

# Denmark

## 1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

<b>SUSPENDED SENTENCE WITH CONDITIONS</b>	
<b>Name of the judgement or the probation decision</b>	Suspended sentence with conditions Betinget dom med vilkår
<b>Classification of this judgement or the probation decision</b>	Suspended sentence
<b>Legal basis of this judgement or the probation decision</b>	Danish Criminal Code Section 56-61
<b>Definition of this judgement or the probation decision</b>	The prison sentence is suspended on the condition that the person does not reoffend and that he/she observes any conditions that may be imposed.
<b>Legal Conditions of this judgement or the probation decision</b>	<p>The court finds it unnecessary that the penalty should be executed. A suspended sentence with conditions can in principle be used regarding all criminal offences :(1) Where the court sees no require-ment for enforcement of a penalty it shall be determined in the judgment of the court that the question of sentencing shall be suspended and lapse after a probation period.</p> <p>(2) If finding it more appropriate, the court may fix the penalty and decide that its enforcement shall be suspended and that after a probation period the penalty shall be rescinded.</p> <p>(3) It shall be a condition for suspension of a sentence that the convicted person does not commit any criminal offence in the probation period, and that he observes any conditions that may be imposed in accordance with section 57 of this Act. The probation period shall be fixed by the court and generally not exceed three years. However, in special circumstances, the court may fix a probation period of up to five years.</p>

	<p>The court may decide as a condition for suspension of a sentence that, for the whole or part of the probation period, the offender shall be subject to supervision. Furthermore, the court may prescribe other conditions that are found appropriate, for instance that the offender shall :</p> <ol style="list-style-type: none"> <li>1) observe special directions as to the offender's place of residence, work, education, leisure activity or association with specific persons;</li> <li>2) be placed in a suitable home or institution, in which case the sentence shall fix a maximum period, in general not exceeding one year, for such placement;</li> <li>3) abstain from misusing alcohol, narcotics or similar drugs;</li> <li>4) submit to curative treatment for alcoholism or addiction to drugs or similar substances, if necessary at a hospital or a special institution;</li> <li>5) submit to a structured, controlled treatment programme for alcoholics of at least one year's duration;</li> <li>6) submit to psychiatric treatment, if necessary at a hospital;</li> <li>7) be guided by the decisions of the Probation Service concerning restrictions on his control of income and capital, and the performance of his financial obligations;</li> <li>8) pay compensation for any loss caused by his offence;</li> <li>9) submit, according to a decision by the local authorities, to measures under section 40 of the Social Services Act, possibly of a specified nature, and comply with instructions.</li> </ol>
<b>Type of probation measures</b>	N/A
<b>Combination of sanctions or measures</b>	<p>Yes, if use of imprisonment is considered necessary, but the information concerning the offender's personal circumstances calls for the use of a suspended sentence (see Danish Criminal Code Section 58).</p> <p>(1) If the use of an unsuspended prison sentence is considered necessary, while information concerning the offender's personal situation justifies the use of a suspended sentence according to section 56 of this Act, the court may decide that part of the deserved penalty, though no more than six months, shall be enforced immediately while the rest of the sentence shall be suspended.</p> <p>(2) Fines may be imposed in conjunction with a suspended sentence even though they would not otherwise be prescribed for the offence in question.</p>
<b>Authority responsible for taking such a decision</b>	The courts.
<b>Authority responsible for supervising</b>	Supervision is carried out by 14 regional Probation Service offices (Kriminalforsorgen i Frihed, KiF) organised under the Department of Prisons and Probation (Direktoratet for Kriminalforsorgen), an agency under the Ministry of Justice.
<b>Authority responsible in case of infringement</b>	<p>The authority responsible in case of infringement is the Prison and Probation Service. In case of breach of conditions stipulated administratively the Department of Prisons and Probation decides whether to recall the probationer to prison.</p> <p>In case of breach of conditions stipulated by the court, the Prosecution Service is responsible for bringing the case before the court, which will then make the relevant decision.</p> <p>The primary task of the Prison and Probation Service is to enforce prison sentences served in state and local prisons and to undertake supervision activities in connection with release on parole and suspended sentences including community service orders and electronic tagging. The Prison and Probation service drafts individual action plans for</p>

all inmates serving a prison sentence of at least four months.

