

# Regulations to the Execution of Sentences Act

Laid down by the Crown Prince Regent's decree of 22 February 2002 pursuant to Act of 18 May 2001 No. 21 relating to the execution of sentences etc. (the Execution of Sentences Act) section 5. Issued by the Ministry of Justice and the Police.

## Chapter 1

### The scope of the regulations and general principles for the execution of sentences

#### § 1-1. *Scope of the regulations*

These regulations apply to sentences of imprisonment, remand in custody and community sentences. As regards special criminal sanctions these regulations apply in so far as they accord with regulations relating to the execution of preventive detention. As regards prison/halfway houses the regulations with supplementary guidelines prescribed by Norwegian Correctional Services (central level – Kriminalomsorgens sentrale forvaltning) apply.

#### § 1-2. *Purpose*

As far as is compatible with due regard for the security of society and the general sense of justice, suitable arrangements shall be made for enabling the convicted person to amend his way of life and to prevent recidivism.

Persons remanded in custody and other persons who are excluded from company shall be given priority as regards taking part in activities and associating with the staff in order to reduce the detrimental effects of isolation.

#### § 1-3. *Children*

In making decisions concerning convicted persons or prisoners who are taking care of or have regular access to their children, special heed shall be paid to what is best for the children. The child is entitled to express his or her opinion on matters directly concerning him or her.

#### § 1-4. *Duty to take part in activities*

The duty to take part in activities applies to convicted persons who are serving a sentence or special criminal sanction. Persons remanded in custody have no such duty, but shall be offered opportunities to take part in activities in so far as this accords with the remand order and the prosecuting authority's decisions. Efforts shall be made to adjust the activities to the prisoner's capabilities.

## **Chapter 2. Administrative provisions**

### **§ 2-1. Delegation of decision-making authority**

Authority is delegated to the local level to reject applications pursuant to sections 12 to 16, 20, 33, 35 and 42 of the Execution of Sentences Act in the case of convicted persons who are sentenced to imprisonment for a term exceeding 10 years or who are sentenced to preventive supervision or preventive detention.

Authority is delegated to the local level to grant applications for leave of absence from convicted persons who are sentenced to imprisonment for a term exceeding 10 years when the regional level or the Norwegian Correctional Services has previously granted ordinary leave of absence and it has been implemented without default.

Authority is delegated to the local level to grant applications pursuant to sections 12, 13, 20, 33 and 35 of the Execution of Sentences Act from convicted persons who are sentenced to imprisonment for a term exceeding 10 years, but who are not sentenced to preventive supervision or preventive detention and who pursuant to a decision at the regional level or by the Norwegian Correctional Services are transferred to a prison with a lower security level.

### **§ 2-2. Requirements for prison officers**

In order to qualify for a permanent appointment as a prison officer the person appointed is required to have completed and passed the course at the Prison and Probation Staff Education Centre. Regional level may grant a dispensation from this requirement in special cases. The Norwegian Correctional Services may prescribe further rules concerning the admission of trainees to the Prison and probation Staff Education Centre and the contents of the training.

### **§ 2-3. Supervisory council**

The Norwegian Correctional Services appoints the head and deputy head of the supervisory council and at least two of its members together with deputy members. The appointment lasts for two years.

Members of the supervisory council are entitled to talk to convicted persons and prisoners if the said persons or prisoners themselves wish it and without the presence of prison staff.

Members of the supervisory council are entitled to take part in meetings concerning convicted persons and prisoners and may demand to inspect the case documents if the convicted person or prisoner concerned consents thereto.

## **Chapter 3.**

### **Sentences of imprisonment and special criminal sanctions**

#### **§ 3-1. *Deferment of execution of sentence***

A convicted person who satisfies the conditions for deferment of execution of sentence pursuant to section 459 of the Criminal Procedure Act, cf. section 29-4 of the Prosecution Instructions, shall not be admitted for execution of sentence.

#### **§ 3-2. *Length of sentence***

In connection with the commencement of execution of the sentence an estimate shall be made of the date on which the sentence will terminate, and if possible also of the date of any foreseeable release on probation. The convicted person shall at the same time be informed that release on probation may be refused if such release is deemed inadvisable. If the convicted person is to serve more than one sentence, the estimate shall be based on the total period of the sentences, and the sentences shall be served consecutively.

A reduction shall be made for any period spent in custody on remand in accordance with section 60 of the Penal Code and section 460 of the Criminal Procedure Act. A reduction shall also be made for transportation time.

An alternative custodial sentence in default of payment of a fine shall always be served in full.

#### **§ 3-3. *Alterations of estimated period of sentence***

The period of sentence does not include the period:

- a) For which the convicted person has been granted an interruption in the execution of the sentence pursuant to section 35 of the Execution of Sentences Act,
- b) For which the convicted person has been absent in connection with an escape, evasion or failure to return after being granted lawful absence from execution of the sentence,
- c) For which execution of the sentence is interrupted by the transferring of the convicted person to custody on remand in another case or to another criminal sanction than the one to which he is subject.

In the event of such absence as is mentioned in the first paragraph, the date on which execution of the sentence will end, or for release on probation, shall be recalculated. The convicted person shall be informed of the corrected dates.

