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PRISONS AND PUNISHMENTS IN DENMARK

ERIK KAMPMANN¹

On January 1, 1933, a new Penal Code came into operation. Pursuant to the latter capital punishment is abolished. The Penal Code knows only two ordinary forms of imprisonment: "*Faengsel*" (imprisonment—for grave offenses—ranging from a term of 30 days till imprisonment for life, and "*Haefte*"²—for lesser offenses—from 7 days to 2 years which in exceptional cases (mostly political) however may be prolonged. But besides the ordinary forms of imprisonment the Penal Code provides a series of special measures regarding which the following points may be noted:

(1) In the case of *young persons* between the age of 15 and 21 the courts may make use of "*Ungdomsfaengsel*"³ instead of prison. The term is not fixed in the sentence but is, within a minimum and a maximum limit of 1 and 3 years respectively, dependent on the effect of the punishment on the convicted person.

(2) In the case of persons described as either *professional* or *habitual criminals* the courts may instead of prison make use of either "*Arbejdshus*"⁴—or in the case of dangerous professional or habitual criminals—of "*Sikkerhedsforvaring*" ("Safe-custody"—Preventive detention). The term is not fixed in the sentence but depends on the general conditions of the convicted person during his detention. In the case of commitments to the "*Arbejdshus*" there is fixed a minimum term of 1 year and a maximum term of 5 years. In case of "*Sikkerhedsforvaring*" the minimum term is 4 years, and the normal maximum term 20 years, in exceptional cases however for life. In case of a second sentence of "*Sikkerhedsforvaring*" the minimum term is 8 years.

(3) With regard to certain persons suffering from psychic deficiencies (*psychopaths*) the courts may either detain them in special institutions fitted for that purpose for an indefinite period (detention), or sentence them to a special prison for psychopaths for a definite period; the prison is specially fitted to receive defectives and to give them the necessary medical attention. The choice of method

¹Director-General of Prisons, Ministry of Justice, Copenhagen.

²Same language root as the German "Haft."

³A reformatory Prison-Institution for young offenders like the English Borstal-Institutions.

⁴"Workhouse"—compulsory labor colonies (in the country).

depends on the fact whether the person convicted according to the information at hand "may be considered open to influence by punishment." In lighter cases of mental deficiency the courts may naturally also pass a sentence of ordinary "Faengsel" or "Haefte" for a definite period.

The Prisons

"Faengsel" for six months or less, as well as "Haefte" without regard to the term of the punishment, is undergone at *Local Prisons* (the so-called "Arresthuse") which to the number of about 90 are distributed all over the country, and which—apart from the capital of Copenhagen—generally are prisons with accommodation for fewer than 50 prisoners.

These local prisons are the property of the municipalities, and the expenses in connection with them are borne by the latter, their administration falling under the local police director.

"Faengsel" exceeding a period of six months is undergone at *State prisons* of which there are one for women (in Copenhagen) and three for men, namely, one at Vridsloselille about 14 kms. from Copenhagen, another at Nyborg on Funen, and a third at Horsens in Jutland.

The distribution of the male prisoners to the three State Prisons takes place according to rules fixed by the Ministry of Justice (the director-general of prisons) mainly to the effect that the youngest and least hardened criminals are placed at Nyborg, then comes Vridsloselille, and at last Horsens.

At State institutions are further undergone all the above mentioned special punishments and measures of detention, regarding which the following points must be noted:

For the "*Ungdomsfaengsel*" a considerable landed estate has been acquired about 25 kms. west of Nyborg where the erection of buildings for about 100 inmates has begun.

For the "*Arbejdshus*" (Labor Colonies) considerable heath areas in the middle of Jutland have been acquired where the erection of the buildings necessary for the housing of the inmates has been started; it is estimated that the number of inmates may be about 200.

Persons sentenced to "*Sikkerhedsforvaring*" (preventive detention) will be placed in a special block at the state prison at Horsens.

For *Psychopaths* a double institution will be erected in the neighborhood of Vridsloselille containing partly buildings for individuals

sentenced to special detention for an indefinite period, partly a prison building for the defectives.

For the *treatment* in the various prisons and the other above named institutions the fundamental principles are laid down in the Penal Code, while the details are worked out in various Royal Ordinances separate for each special kind of punishment and form of detention.

Prison labor is since 1913 arranged in accordance with the so-called "regie" system according to which the prisoners as a matter of principle are employed in work for the state and state institutions. For well performed work the prisoners receive partly a monetary reward ("pécule"), increasing in accordance with the progressive stage system, partly a further piece-work payment in proportion to the extent of the work executed.

As for the health and hygiene of the prisoners, permanent medical attention is provided at each prison. Special hospitals are attached to the state prisons as well as to the prisons of the city of Copenhagen. Specialists will be appointed at the psychopathic institutions planned. Gymnastics are introduced as part of the hygiene at the state prisons. Further, the general health of the prisoners is taken care of by a diet founded on a scientific basis.

The control of the penal institutions of the state is vested in a Director-General of prisons. The director is the head of the Prison Department in the ministry of justice and acts subject only to the control and authority of the Secretary of State (Minister of Justice).

Besides having the control of the penal institutions of the state the director must supervise the above mentioned local prisons and see that the regulations concerning the treatment of the prisoners are kept. The economic administration of the said prisons, however, does not concern the director and the state.

The staff at the local prisons consists, in the case of the smallest ones, of a single man, the jailer; at the larger ones, one or more officers are employed as assistants.

At the head of each of the prisons of the state as well as of the prisons of Copenhagen is a director who is responsible for the management of the institutions both with regard to the administration and with regard to the provisions applying to the treatment of the prisoners.⁵

⁵For further information about the Penal Code, see an article by Mr. Aug. Goll, the Danish member of the International Prison and Penal Law Commission, published in the Commission's bulletin, "Recueil de documents en Matière pénale et pénitentiaire," Vol. I, p. 177 *et seq.*