## SUSPENDED SENTENCE WITH CONDITION OF COMMUNITY SERVICE

<b>Name of the judgement or the probation decision</b>	Suspended sentence with condition of community service Betinget dom med vilkår om samfundstjeneste
<b>Classification of this judgement or the probation decision</b>	Suspended sentence
<b>Legal basis of this judgement or the probation decision</b>	Danish Criminal Code Section 62-67
<b>Definition of this judgement or the probation decision</b>	The prison sentence is suspended on the condition that the person does not re-offend and on the condition of community service (30-240 hours).
<b>Legal Conditions of this judgement or the probation decision</b>	<p>The court finds that a suspended sentence with other conditions is insufficient:</p> <p>(1) If a suspended sentence imposed in accordance with the rules of sections 56 and 57 of this Act is considered inadequate, the court may pass a suspended sentence on the condition of community service provided that the convicted person is found capable of serving such a penalty.</p> <p>(2) The decision to suspend imprisonment shall be made in accordance with the rules set out in section 56(1) and (2) of this Act.</p> <p>(3) The suspension shall be granted on the condition that the convicted offender does not commit a criminal offence during a probation period and that he observes the conditions imposed under section 63 of this Act.</p> <p>(1) The court shall decide that as a condition for suspension of a prison sentence the convicted offender shall carry out unpaid community service for no less than 30 hours and no more than 240 hours. The imposed maximum period is fixed in proportion to the number of hours required.</p> <p>(2) The probation authority may, in special circumstances, extend the maximum period fixed under subsection (1). This period may not, however, exceed the probation period. The probation authority's decision to extend the maximum period must be brought before the court upon request from the convicted person.</p> <p>(3) The court shall fix a probationary period of no more than two years. It may be stipulated in the sentence that the probation period shall end when the maximum period for meeting the community service obligation has expired.</p> <p>(4) The convicted offender shall be subject to supervision in the probation period. In addition, the court may fix conditions in accordance with section 57 of this Act, if it finds</p>

	it appropriate. When the maximum period for the community service obligation has expired, the supervision shall be terminated and any conditions under section 57 be discontinued, unless otherwise provided in the sentence.
<b>Type of probation measures</b>	N/A
<b>Combination of sanctions or measures</b>	Yes, if use of imprisonment is considered necessary, but the information concerning the offender's personal circumstances calls for the use of a suspended sentence (see Danish Criminal Code Section 58).
<b>Authority responsible for taking such a decision</b>	The courts.
<b>Authority responsible for supervising</b>	Supervision is carried out by 14 regional Probation Service offices (Kriminalforsorgen i Frihed, KiF) organised under the Department of Prisons and Probation (Direktoratet for Kriminalforsorgen), an agency under the Ministry of Justice.
<b>Authority responsible in case of infringement</b>	<p>The authority responsible in case of infringement is The Prison and Probation Service. In case of breach of conditions stipulated administratively the Department of Prisons and Probation decides whether to recall the probationer to prison.</p> <p>In case of breach of conditions stipulated by the court, the Prosecution Service is responsible for bringing the case before the court, which will then make the relevant decision.</p> <p>The primary task of the Prison and Probation Service is to enforce prison sentences served in state and local prisons and to undertake supervision activities in connection with release on parole and suspended sentences including community service orders and electronic tagging. The Prison and Probation service drafts individual action plans for all inmates serving a prison sentence of at least four months.</p>

<b>DIVERSION OF PROSECUTION</b>	
<b>Name of the judgement or the probation decision</b>	Diversion of prosecution Tiltalefrafald)
<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the</b>	Danish Administration of Justice Act Section 722-723