#### **§ 3-4. *Committal to prison***

A convicted person at liberty who is sentenced to imprisonment for a term of two years or less and who otherwise satisfies the conditions for direct committal to a prison with a lower security level may, however, be committed to a prison with a high security level if this is necessary as a consequence of building or staff conditions or lack of room.

Even if there is no objection to doing so from a security aspect, no decision for committal to a prison with a lower security level shall be made if it is contrary to the principle of general deterrence or the general sense of justice.

On being committed to prison the convicted person shall be informed of his or her right to apply for a transfer for execution of sentence in his or her home country pursuant to the European Convention of 21 March 1983 No. 1 concerning the transferring of convicted persons, cf. Act relating to the transferring of convicted persons of 20 July 1991 No. 67, or the right to transfer to one of the Nordic countries pursuant to Act relating to the execution of Nordic sentences etc. of 15 November 1963.

### **§ 3-5. Execution of sentence in an institution**

As a general rule, execution of a sentence shall be commenced in a prison before a transfer for execution of the sentence in an institution is effected. The convicted person may exceptionally be granted the right to serve the whole sentence in an institution if there are special and weighty reasons for doing so.

Detention in an institution shall normally not extend beyond 12 months. An application for dispensation from this rule may be granted by immediate superiors if there are special and weighty reasons for doing so.

### **§ 3-6. Execution of sentence in a hospital**

An application may be made for the committal to a somatic hospital or an institution under the mental health service of a convicted person who is taken ill in the course of serving a sentence if a medical practitioner finds this necessary.

If the convicted person has inflicted on himself or herself or simulated injury or disease in order to interrupt or evade detention in prison, and it is deemed unreasonable that the sentence period continues to run, the detention in a hospital shall not be counted as execution of the sentence.

### **§ 3-7. Transfer from one form of execution to another**

The state of a building or staff conditions or lack of room may exceptionally justify transfer to a more restrictive prison than the one indicated for security purposes.

### **§ 3-8. Execution of sentence outside prison; duty to appear as ordered**

In addition to the basic conditions in section 16 second paragraph of the Execution of Sentences Act and any conditions that may be imposed pursuant to section 16 third paragraph of the said Act, the convicted person shall be ordered to appear before the Correctional Services or another public authority, person or organization as designated by the Correctional Services, at least once a week.

### **§ 3-9. Control of prisoners in company**

Prisoners in company in a prison with a high security level shall be kept under constant supervision and control.

In a prison with a lower security level and in a prison/halfway house, supervision shall be provided on the basis of existing conditions, including building and staff conditions and the types of prisoners involved.

The prisoners shall by notices or in some other way be informed that common-rooms, corridors and other areas where they are present, may be subject to surveillance by means of technological surveillance equipment, including listening-in apparatus and the use of camera and TV surveillance.

### **§ 3-10. Freedom of movement**

Prisoners in a prison with a high security level must not be permitted to move freely around the prison's buildings or other areas. In prisons with a lower security level and in transitional homes this provision shall be practically applied in accordance with the security level in the prison in question.

### **§ 3-11. Order and discipline; coercive measures**

Local level may make supplementary provisions concerning peace, order and discipline in the prison. The prisoners shall conform to current provisions and comply with orders and decisions made by the staff of the Correctional Services.

Against prisoners who do not conform to provisions concerning peace, order and discipline; the staff may use physical force when this is necessary and justifiable and less intrusive measures have been tried in vain or appear to be inadequate.

As regards the use of coercive measures and the conditions for their application, see section 38 of the Execution of Sentences Act. Coercive measures require the approval of the Norwegian Correctional Services before they can be used.

### **§ 3-12. Facilities for activity in relation to the duty to take part in activity; alteration of contents**

Work, training, programmes or other measures are all on a par and satisfy the requirements of the duty to take part in activity. A prisoner may not be ordered to take part in training, programmes and other measures such as treatment and the like against his or her will. If the prisoner does not wish to take part in such measures, he or she may be ordered to work.

The contents of the activity may be altered if this appears necessary for execution of the sentence in a manner that satisfies the need for security or if staff conditions so indicate. The contents may be altered at any time in collaboration with the prisoner.

The provisions of section 3-20 of these regulations apply correspondingly to the use of computer equipment in instruction and work.

### **§ 3-13. Daily pay**

The income from the work done in the prisons accrues to the State. Participation in work, programmes, training and other measures to which the duty to take part in activity applies is remunerated on an equal basis. The Norwegian Correctional Services annually regulates the amount of the daily pay and lays down further conditions.

A prisoner shall be informed of what he or she gets in daily pay. At the end of each month he or she shall be informed of how much stands to the credit of his or her account.

Deductions may be made in prisoners' daily pay for irregular absence and bad workmanship. Prisoners who are absent from or refuse to take part in the activity allotted to them; shall not receive daily pay.

Prisoners who because of their state of health or working capacity are deemed to be unfit for employment in the ordinary activity of the prison shall be granted a minor amount of benefit payment according to rates determined by the Norwegian Correctional Services, cf. the first paragraph.

Similar amounts may be granted to convicted persons who voluntarily isolate themselves or to persons remanded in custody who will not work.

