Act concerning the execution of prison sentences in Mecklenburg-Western Pomerania – (Prison Act Mecklenburg-Western Pomerania – StVollzG M-V)

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The State Parliament of Mecklenburg-Western Pomerania has adopted the following Act:

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Section 1: Application

This Act shall regulate the execution and serving of sentences to imprisonment and of military disciplinary confinement in penal institutions (institutions).

Section 2: Aim and objective of the execution of sentences to imprisonment

The aim of executing and serving sentences to imprisonment shall be to enable the prisoners to lead a socially responsible life without criminal offending. The objective of imprisonment shall be to protect the general public from the commission of further criminal offences.

Section 3: Principles of the prison regime

(1) The regime in which sentences to imprisonment are executed and served shall be designed in a fashion that confronts the prisoners with their criminal offences and the consequences of their offending.

(2) Right from the beginning, imprisonment shall work towards the integration of the prisoners into life in freedom.

(3) Prisoners who have been ordered to be placed in detention for the purpose of incapacitation (preventive detention), or whose order to preventive detention has been deferred, shall be provided with individualized and intensive support in order to make their placement in such detention dispensable. Individualized measures shall be developed if standardized measures prove insufficient or are likely to be unsuccessful.

(4) Life during imprisonment shall be approximated as far as possible to general living conditions.

(5) Detrimental effects of imprisonment shall be counteracted.

(6) The prisoners' relationship to social life shall be preserved and promoted. Persons and bodies outside of the institution shall be involved in everyday life in the institution. The prisoners shall be enabled to participate in life in freedom as soon as possible.

(7) The different needs of prisoners, especially such related to gender, age and origin, shall be considered in the shaping and organization of the regime of imprisonment, both generally and individually.

Section 4: Prisoners' status, participation and involvement

(1) The personality of the prisoners shall be respected. Their autonomy in everyday life in the institution shall be preserved and fostered as far as possible.

(2) The prisoners shall be involved in the organization and shaping of everyday life in the institution. Measures pertaining to the execution of sentences to imprisonment shall be explained to them.

(3) The involvement and participation of the prisoners shall be required in order to achieve the aim of imprisonment. Their readiness to such involvement and participation shall be promoted.

(4) The prisoners shall be subject to such restrictions of their liberty as are provided in this Act. Unless the Act provides a special regulation, only such restrictions may be imposed on them as are indispensable for maintaining security or for averting a serious disturbance of order in the institution.

Section 5: Social support and reparation

The prisoners shall be supported in the alleviation of their personal, economic and social troubles. They shall be encouraged and enabled to resolve their own matters themselves, in particular regarding debt regulation and repairing the material and immaterial damage caused by their criminal offending.

Chapter 2
Admission, diagnostic assessment, treatment and integration planning

Section 6: Procedure of admission

(1) An arrival interview shall be conducted with the prisoners promptly upon their admission. The purpose of the arrival interview is to discuss and outline the prisoners' living situation and life circumstances, and to inform the prisoners of their rights and duties. A copy of the House Rules shall be placed at their disposal. The prisoners shall, should they so demand, be provided with access to this Act, the Acts to which it refers, and the statutory decrees and administrative rules governing its execution.

(2) No other prisoners may be present during the procedure of admission.

(3) The prisoners shall be medically examined without undue delay.

(4) The prisoners shall be supported in the making of potentially necessary arrangements for relatives in need of assistance, for maintaining employment and accommodation, and for safeguarding their belongings outside of the institution.

(5) Where prisoners are serving or have to serve a sentence to imprisonment in default of payment of a pecuniary penalty, the possibility to prevent such sentences being enforced by rendering free labour or by paying the pecuniary penalty in instalments shall be discussed with them. Such prisoners should be released as soon as possible.

Section 7: Diagnostic procedure

(1) The procedure of admission shall be followed by the diagnostic procedure. The diagnostic procedure shall serve as the means for preparing sentence and integration planning.

(2) The diagnostic procedure must satisfy criteria based on scientific insights. Particularly in cases of prisoners who have been ordered to be placed in preventive detention, or for whom such an order has been deferred, the diagnostic procedure shall be conducted by

persons with pertinent scientific qualifications.