<b>probation decision</b>	
<b>Definition of this judgement or the probation decision</b>	Prosecution can be diverted in a number of cases, including cases where the crime is a minor offense and the maximum penalty is a fine, in cases where the difficulties and costs of taking the case to court do not measure up to the importance of the case and the expected punishment and in cases of young offenders. It is the prosecution authorities that decide to divert prosecution. Diversion of prosecution authorities can be with or without conditions.
<b>Legal Conditions of this judgement or the probation decision</b>	Conditions stated in the Danish Administration of Justice Act Section 722.
<b>Type of probation measures</b>	N/A
<b>Combination of sanctions or measures</b>	Yes, if use of imprisonment is considered necessary, but the information concerning the offender's personal circumstances calls for the use of a suspended sentence (see Danish Criminal Code Section 58).
<b>Authority responsible for taking such a decision</b>	The court
<b>Authority responsible for supervising</b>	Supervision is carried out by 14 regional Probation Service offices (Kriminalforsorgen i Frihed, KiF) organised under the Department of Prisons and Probation (Direktoratet for Kriminalforsorgen), an agency under the Ministry of Justice.
<b>Authority responsible in case of infringement</b>	<p>The authority responsible in case of infringement is The Prison and Probation Service. In case of breach of conditions stipulated administratively the Department of Prisons and Probation decides whether to recall the probationer to prison.</p> <p>In case of breach of conditions stipulated by the court, the Prosecution Service is responsible for bringing the case before the court, which will then make the relevant decision.</p> <p>The primary task of the Prison and Probation Service is to enforce prison sentences served in state and local prisons and to undertake supervision activities in connection with release on parole and suspended sentences including community service orders and electronic tagging. The Prison and Probation service drafts individual action plans for all inmates serving a prison sentence of at least four months.</p>

<b>RELEASE ON PAROLE</b>	
<b>Name of the judgement or the</b>	Danish law provides for five types of release on parole (prøveløsladelse): 1. Ordinary release on parole (see Section 38(1) of the Danish Criminal Code

<p><b>probation decision</b></p>	<p>(straffeloven))</p> <ol style="list-style-type: none"> <li>2. Release on parole after completion of half the sentence in special circumstances (see. Section 38(2) of the Criminal Code)</li> <li>3. Release on parole after completion of half the sentence in case of special efforts not to reoffend (see Section 40a(1)(i) of the Criminal Code)</li> <li>4. Release on parole after completion of half the sentence where the offender's situation makes it appropriate (see Section 40a(1)(ii) of the Criminal Code)</li> <li>5. Release on parole of offenders sentenced to life imprisonment (see Section 41 of the Criminal Code)</li> </ol>
<p><b>Classification of this judgement or the probation decision</b></p>	<p>Conditional release</p>
<p><b>Legal basis of this judgement or the probation decision</b></p>	<ol style="list-style-type: none"> <li>1. The Danish Criminal Code</li> <li>2. The Sentence Enforcement Act</li> <li>3. Executive Order No. 1337 of 3 December 2007 on Enforcement of Sentences, etc.</li> <li>4. Executive Order No. 318 of 19 April 2006 on Release of Inmates Serving a Prison Sentence (Release Order)</li> <li>5. Executive Order No. 726 of 26 June 2006 on Prison and Probation Service Supervision of Parolees, Offenders subject to Suspended Sentences, etc. (Supervision Order).</li> </ol>
<p><b>Definition of this judgement or the probation decision</b></p>	<p>The offender is released on parole on condition of a probation period during which the probationer must keep free of crime. It is possible to impose conditions of supervision and other special conditions, including community service or addiction treatment.</p>
<p><b>Legal Conditions of this judgement or the probation decision</b></p>	<ol style="list-style-type: none"> <li>1. The principal rule of Danish law is that a sentenced person may be released on parole when two-thirds, but not less than two months, of the sentence has been completed (see Section 38(1) of the Danish Criminal Code). However, release on parole does not apply to the non-suspended part of a sentence pursuant to Section 58(1) of the Danish Criminal Code (combination of suspended and non-suspended prison sentence).  Release on parole presupposes that the sentenced person's personal situation does not render release inadvisable (see Section 38(5) of the Danish Criminal Code). This means that there must be no major risk of recidivism into crime of a non-trifling nature unlikely to be limited by supervision by the Prison and Probation Service and any special conditions. A further condition is that a suitable lodging and work or other support has been provided for the probationer, and that he agrees to observe the conditions stipulated for the release.</li> <li>2. Pursuant to Section 38(2) of the Danish Criminal Code, a sentenced person may under extraordinary circumstances be released on parole at the completion of half, but not less than two months, of the sentence. Such extraordinary circumstances could include release of young people under the age of 18, release on compelling humanitarian grounds, release justified by specific medical reasons, release of foreign inmates to be expelled, etc.</li> <li>3. + 4. Pursuant to Section 40a of the Danish Criminal Code, certain categories of sentenced persons other than those comprised by Section 38(2) may be released after completion of half the sentence if: <ol style="list-style-type: none"> <li>(a) the sentenced person has made a special effort to avoid relapsing into crime, for example by accepting treatment or attending education; or</li> <li>(b) the personal situation of the sentenced person makes it appropriate. Where the sentenced person's good personal situation makes it unnecessary for him to serve the</li> </ol> </li> </ol>