On movable feast-days (holidays) that fall on normal working days all prisoners who do not take part in ordinary work or who refuse to take part in the activity allotted to them shall be remunerated according to the rate for benefit payments. The same applies in the case of exemptions from the duty to take part in activity on special and clearly documented holidays when this has been ascertained beforehand at local level.

A convicted person who is serving his or her sentence in an institution or hospital pursuant to sections 12 and 13 of the Execution of Sentences Act shall as a general rule be granted daily pay according to the rate for benefit payments. It is a precondition for such payment that the convicted person does not receive daily pay or similar remuneration from the institution to which the said person is transferred. If the convicted person is insured, daily pay

shall cease upon transfer pursuant to sections 12 and 13 of the Execution of Sentences Act, cf. sections 3-27 and 3-28 of the National Insurance Act.

A convicted person who is serving his or her sentence outside prison pursuant to section 16 of the Execution of Sentences Act shall not be granted daily pay.

#### **§ 3-14. *Day-release***

Day-release may be commenced not earlier than after a continuous period of at least four months spent in custody. The convicted person must also have served at least one-third of the term of his or her sentence.

Day-release shall not as a general rule be granted for a longer period than one year. Day-release for instruction may; however, be granted for a period of up to two years if the instruction is part of an entire educational plan.

The above provisions may be departed from when there are special and weighty reasons for doing so. An immediately superior level may grant an application for dispensation.

Day-release shall not be granted for participation in one's own or close relatives' activity. The same applies to companies in which a convicted person has or has had considerable proprietary interests or important posts.

At the same time as day-release is commenced the convicted person shall be explicitly informed of the provisions concerning control of day-release.

#### **§ 3-15. *Contract of employment when on day-release, wages***

In the event of day-release to do work the Correctional Services shall ensure that a contract of employment is concluded between the convicted person and his or her employer.

#### **§ 3-16. *Health examination and treatment of prisoners***

If a prisoner so requests, the staff shall put him or her in touch with the public health service. The staff shall also of their own accord arrange contact with the health service if there is any indication that a prisoner is ill. If the prisoner is under 18 years of age, the staff shall arrange contact with the health service as soon as possible after committal.

The health service shall render its services in accordance with the security precautions necessary in a prison. This is particularly important in connection with the distribution and storage of medicines.

#### **§ 3-17. *Assistance from the staff in the use of medicines***

Prison officers may assist in the distribution of medicines if practical considerations make this necessary. If they are to assist, the municipal officer of health must have approved the system and the prison officers shall have received the necessary training. The public health authorities shall give such training. The health service shall specify the proper doses to be given of medicines obtainable only on prescription before the prison officers undertake a distribution thereof.

#### **§ 3-18. *Reporting and interviews***

- In connection with reporting from a prison conditions may be laid down to the effect
- That no information in text or pictures concerning a prisoner shall be published without the consent of the prisoner in question.
  - That no photograph of a member of the staff shall be taken unless it clearly appears from the caption that the person in question is serving in the prison. Prison staff may refuse to be photographed and have their names published.

- That a member of the staff shall follow the reporter round the prison area during the reporter’s tour. This condition shall be imposed in prisons with a high security level and in departments with an especially high security level.
- That the reporter shall not approach a prisoner unless the latter has given express permission.
- That the permission is limited to specific areas or premises in the prison.  
Other conditions may be laid down if it is deemed necessary for ensuring peace, order and security in the prison.

**§ 3-19. Private possessions; use of private means**

The local level may make further provisions concerning what objects and the number of objects that it is permissible to bring into a prisoner’s room. The same applies to objects that prisoners wish to keep stored in the prison area. Transfers between prisoners are not permitted without prior consent.

Prisoners may to a limited extent procure for themselves specified foodstuffs. Such procurements may be made by means of daily pay received.

Prisoners have no right to use private means for their own needs in prison unless the governor gives them special permission to do so.

Prisoners are not permitted to have symbols or articles that are likely to cause fear among other prisoners or contempt for them or that are in some other way unfavourable for the environment of the prison.

**§ 3-20. Computer equipment and the like**

Computer equipment and the like may be used by prisoners for work, instruction or other measures only when such use is found to be appropriate in regard to local conditions and unobjectionable from a security aspect. The same rules apply to the use of private computer equipment and the like.

In prisons with a high security level the use of private computer equipment and the like may be permitted only in quite special training situations where an extraordinary need for such use is documented.

As a general rule prisoners may not make use of computer equipment and the like which is linked to an external computer network, external computer equipment or the like. This may only be done if there is a special reason for it and when it is found to be unobjectionable from a security aspect. A precondition for the use of such equipment is that the rules for control of mail shall be complied with.

Software and other contents must not as regards text, pictures, film or sound be of such a nature as to have an unfortunate effect on the prisoners themselves, other prisoners or the environment of the prison as a whole.

All equipment, accessories and contents may be examined and controlled. The equipment shall, if possible, be sealed. Before permission to have private equipment available is granted, written consent must be obtained from the prisoner that control may be carried out at any time at the latter’s expense.

The rules relating to electronic correspondence are to be found in section 3-27 of these regulations.