(3) The diagnostic procedure shall cover the prisoners' personality, living conditions, the causes and circumstances of the criminal offence as well as all other matters knowledge of which appears necessary in order to provide a targeted and effective penal regime and for ensuring that the prisoners are successfully integrated when they are released. Besides the records and documents pertaining to the enforcement and execution of previous sentences to imprisonment, in particular, information from the Court Assistance Agency, the Probation Service and the authority responsible for the supervision of conduct shall also be considered.

(4) The diagnostic procedure shall serve to identify the factors that were promotive of the criminal behaviour shown in the individual case. At the same time, the diagnostic procedure shall identify the prisoners' skills and abilities, the strengthening of which can help to prevent the commission of new criminal offences.

(5) When the duration of sentence is estimated to not exceed one year, the diagnostic procedure may be limited to those circumstances that are indispensable for providing an appropriate prison regime and that are necessary for achieving prisoner integration. Independent of the duration of imprisonment, this shall also apply in cases in which prisoners are exclusively serving imprisonment in default of payment of a pecuniary penalty.

(6) The outcome of the diagnostic procedure shall be discussed with the prisoners.

Section 8: Sentence and integration planning

(1) The outcomes from the diagnostic procedure shall serve as the foundation for the drafting of a sentence and integration plan. The sentence and integration plan shall demonstrate to the prisoners the measures necessary for achieving the aim of executing sentence, taking into consideration the estimated duration of stay in the institution. Furthermore, the sentence and integration plan may contain further recommendations and offers of assistance. The abilities, skills and inclinations of the prisoners shall be taken into account.

(2) The sentence and integration plan shall be compiled within the first eight weeks upon admission. This period shall be four weeks for prisoners whose expected duration of stay in the institution is shorter than one year.

(3) The sentence and integration plan shall be discussed with the prisoners. In doing so, their ideas and suggestions shall be considered, so long as they are conducive to achieving the aim of executing sentence.

(4) The sentence and integration plan, as well as the measures envisaged therein, shall be regularly reviewed and updated every six months. The development of the prisoners as well as information gathered in the meantime shall be considered. All measures undertaken shall be documented.

(5) The sentence and integration plan shall be drawn up and updated in a conference conducted by the Head of the Institution. The persons significantly involved in the design and organization of the prison regime shall be present at the conference. In cases of prisoners who were under probation or supervision of conduct prior to their imprisonment, the probation officers who were responsible prior to the imprisonment of their clients may be involved in the conference. The sentence and integration plan shall be disclosed and explained to the prisoners in the conference.

(6) Persons outside of the institution who contribute to the prisoners' integration shall be involved in the planning process where possible. They may also be involved in the conference if the prisoners agree to such involvement.

(7) If it is anticipated that prisoners shall be placed under probation or supervision of conduct upon their release, the probation officer who shall be responsible upon release shall be enabled to participate in the conference in the last twelve months prior to the anticipated release date. The sentence and integration plan shall be transmitted to the probation officer who will in future be responsible.

(8) Prisoners shall be provided with copies of the sentence and integration plan and of the updates and amendments made thereto.

Section 9: Content of the sentence and integration plan

(1) The sentence and integration plan as well as the updates and amendments thereto shall, in particular, contain the following details:

1. summary of the outcomes from the diagnostic procedure that are significant for the sentence and integration plan,
2. anticipated release date,
3. placement in the closed or open regime,
4. measures for promoting readiness to participate,
5. placement in a residential group and participation in the residential group regime,
6. placement in a socio-therapeutic unit and participation in the treatment programmes of said unit,
7. participation in individual or group therapy measures, in particular psychological intervention and psychotherapy,
8. participation in psychiatric treatment measures,
9. participation in measures for the treatment of addictions to and the abuse of addictive substances,
10. participation in training measures for improving social skills,
11. participation in scholastic and vocational qualification measures, including literacy and German language courses,
12. participation in work-therapeutic measures or vocational training,
13. work,
14. free employment, self-employment
15. participation in sports programmes and measures that promote structured leisure time,
16. short leaves, outside work,
17. relaxations for achieving the aim of serving sentence,
18. maintenance, promotion and shaping of outside contacts,
19. debt counselling, debt regulation and fulfilling obligations to provide maintenance,
20. reconciliation of the consequences of offences, including victim-offender mediation,
21. measures for preparing release, integration and aftercare, and
22. deadline for updating the sentence and integration plan.