	<p>remainder of the sentence in prison, a condition of community service may be stipulated instead.</p> <p>It is a condition for release on parole after completion of half the sentence under Section 38(2) and Section 40a of the Criminal Code that the risk of relapse into new crime is deemed to be low.</p> <p>5. A person serving a life sentence may be released on parole by the Minister of Justice after completion of 12 years of imprisonment. It is a condition that the person's situation does not render release inadvisable, that a suitable lodging and work or other support has been provided, and that the person agrees to observe the conditions stipulated for the release.</p>
<b>Type of probation measures</b>	<p>Release on parole may be subject to a condition of supervision as well as special conditions taking into account the probationer's personal situation for the purpose of supporting the probationer's efforts to achieve a life free of crime and substance abuse (see Section 39 of the Danish Criminal Code).</p> <p>Section 57 of the Danish Criminal Code stipulates conditions deemed expedient in connection with release on parole. The list is not exhaustive:</p> <p>(1) observing special stipulations concerning place of residence, work, education, use of leisure time or contact with specific persons;</p> <p>(2) taking up residence in a suitable home or institution; the sentence must specify a maximum period, in general not exceeding one year;</p> <p>(3) abstaining from the abuse of alcohol, narcotics or similar medical substances;</p> <p>(4) submitting to curative treatment for alcoholism or addiction to narcotics or similar medical substances, if necessary in a hospital or a special institution;</p> <p>(5) submitting to a structured, controlled treatment for alcoholics of at least one year's duration;</p> <p>(6) submitting to psychiatric treatment, if necessary in a hospital;</p> <p>(7) complying with the decision of the Probation Service concerning restrictions in the probationer's control over income and capital, and the carrying-out of his economic obligations;</p> <p>(8) paying compensation for any loss caused by the probationer's offence;</p> <p>(9) submitting to measures pursuant to Section 40 of the Social Service Act as decided by the local authority, possibly of a specified nature, and complying with the instructions given by the local authority to the probationer.</p>
<b>Combination of sanctions or measures</b>	N/A
<b>Authority responsible for taking such a decision</b>	N/A
<b>Authority responsible for supervising</b>	Supervision is carried out by 14 regional Probation Service offices (Kriminalforsorgen i Frihed, KiF) organised under the Department of Prisons and Probation (Direktoratet for Kriminalforsorgen), an agency under the Ministry of Justice.
<b>Authority responsible in case of infringement</b>	<p>In case of breach of conditions, the Prison and Probation Service must attempt to re-establish supervision and ensure observance of special conditions, including ordering the probationer to observe the conditions.</p> <p>If a breach of conditions is likely to imply an obvious risk of the probationer committing a serious crime, or if the probationer does not observe the condition of community service, the Probation Service must consider promptly reporting him or requesting his arrest or</p>

detention in custody.

In case of conditions stipulated administratively, the report must be submitted to the Department of Prisons and Probation, which then decides whether to recall the probationer to prison. In case of conditions stipulated by the court, the report must be submitted to the Prosecution Service with a copy to the Department of Prisons and Probation. The court will then make the relevant decision.

The primary task of the Prison and Probation Service is to enforce prison sentences served in state and local prisons and to undertake supervision activities in connection with release on parole and suspended sentences including community service orders and electronic tagging. The Prison and Probation service drafts individual action plans for all inmates serving a prison sentence of at least four months.

