police and the Prison and Probation Service.

The conditions in detention cells gave no occasion for other measures towards the visited police districts.

Sincerely,



Niels Fenger