In cases of prisoners who have been ordered to be placed in preventive detention, or for whom such an order has been deferred, the sentence and integration plan, as well as updates and amendments thereto, shall also provide information pertaining to the measures referred to in Section 3 (3) Sentence 2, as well as to the filing of an application as provided in Section 119a (2) of the Federal Code on the Execution of Sentences to Imprisonment.

(2) Measures in accordance with Subsection (1) Sentence 1 Nos. 6 to 13 and Subsection (1) Sentence 2 which – according to the outcome of the diagnostic procedure – are absolutely necessary for achieving the aim of serving sentence shall be denoted as such, and shall have priority over all other measures. Other measures shall not be permitted if doing so would impact negatively on participation in the measures stated in Sentence 1.

(3) Planning of preparation for integration shall begin no later than one year prior to the anticipated release date. Tying into sentence planning that has occurred up until this point, from this moment onwards the measures pursuant to Subsection (1) Sentence 1 No. 21 shall be concretised or supplemented. In particular, comment shall be made in regard to:

1. placement in the open regime, transitional establishments,
2. accommodation as well as work or training upon release,
3. rendering support in making visits to public authorities and acquiring necessary personal documents,
4. involvement of the State Office for Non-Custodial Offender Support,
5. establishing contact with agencies engaged in the care of released prisoners,
6. continuation of measures that have not been completed while serving sentence,
7. proposal of conditions and instructions for the Probation Service or the authority responsible for the supervision of conduct,
8. referrals to continued care and support,
9. the provision of after-care by institutional staff.

Chapter 3
Accommodation, transfer

Section 10: Separation of male and female prisoners

Male and female prisoners shall be accommodated separately. Joint measures, especially such pertaining to scholastic and vocational qualification, shall be permissible.

Section 11: Accommodation during lock-up hours

(1) Prisoners serving their sentences in the closed regime shall be accommodated alone in their cells.

(2) They may be accommodated together with other prisoners if they so agree, so long as no detrimental influences are to be feared. The prisoners' agreement to joint accommodation may be dispensed with where there is danger to their health or when they are in need.

(3) Beyond the provisions in Subsection (2), accommodating prisoners together shall be permissible only temporarily, and only when there are compelling reasons.

Section 12: Accommodation outside of lock-up hours

(1) Outside of lock-up hours, the prisoners shall be allowed to spend time in the company of others.

(2) The entitlement to spend time in the company of others may be restricted

1. where a detrimental influence on other prisoners is to be feared,

2. when security or order in the institution so requires, or

3. during the diagnostic procedure, however for no longer than eight weeks.

Section 13: Execution of sentence in residential groups

(1) The residential group regime shall serve to train prisoners in living together with other persons in a socially acceptable manner, in particular in terms of promoting tolerance and assuming responsibility for themselves and for others. The regime in residential groups shall be such that enables the prisoners accommodated there to regulate everyday life in a largely independent or autonomous fashion.

(2) Residential groups shall be established is structurally separate units with up to 15 prisoners. Beyond cells, residential groups shall dispose of other rooms and facilities for shared use. Residential groups shall, as a rule, be supervised by dedicated institutional staff.

Section 14: Accommodation of mothers with children

(1) Where the child of a prisoner is not yet three years old, it may be accommodated in the institution with the consent of the person or persons competent for determining the child's place of residence, if the structural circumstances in the institution allow it and doing so is not in opposition to grounds pertaining to security. The Youth Welfare Office shall be consulted prior to such accommodation.