## 2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

**a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.**

<b>Probation measures / alternative sanctions</b>	<b>Explanation</b>
<b>Obligation for the sentenced person to inform a specific authority of any change of residence or working place</b>	A condition of supervision implies that persons released on parole or sentenced to a suspended sentence, including suspended sentences with a condition of community service, must keep in contact with the Prison and Probation Service and accept visits from a Probation Officer. Persons released on parole must also notify the Prison and Probation Service of their residence and employment (see Sections 83 and 96 of the Sentence Enforcement Act).
<b>Obligation not to enter certain localities, places or defined areas in the issuing or executing State</b>	Concerning release on parole, conditions may be stipulated that take into account the probationer's personal situation for the purpose of supporting the probationer's efforts to achieve a life free of crime and substance abuse.  It is possible to stipulate conditions prohibiting the probationer from approaching specific locations, such as restaurants, discotheques, shopping centres, specific towns, housing estates, swimming baths, places frequented by minors, etc
<b>Obligation containing limitations on leaving the territory of the executing State</b>	Probationers subject to supervision may leave Danish territory for up to one week if they do not breach any special conditions by doing so. A longer trip not approved by the Probation Office will be considered breach of conditions. Moreover, a probationer who is serving a sentence may only leave Danish territory with the permission of the Prison and Probation Service (see Section 7 of the Supervision Order).
<b>Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</b>	As mentioned above, any kind of condition deemed expedient to prevent relapse into crime or substance abuse may be stipulated upon a specific assessment.  Examples include conditions of: 1. Observing special stipulations concerning place of residence, work, education, use of leisure time or contact with specific persons; 2. taking up residence in a suitable home or institution; the sentence must



	<p>specify a maximum period, in general not exceeding one year;</p> <ol style="list-style-type: none"> <li>3. abstaining from the abuse of alcohol, narcotics or similar medical substances;</li> <li>4. submitting to curative treatment for alcoholism or addiction to narcotics or similar medical substances, if necessary in a hospital or a special institution;</li> <li>5. submitting to a structured, controlled treatment for alcohol abuse of at least one year's duration;</li> <li>6. submitting to psychiatric treatment, if necessary in a hospital;</li> <li>7. complying with the decision of the Probation Service concerning restrictions in the probationer's control over income and capital, and the carrying-out of his economic obligations;</li> <li>8. paying compensation for any loss caused by the probationer's offence;</li> <li>9. submitting to measures pursuant to Section 40 of the Social Service Act as decided by the local authority, possibly of a specified nature, and complying with the instructions given by the local authority to the probationer.</li> </ol>
<p><b>Obligation to report at specified times to a specific authority</b></p>	<p>A probationer subject to supervision must keep in contact with the Probation Service, including reporting to the Probation Service office and accepting visits from it.</p> <p>It will also be possible to stipulate a condition according to which the probationer must report to a psychiatric hospital every day for taking medicine, his general practitioner's for taking antabuse, etc.</p>
<p><b>Obligation to avoid contact with specific persons</b></p>	<p>As mentioned above, it will be possible, to stipulate that the probationer must observe special conditions concerning residence, work, education, use of leisure time or contact with specific persons. This might include abstaining from contact with minors, abstaining from seeking out victims, etc.</p> <p>A person convicted of certain sexual offences may, according to the Danish Criminal Code Section 236, be ordered by the court not to appear in certain places, for instance public parks, near schools, recreation grounds, children's homes, particular woods, particular bathing establishments.</p> <p>Besides, a person convicted of certain sexual offences may be forbidden by the court to allow children under the age of 18 to live in their house or, without the permission of the Police, to stay themselves with persons who live together with children. Such an order does not apply to children who are dependent on the convicted person.</p>
<p><b>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</b></p>	<p>This option is available in connection with the stipulation of conditions at the release on parole, but is rarely applied in practice.</p>
<p><b>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with</b></p>	<p>According to the Danish Administration of Justice Act Section 991, the Prosecution Service is obligated - after request from a victim - to present the claim for financial compensation during criminal proceedings. The court decides on the claim or may decide to refer it to civil proceedings.</p>

<b>such an obligation</b>	
<b>Obligation to carry out community service</b>	Pursuant to Section 62 of the Danish Criminal Code, the court may impose a suspended sentence with a condition of community service on the convicted person. In Denmark, the community service imposed may vary between 30 and 240 hours of work, see Section 63 of the Criminal Code. The probation Service checks that the offender appears at the community service workplace and carries out the work.
<b>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</b>	The supervision is given by the staff of the 14 Probation Service offices existing on the national level.
<b>Obligation to undergo therapeutic treatment or treatment for addiction</b>	Concerning treatment, the following conditions may be stipulated, among others, as explained above: (1) taking up residence in a suitable home or institution; the sentence must specify a maximum period, in general not exceeding one year; (2) abstaining from the abuse of alcohol, narcotics or similar medical substances; (3) submitting to a structured, controlled treatment for alcohol abuse of at least one year's duration; (4) submitting to psychiatric treatment, if necessary in a hospital.

**b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?**

- If yes, please define them and provide a description for each of them.