**§ 3-21. Intoxicants**

Prisoners are prohibited from using any form of alcohol, narcotics or other intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed. Local level may make further provisions concerning where tobacco smoking is permitted.

**§ 3-22. *Clothes, bedclothes, toilet articles etc.***

Common rooms and prisoners' rooms shall have satisfactory equipment and furniture and be kept in a proper state. Prisoners shall handle prison furniture and equipment with care and shall not inflict damage thereon. Prisoners shall keep their rooms clean and tidy in accordance with further provisions made at local level.

Prisoners may have private clothes and shoes in accordance with further provisions made at local level. Private bedclothes and towels are not normally permitted. Prisoners shall be provided with the most necessary toilet articles as needed.

**§ 3-23. *Diet; purchases***

The diet in prison shall be in accordance with the current rules governing diet. The use and storage of dietary supplements are not permitted, except when such supplements are prescribed by a medical practitioner for medical reasons. This prohibition does not apply to ordinary vitamin supplements that are distributed in connection with meals.

Prisoners shall have an opportunity to purchase food and drink and toilet articles at least once a week.

**§ 3-24. *Examination of persons and objects***

Pursuant to section 27 of the Execution of Sentences Act a person may be detained by the staff for up to four hours to await the arrival of police at the prison.

**§ 3-25. *Inspection of prisoners, rooms and possessions***

In order to prevent or register disorder or criminal acts inspections of prisoners themselves, their rooms and possessions may be carried out.

Prisoners shall not be permitted to possess objects that may be deemed suspicious in regard to disorder or a risk of criminal acts.

No prior notice of the inspection need be given. Prisoners shall be informed of any damage resulting from the inspection.

Inspections may be carried out in the prison area, and also outside the wall or fence. This also applies to a prison/halfway house and the area appurtenant to it, which it controls.

Inspections may be carried out on arrival, at any time during execution of the sentence and before and after outings. Inspection of the prisoner personally or his or her possessions on arrival and before and after outings may be omitted only if such omission is not obviously contrary to security requirements. Prisoners who are released but who find themselves in the prison area, and persons who have not yet begun to serve their sentences, but who are present in the prison area may be inspected.

In connection with an inspection prisoners are obliged to comply with the orders that are given and shall behave quietly.

Prisoners shall not be present at inspections of rooms or common areas unless this is ordered or permitted by the staff in the particular case. Prisoners may be refused permission to be present when objects are being inspected.

Objects or substances that are revealed or found may be retained for further inspection or handed over to the police.

One or more control measures may be used in combination.



**§ 3-26. Inspections in order to expose the use of intoxicants, etc.**

The taking of urine samples shall be done according to one of the following procedures:

- The sample may be provided under supervision, or
- The sample may be provided without supervision by the staff if the prisoner has taken off all his or her clothing beforehand. The sample may then be provided in a suitable “naked” room without a water supply.

The question of placing a person in a secluded room with a special lavatory shall be submitted to the regional level if it is deemed necessary to maintain the measure for more than three days.

**§ 3-27. Electronic correspondence**

Prisoners may exceptionally be permitted to use and dispose of computer equipment and other electronic equipment in order to communicate with persons and similar equipment outside the prison if the prison can control such transmissions in accordance with the rules applicable to the control of mail, and if this can be done without extra costs. The prison staff may control all equipment and accessories.

Transmissions may be controlled by being wholly read, heard or seen before being dispatched from the prison, or before the prisoner receives them. Transmissions that the prisoner has already received may also be controlled.

Electronic communications with and from officially appointed defence counsel; diplomats and other specified persons shall be treated as other postal items. The contents of the transmission shall not be read, seen or heard, but it shall be possible to check whom the sender or receiver is.

**§ 3-28. Visits**

A prisoner may as a general rule himself or she chooses the persons whom he or she wishes to have as visitors. On admission the prisoner may draw up a list of not more than four persons from whom he or she wishes to receive visits. Others may subsequently replace these persons.

A visitor may not bring in or deliver objects to the prisoner during the visit unless special permission to do so is given.

**§ 3-29. Telephone calls**

Prisoners may themselves choose the persons to whom they wish to make telephone calls, and the prison may not restrict this circle apart from exercising the right to refuse prisoners permission to make telephone calls.

In prisons with a high security level, prisoners shall be permitted to carry on one or more telephone conversations of a total duration not exceeding 20 minutes per week, unless the facilities available are insufficient for this purpose. In prisons with a lower security level and prison/halfway houses, this time restriction does not apply.

The local level may grant an extension of telephoning time if there are special reasons for doing so and the facilities available are not insufficient for this purpose.

Costs incurred as a result of telephone calls shall as a general rule be paid by the prisoners themselves from the daily pay the prison pays them. Necessary discussions with officially appointed defence counsel, the prisoner’s diplomatic or consular representative, or the prisoner’s relatives, might be paid for by private means. In cases where prisoners lack private means the prison shall pay such necessary costs. The prison shall pay the costs of necessary discussions by a person remanded in custody with his or her defence counsel at the cheapest rate. An order to ring a permanently installed telephone may be given.