(2) The costs arising from accommodation in accordance with Subsection (1) shall be borne by the person or persons legally obliged to provide maintenance for the child. Assertion of the entitlement to claim reimbursement of the costs may exceptionally be dispensed with if the joint accommodation of mother and child would otherwise be jeopardized.

Section 15: Closed and open regimes

(1) The prisoners shall be placed in open or closed regimes. Open units shall dispose of no or only limited precautions against escape.

(2) Prisoners should be allocated to the open regime if they meet the special requirements of said regime. In particular, they should be so allocated when it can be justifiably assumed that they shall not evade serving their prison sentence or abuse the open regime to commit criminal offences.

(3) Prisoners shall be allocated to the closed regime if they no longer meet the special requirements necessary for eligibility for the open regime.

Section 16: Transfer, temporary transfer

(1) In deviation from the Scheme of Execution, prisoners may be transferred to another institution, if doing so will be promotive of achieving the aim of imprisonment, or is necessary for reasons pertaining to penal organisation or for other important reasons.

(2) Prisoners may be transferred temporarily to another penal institution when there is an important reason.

Chapter 4
Social therapy, psychological intervention and psychotherapy

Section 17: Social therapy

(1) Social therapy serves to minimize any serious dangerousness that prisoners exhibit. On the basis of therapeutic community, social therapy shall comprise, in particular, psychotherapeutic, socio-pedagogic and work-therapeutic measures, and link them within comprehensive treatment programmes. Persons from the prisoners' social environment outside of the institution may be involved in their treatment.

(2) Prisoners shall be accommodated in a socio-therapeutic unit if their participation in the treatment programmes provided there is indicated in order to minimize the serious dangerousness they have been assessed to exhibit. Prisoners shall be deemed seriously dangerous if it is to be feared that they will commit serious offences against life or limb, personal freedom or sexual self-determination.

(3) Other prisoners may, with their consent, be transferred to a socio-therapeutic unit if their participation in the treatment programmes provided there appears advisable for achieving the aim for which they are serving sentence.

(4) Placement shall occur at a point in time that either allows the expectation that treatment will be completed by the anticipated release date, or that renders possible that treatment can be continued after release. If preventive detention has been ordered, or if such an order has been deferred, allocation to a socio-therapeutic unit shall occur at a point in time that allows the realistic expectation that treatment can be completed in the course of serving the sentence to imprisonment.

(5) Prisoners shall be transferred out of the socio-therapeutic unit if the aim of treatment cannot be achieved due to reasons inherent in the prisoners' personality.

Section 18: Psychological intervention and psychotherapy

Psychological intervention and psychotherapy during sentence shall serve, in particular, as means for treating mental disorders of behaviour and experience that are associated with the exhibited criminal behaviour. Such intervention and therapy shall systematically employ scientifically sound psychological conversation techniques involving one or more persons.

Chapter 5
Work-therapeutic measures, job training, scholastic and vocational qualification measures, work

Section 19: Work-therapeutic measures

Work-therapeutic measures shall provide prisoners with opportunities to consolidate qualities and attributes such as self-confidence, perseverance and concentration capacity, so as to gradually introduce them to, and prepare them for the basic requirements of working life.

Section 20: Job training

Job training shall serve to provide prisoners who are not capable of pursuing a regular acquisitive vocation with the skills and abilities necessary for integrating them into performance-oriented working life. The measures that the institution provides to this end shall be designed in a fashion that they furnish prisoners with qualifications that are relevant for the labour market.

Section 21: Scholastic and vocational qualification measures

(1) The purpose of scholastic and vocational basic and further training courses while serving sentence (scholastic and vocational qualification measures) shall be to furnish prisoners with skills and abilities conducive to their integration and to assuming a vocation after release, as well as to preserve, promote and further develop skills they already dispose of. They shall, as a rule, be conducted in the form of full-time measures. The particularities of the respective target group shall be considered when determining the content, methods and organisational forms of such measures.

(2) Vocational qualification measures shall be designed in a fashion that they furnish prisoners with qualifications suitable for the labour market.

(3) Suitable prisoners shall be enabled to participate in scholastic or vocational training that culminates in a recognized or approved degree or qualification.