<b>Other probation measures/alternative sanctions existing in your domestic law</b>	<b>Explanation</b>
<b>Placement outside the institutions of the Prison and Probation Service</b>	<p>If a sentenced person needs special treatment and care, if there are particular reasons of age or health not to place the sentenced person in a state or local prison, and if essential considerations do not make placement outside a state or local prison inappropriate, the sentenced person may be placed in a hospital, in foster care, or in a suitable home or institution (see Section 78 of the Sentence Enforcement Act).</p> <p>Moreover, young persons under the age of 18 must be placed in an institution, etc., unless essential law enforcement considerations make placement outside a state or local prison inappropriate.</p> <p>It is a condition for such placement that the sentenced person does not commit any offences, and other relevant conditions may also be imposed, including supervision by the Prison and Probation Service. If the sentenced person does not observe the conditions stipulated for the placement, he/she may be returned or transferred to a state or local prison, and the permission may be revoked.</p>
<b>Discharge on parole of persons sentenced to safe custody</b>	Pursuant to Section 70(2) of the Danish Criminal Code, a person may be sentenced to safe custody (indeterminate sentence) if he/she is found guilty of (attempted) rape or other (attempted) aggravated sexual offences, and it is assumed from the nature of the act committed and information on his character, including his criminal record, that he/she poses an obvious danger to the life, body, health or liberty of others, and the use of safe custody instead of

imprisonment is considered necessary to avert this danger.

Pursuant to Section 72 of the Danish Criminal Code, variation or final termination of a sentence of safe custody will be decided by court order. Thus, it is the court which determines the question of whether there is a basis for discharge on parole or termination of a sentence of safe custody. Discharge on parole or termination of a sentence of safe custody presupposes that the sentenced person no longer poses any danger to the life, body, health or liberty of others.

Discharge on parole may be ordered at the initiative of the administrative authorities, that is, the Prison and Probation Service and the Prosecution Service. Additionally, the sentenced person and the guardian, who must be appointed when a person is sentenced to safe custody, can submit a request for discharge on parole to the Prosecution Service, which must then refer the matter to the court as soon as possible.

The court will make its decision on the basis of the recommendations issued by the Prison and Probation Service and the Prosecution Service, the information produced by the sentenced person or his guardian during the court proceedings as well as any further information which the court wishes to have provided.

When a person is released on parole, a condition of supervision by the Probation Service and any relevant special conditions will be imposed, see above.

**c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?**

(1) Persons who are found unsuitable for punishment due to mental illness may become subject to supervision by the Probation Service instead of going to prison. Such supervision is predominantly carried out in close collaboration with the psychiatric system.

(2) In connection with drunk driving, a person may receive a suspended sentence on condition of one year's alcohol abuse treatment and supervision by the Probation Service.

(3) Suspended sentence with a condition of sexological treatment. Under this arrangement, the sentenced person may receive a suspended sentence with a condition of psychiatric sexological treatment for two years instead of a prison sentence. The sentenced person receives psychiatric/sexological treatment at one of the three hospital treatment facilities in Denmark which carry out treatment of sexual offenders. The target group of this arrangement comprises persons who would otherwise have received prison sentences of four months up to 18 months. Additionally, the sentenced person is under the supervision of the Probation Service, and special conditions may also be imposed.

**3) Electronic monitoring**

**Does your national law provide for the possibility to use Electronic Monitoring?**

Yes

**Is Electronic Monitoring part of the classification provided for in Article 2 of this Framework Decision (suspended sentence, conditional sentence, conditional release or alternative sanction)?**

Persons given short-term prison sentences may apply to serve the sentence in their home under intensive surveillance and control.

**Is Electronic Monitoring considered as an execution modality of imprisonment, if other than conditional release?**

Modality of imprisonment.

**Is Electronic Monitoring considered a way of applying a probation measure or as a probation measure in itself?**

Neither.

**What are the technical means provided for in your Member State that enables the use of the Electronic Monitoring (e.g. GPS)?**

When the sentence is enforced, a transmitter (electronic tag) is fastened on a strap round the ankle. Additionally, a receiver is installed in the home for communication with a surveillance centre of the Prison and Probation Service. The signal is transmitted via radio frequencies (GPRS).

**Is Electronic Monitoring dependant on particular conditions?**

As from 1 July 2010, the scheme will be extended from covering all prison sentences of up to three months to covering all sentences of up to five months.

**4) Formalities**

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

N/A.