**§ 3-30. Leave of absence; period of leave of absence; expenses incurred through leave of absence; leave of absence abroad**

Leave of absence may be granted in the form of ordinary leave of absence, compassionate leave, and short-term leave of a few hours' duration.

Convicted persons may in addition to short-term leave of absence be granted an ordinary total period of leave of absence annually (leave-of-absence quota) not exceeding 18 24-hour periods, with extra time for necessary travelling. Pursuant to further guidelines from the Norwegian Correctional Services convicted persons may in special cases be granted an annual leave-of-absence quota not exceeding 30 24-hour periods. The leave-of-absence quota runs from the time the first ordinary leave of absence is effected. Prison/halfway houses have their own provisions regarding the leave-of-absence quota.

Expenses incurred in connection with leave of absence shall as a general rule be paid for out of private means. The prison may contribute to travelling expenses to and from the leave-of-absence destination in cases of special need. The same applies to the costs of necessary board and lodging en route.

As a general rule, leave of absence abroad shall not be granted.

Ordinary leave of absence and short-term leave of absence may be effected after a continuous period in custody immediately preceding the date when leave of absence is granted of not less than four months. A convicted person must in addition have served at least one-third of his or her sentence. A convicted person with a longer sentence than imprisonment for a term of 12 years may be granted ordinary leave of absence after continuously serving four years of the sentence (time for leave of absence).

Compassionate leave may be granted at any time during execution of the sentence before the time for leave of absence is reached.

**§ 3-31. Exceptions from the general conditions for leave of absence**

If there are special and weighty reasons for so doing, a convicted person may exceptionally be granted leave of absence at an earlier date than that provided for in section 3-30 (advanced time for leave of absence). If there are special and weighty reasons for so doing, a convicted person may exceptionally be granted leave of absence for more 24-hour periods annually than is provided for in section 3-30 (extended leave-of-absence quota).

**§ 3-32. Escorted leave**

Prisoners may, if necessary, be granted escorted leave unless this is contraindicated by security considerations and lack of resources.

**§ 3-33. Interruption of sentence**

Interruption of the sentence may be granted only if after a specific overall assessment it is deemed to be justifiable from a security aspect.

Such interruption may be granted for a specific period not exceeding four weeks and may subsequently be extended once by not more than four weeks. An application for further extension may be granted at immediately superior level. In especially exceptional cases a superior level may grant an interruption for an indefinite period.

In the case of an interruption the provisions relating to release apply as far as they are appropriate.

**§ 3-34. Conditions relating to leave of absence and interruption of sentence; breach of conditions**

Following specific assessment suitable conditions in addition to those listed in section 36 of the Execution of Sentences Act may be imposed if this appears necessary for effecting the leave of absence or interruption of sentence in a manner that satisfies the need for security.

In the event of a breach of conditions or preconditions for leave of absence or interruption of sentence before the period of such leave or interruption has expired, the permission granted in regard to the remainder of such leave or interruption may be withdrawn. The convicted person may be ordered to return to prison.

**§ 3-35. Exclusion from company as a preventive measure**

Exclusion pursuant to section 37 of the Execution of Sentences Act is deductible from any subsequent sanction pursuant to section 40, second paragraph, items c to e, of the Execution of Sentences Act.

Detrimental effects of exclusion from company shall as far as possible be prevented or remedied.

**§ 3-36. Immediate exclusion as a consequence of breaches of execution of prison sentences and special criminal sanctions**

Exclusion pursuant to section 39 of the Execution of Sentences Act is deductible from any subsequent sanction pursuant to section 40, second paragraph, items c to e, of the Execution of Sentences Act.

**§ 3-37. Sanctions for breaches of the execution of prison sentences and special criminal sanctions; loss of daily pay and loss of privileges**

Loss of daily pay may be imposed for a period not exceeding 14 days, and this applies only to loss of daily pay that has not been earned at the date the sanction is imposed. The rate of daily pay otherwise granted to prisoners shall be reduced by up to 50 per cent during the sanction period.

The following losses of privileges may be imposed (completely):

- Permission to watch television from the prisoner's room.
- Permission to have private computer equipment in the prisoner's room.
- Permission to have a trusty job in or outside the prison area.
- Permission to make purchases in addition to necessary articles.
- Permission to pursue a hobby.

The loss may apply until further notice or for a specific period, but not for more than 20 days. This time limit does not apply to loss of permission to have a trusty job.

**§ 3-38. Sanctions for breaches; right to express an opinion; attempt; recidivism**

Prisoners shall be given an opportunity to express an opinion, and a report of the interview shall be written before a sanction is imposed.

An attempt is subject to a more lenient sanction than a completed breach.

If a prisoner has committed more than one new breach at the date of the sanction for which a sanction has not already been imposed, such breaches shall be jointly dealt with in a single sanction case if this is not barred by time factors. The fact that the prisoner has committed more than one breach shall be reflected in the joint assessment that is to be made.

**§ 3-39. Sanctions for breaches; suspended sanction; implementation; suspensive effect**

A sanction may be suspended for a probational period not exceeding three months if on an overall assessment; it is deemed appropriate that execution of the sanction shall be deferred.

An immediate sanction that has been imposed may subsequently be converted into a suspended sanction in special cases.

A sanction that has been imposed shall not as a general rule be implemented before the time limit for an appeal has expired. An appeal has a suspensive effect except in cases where it is decided at the local or regional level that an appeal shall not have such a suspensive effect.

**§ 3-40. Payment of travelling expenses on release from a prison sentence**

Expenses incurred for the cheapest method of travel to an address in Norway, as well as the cost of necessary board during the journey, shall be paid by the prison unless there are special reasons why the convicted person himself or herself should wholly or partly pay such expenses.

**§ 3-41. Release from a prison sentence; when an administrative decision is required; aliens**

Release on probation may only be effected if after a specific assessment it is deemed appropriate.

If a convicted person is denied release on probation, the question of such release shall be given constant consideration, and not later than three months after release pursuant to section 42 first paragraph of the Execution of Sentences Act could otherwise have been effected. For a convicted person who is sentenced to imprisonment for a term of from five to 12 years, the assessment shall be done within six months at the latest, and for a convicted person who is sentenced to imprisonment for a term exceeding 12 years, the assessment shall be done within one year at the latest.

If after the above-mentioned time limits have expired there are still grounds to deny the convicted person release on probation, the question shall be given constant consideration, not later than within a new period of three or six months or one year respectively after previous administrative decisions, cf. the second paragraph.

An administrative decision concerning release on probation may be made subject to a condition that a deportation decision shall be implemented concurrently with the release. If physical transportation out of the country proves to be impossible to effect after release on probation subject to such a condition, the local level may decide to return the convicted person to prison until transportation abroad can be effected.

**§ 3-42. Duty to appear during the probation period**

The prison governor shall in cooperation with the chief probation officer determine a date for the first meeting and the frequency of meeting before the date of release. The period during which there is a duty to appear runs from the date of the first meeting with the aftercare service. The convicted person shall appear punctually.

The length of the period during which there is a duty to appear shall normally be three months. In the case of lengthy sentences where it appears necessary to counteract new criminality, the said period may be fixed at not more than one year. In the case of shorter sentences the said period may be fixed at a shorter period, but not less than one month.

In addition to a particular executive officer in the aftercare service, another contact person appointed by the aftercare service may be used.

A plan for execution of the sentence shall be drawn up between the Probation service and the convicted person concerning the detailed contents of the period during which there is a duty to appear. The plan may be altered if this is necessary because of new information or altered life situation.

The convicted person shall have a prior opportunity to express an opinion concerning the period during which there is a duty to appear before the Correctional Services and concerning any other conditions.

The convicted person shall himself or herself pay the travelling expenses in connection with the duty to appear. The Correctional Services shall pay such expenses if the convicted person lacks the means to pay.

#### **§ 3-43. *Extension of the period when there is a duty to appear; cessation***

The period during which there is a duty to appear may be extended by up to three months. The regional level may decide on a further extension, but not one exceeding one year. The period cannot be extended beyond the expiry of the probation period.

The period during which there is a duty to appear ceases when

- a) The fixed period, including any extension, expires,
- b) The Probation service so decides,
- c) A judgment or order is pronounced as a consequence of a breach of the probation conditions, and the new judgment excludes a duty to appear,
- d) The proceedings are transferred to another country.

#### **§ 3-44. *Control of persons released on probation***

The Probation service shall ensure that fixed conditions are complied with and may order the convicted person to provide information that can secure such control.

#### **§ 3-45. *Breaches of conditions relating to release on probation during the period when there is a duty to appear before the Correctional Services***

If the convicted person refuses to provide a sample to disclose the use of unlawful intoxicants or anaesthetics, this shall be regarded as a breach. The Probation service is empowered to give an oral warning if the convicted person's breach is not serious, or there are especially extenuating circumstances.

## **Chapter 4. Remand in custody and other sanctions when specially provided by statute**

### **§ 4-1. Location of persons remanded in custody; transfer**

The Correctional Services shall without undue delay make prison accommodation available after a remand order is made. The Correctional Services and the police have a joint duty to ensure that such a transfer from police cells to prison is effected.

In an especially exceptional case a person remanded in custody may be transferred from prison to a police cell in connection with the main hearing of a criminal case. This applies only if it is not possible to find a vacant place for custody on remand in the vicinity of the court, and the distance between the prison where the person is remanded in custody and the court is so long that it is practically impossible to bring the person remanded in custody to court every day. Any such detention shall be of very short duration, and a constant effort shall be made to procure a suitable room in a prison in the vicinity of the place where the main hearing is being held.

Persons remanded in custody may be transferred to another prison at the request of the police or the prosecuting authority if this is deemed necessary for investigation purposes.

### **§ 4-2. Company**

Prisoners whom the court has not yet decided to imprison shall have access to the company of other prisoners only with prior consent of the prosecuting authority.

### **§ 4-3. Work, training, programmes and other measures**

Persons remanded in custody that are not subject to restrictions and other prisoners pursuant to this chapter have the same right as convicted prisoners to take part in all measures and in the leisure company that the particular prison offers.

### **§ 4-4. Transition from remand in custody to execution of the sentence; release**

Persons remanded in custody shall be transferred from custody on remand to execution of the sentence or preventive detention when the authority so authorized by a legally enforceable judgment or by a decision for pre-emptive enforcement of a judgment has so ordered.

Persons remanded in custody shall be released without delay when the court or the prosecuting authority has so ordered.

If a person remanded in custody is sentenced to a term of immediate imprisonment, which is deemed to be fully served during remand in custody, he or she shall be released immediately. If a person remanded in custody has served so great a part of the sentence of imprisonment during remand in custody that he or she satisfies the conditions for release on probation pursuant to section 42 of the Execution of Sentences Act, he or she may be released on probation pursuant to these provisions.

## **Chapter 5. Community sentences**

### ***§ 5-1. Deferment of execution of community sentences; estimation of sentence period***

Section 3-1 of these regulations applies in so far as it is appropriate.

The sentence period does not include the period during which the convicted person has been granted an interruption pursuant to section 57 of the Execution of Sentences Act. Nor does the sentence period include the period during which execution of a community sentence has been interrupted pursuant to section 58 third paragraphs and section 59, second paragraph of the Execution of Sentences Act. Otherwise section 3-3 first paragraph item c and second paragraph of these regulations apply as far as they are appropriate.

### ***§ 5-2. Contents of a community sentence***

A plan for execution of the sentence shall be drawn up between the Probation service and the convicted person concerning the contents of the community sentence.

Execution of the sentence shall be so arranged that the convicted person can carry on his or her ordinary work or school attendance without absence. If due consideration for the staff or external collaborators so indicates, the convicted person may be required to take time off from work or school.

Basically participation in a programme is voluntary, but information concerning a programme in connection with drafting the detailed contents of a community sentence may be mandatory

Hours spent discussing the drafting are part of the community sentence and shall be deducted from the total number of hours.

The convicted person shall himself or herself pay the travelling expenses incurred in connection with the execution of a community sentence. The Probation service shall pay such expenses if the convicted person lacks the means.

### ***§ 5-3. Interruption of the sentence***

Interruption of the sentence may be granted for a specific period not exceeding four weeks and may later be extended once for not more than four weeks. The question of further extension shall be submitted to a superior level for decision. In especially exceptional cases the regional level may grant an interruption for an indefinite period. The total length of the interruption must be in reasonable proportion to the length of the sentence and the grounds for the interruption.

### ***§ 5-4. Sanctions for breaches***

If the convicted person refuses to provide a sample to disclose the use of unlawful intoxicants or anaesthetics, this shall be regarded as a breach.

Failure to attend a meeting to discuss information or drafting or to take part in an agreed programme is regarded as a breach.

The Probation service is empowered to give an oral warning if the breach committed by the convicted person is not serious.

## **Chapter 6. Special provisions concerning committal to and detention in departments with an especially high security level**

### **§ 6-1. *Decision-making authority and duration***

Regional level will decide whether the conditions for detention in a department with a specially high security level are satisfied and will make an administrative decision concerning committal, continued detention, or transfer to another department with a specially high security level as well as transfer to a prison or department with a high security level.

An administrative decision concerning committal to a department with an especially high security level may endure for up to six months at a time. The detention may continue without interruption if the regional level after renewed consideration so decides in a new administrative decision.

### **§ 6-2. *Conditions for committal to a department with an especially high security level***

Convicted persons and persons remanded in custody may be committed to a department with a specially high security level if it may be assumed that their detention involves a special risk of escape, a risk of external attempts to assist their escape, a risk of hostage-taking or a risk of specially serious new criminality.

When other security measures have proved to be or appear as obviously inadequate, prisoners who have been guilty of repeated violence or specially threatening conduct may also be included.

### **§ 6-3. *Company of other prisoners***

Prisoners serving sentences in a department with an especially high security level shall not share the company of prisoners from other departments.

Local level will decide whether several prisoners in a department with an especially high security level shall share each other's company.

Exclusion from company in a department with an especially high security level is not subject to a time limit, provided that such exclusion is not deemed to be disproportionate.

### **§ 6-4. *Work, training, programmes or other measures***

Restrictions on company shall be compensated for by extended contact with the staff and by provision of satisfying facilities for work, training, and other activities and leisure pursuits.

### **§ 6-5. *Religion and philosophy of life***

Discussions with priests, ministers of religion, spiritual advisers or other ethical advisers shall as a general rule be conducted subject to the control measures applicable to ordinary visits. Local level may permit relaxations of the control measures in the case of religious activity, subject to prior consent from the regional level.

### **§ 6-6. *Reporting and interviews***

The local level will decide whether and when reporting may be done. A prison officer shall at all times accompany reporters and their colleagues.

Reporters and their colleagues are subject to a duty of secrecy as regards information of a security nature and shall be informed of this responsibility and also are required to clear with the local level whether the material they intend to publish contains confidential information. The media are themselves responsible for ensuring that the rules of press ethics are complied with and that publication will not breach other provisions.



Local level may impose further conditions for the practical implementation of reporting or interviews.

#### **§ 6-7. Health services**

Prisoners shall have regular medical supervision. Medical supervision and follow-up shall as a general rule be carried out in a department with an especially high security level. It may exceptionally be done outside the prison, but there must then be a prior assessment as to whether armed police shall at all times be present and provide a guard. Prior consent shall, if possible, be obtained from the regional level before a decision is made for an escorted visit to a hospital. Regional level will decide whether the sentence may be served in hospital.

#### **§ 6-8. Inspection of prisoners, rooms and possessions**

In departments with an especially high security level the prisoners themselves and the possessions they bring with them shall always be inspected on arrival, as well as before and after outings.

#### **§ 6-9. Inspection of other persons and objects**

Information shall be obtained beforehand, and at least every six months, from the central criminal records office concerning every person who seeks access to a department with an especially high security level, excepting diplomats and consular representatives. As regards visitors and other persons who are not employed in the prison, a prior check shall also be carried out as to whether the police have other information of importance from a security aspect.

Every person who enters or exits from a department with an especially high security level shall pass a metal detector and other mandatory checks. A search may be conducted by consent if a positive result is obtained from control by means of technological equipment or a dog, or by spot-checking or routine control or on suspicion. This also includes an officially appointed defence counsel or representative of a public authority, including a diplomatic or consular representative, as well as members of the staff.

If the inspection provides a positive result, the unlawful object shall be seized and handed over to the police or temporarily retained.

It is not permitted to take objects into or out of a department with an especially high security level without special approval. All objects that are taken into or out of a department with an especially high security level shall be carefully checked, if necessary by means of radiography or the like. Inspection of objects belonging to an officially appointed defence counsel or a representative of a public authority, including a diplomatic or consular representative, must not involve the disclosure or destruction of any confidential contents of a letter or documents.

No person is permitted to bring a mobile telephone or the like into the department. Any mobile telephone or the like that may happen to be brought in shall be taken care of by the prison staff until the visit is ended.

Refusal to accept control measures, and evasion of or attempted evasion of control measures may lead to instant denial of entry. The same applies if the control measures provide a positive result, or there is otherwise reason to assume that a person is attempting to bring in objects that are not permitted in the prison. Such persons may for the same reasons be detained in the prison until the police arrive. If it is assumed that other security measures are adequate, the said persons may, however, be permitted access to the department.

An officially appointed defence counsel or a representative of a public authority, including a diplomatic or a consular representative, may not be detained and may be denied entry only if he or she does not cooperate in the inspection.

### **§ 6-10. Visits**

Visits shall be carried out by using glass wall and listening in, or with a prison officer in the room. Local level may permit relaxations of these control measures after prior consent from the regional level. Relaxations cannot be permitted if the visitor resists the mandatory control measures.

An officially appointed defence counsel or a representative of a public authority, including a diplomatic or consular representative, shall be allowed to communicate freely with prisoners, without any listening in or staff presence in the visiting room. A glass wall shall be used, and the visit may in addition be carried out under supervision.

All discussions shall be carried on in Norwegian or English or in a language understood by the prison officer who is exercising control. This requirement does not apply to prisoners' discussions with an officially appointed defence counsel or a representative of a public authority, including a diplomatic or consular representative. Breach of the language requirement shall lead to the immediate interruption of the visit.

### **§ 6-11. Correspondence**

Correspondence with or from prisoners shall be controlled by radiography or the like, and opened or read through before it is delivered or sent. Such correspondence may be wholly or partly confiscated. The same control of correspondence already received by prisoners may be carried out. Correspondence shall be conducted in Norwegian or English or in a language understood by the staff.

Prisoners' correspondence with an officially appointed defence counsel or a representative of a public authority, including a diplomatic or consular representative, shall be controlled by radiography or the like, and shall in a suspicious case be opened by a prison officer in the presence of the prisoner, but shall not be read through by the prison officer. Such control must not result in disclosure or destruction of confidential contents of a letter or documents.

### **§ 6-12. Telephone calls**

All telephone calls require prior approval by local level, and they shall be conducted in Norwegian or English or in a language understood by the prison officer who is exercising control.

All telephone calls to and from prisoners shall be listened in to in full. The prisoner and the person addressed shall be given prior notice of the listening in. The prison officer may interrupt the call if the language requirement is not complied with, or when there may be reason to assume misuse.

Discussions with an officially appointed defence counsel or a representative of a public authority, including a diplomatic or consular representative, shall not be listened in to.

Investigations to ascertain the true identity of the other party to the conversation shall be carried out beforehand, and during the conversation if feasible.

A tape-recording of a conversation may be made if planning of an escape is suspected. Such recordings may not be made of discussions with an officially appointed defence counsel or a representative of a public authority, including a diplomatic or consular representative.

### **§ 6-13. Escorted leave**

Escorted leave may be granted only in extraordinary cases in the event of health treatment, and then only pursuant to the provisions of section 6-7 of these regulations.

**§ 6-14. Departures from or relaxations of control measures**

Under no circumstances shall relaxations be made in relation to the above-mentioned rules except pursuant to a decision made at regional level.

## **Chapter 7. Miscellaneous provisions**

### **§ 7-1. *Supplementary guidelines***

The Norwegian Correctional Services will issue further guidelines to the Execution of Sentences Act and these regulations.

### **§ 7-2. *Commencement***

These regulations shall apply from 1 March 2002.