(4) Sentence and integration planning shall enable prisoners to complete qualification measures in the course of serving sentence or to continue such measures upon their release. If measures cannot be completed in the course of serving sentence, the institution shall, in collaboration with extra-institutional establishments, ensure that qualification measures that have been begun while serving sentence can be continued after the prisoners' release from the institution.

(5) Documents certifying the completion of scholastic and vocational measures must not disclose the participant's imprisonment.

Section 22: Duty to work

In accordance with Section 9 Paragraph 2, prisoners shall be obliged to perform the work allocated to them, in keeping with their physical abilities. The working conditions specified by the institution shall apply. In the interest of ensuring that the workshops of the institution can function without disturbance, prisoners are not allowed to strike or stop working at an inopportune time.

Section 23: Free employment, self-employment

(1) Prisoners who are eligible for work release (Section 38 (1) No. 4) should be permitted to take up employment, vocational training or further vocational training outside the institution on the basis of free employment or self-employment, if the place of employment is suitable and appropriate, and if doing so is not barred by any overriding reasons pertaining to prison organization. Section 40 shall apply accordingly.

(2) Remuneration shall be transferred to the institution and subsequently credited to the prisoners.

Section 24: Exemption from duty to work

(1) Where prisoners have worked for a period of half a year, they shall be entitled to claim exemption from the duty to work for ten working days. Credit shall be made for any periods during which prisoners were prevented from working owing to illness, but not exceeding 15 days per half year. Such entitlement shall expire when the exemption has not taken place within one year of its entitlement to it having come into being.

(2) Long-term leave (Section 38 (1) No. 3) shall be taken into account in the period of exemption, to the extent to which it falls within working hours. The same shall apply to long-term leave under Section 39 (1), except when it is granted on account of the death or critical illness of a close relative.

(3) During the period of exemption, the prisoners shall continue to be remunerated.

(4) Any leave regulations applying to free employment outside the institution shall remain unaffected.

(5) Subsections (1) to (4) shall apply mutatis mutandis for measures under Sections 19, 20 or 21 (1) when the time taken up by such measures corresponds to regularl weekly working hours.

Chapter 6
Visits, telephone conversations, correspondence, other forms of telecommunication and parcels

Section 25: Principle

The prisoners shall have the right to communicate with persons outside the institution within the scope of the provisions of this Act.

Section 26: Right to have visitors

(1) The prisoners shall be allowed to have visitors at regular intervals. The total duration shall be at least two hours per month. The total duration shall increase by two further hours when visitors are children aged under 14 years.

(2) Visits by relatives as defined in Section 11 (1) No. 1 of the German Criminal Code shall be imparted particular support.

(3) Over and above this, visits should be permitted if they promote the prisoners' integration, or if they serve to deal with personal, legal or business matters that cannot be dealt with by the prisoners in writing, taken care of by third persons, or postponed until the time of the prisoners' release.

(4) Beyond Subsection (1), the Head of the Institution may grant long-term visits that last for several hours, and that are not subject to supervision, if doing so appears necessary in order for prisoners to maintain and cultivate contacts with family members, partners, or persons in equatable relationships, and if the prisoners are suitable for such visits.

(5) Visits from defence counsel, as well as from attorneys or notaries, in a legal matter concerning the prisoner, shall be permitted.

Section 27: Prohibition of visits

The Head of the Institution may prohibit visits, if

1. security or order in the institution would be jeopardized,
2. it is to be feared that persons who are not relatives in accordance with Section 11 (1) No. 1 of the German Criminal Code may have some detrimental influence on the prisoners or hamper achieving the aim of serving sentence, or

3. it is to be feared that encountering the prisoners will have a detrimental impact on persons who were victims of the offences for which the prisoners are imprisoned.

Section 28: Conduct of visits

(1) For security reasons, visits may be conditioned on visitors allowing themselves to be searched or inspected using technical aids. Inspections of the contents of written and other documents carried by defence counsel shall not be permissible. Section 34 (2) Sentences 2 to 4 shall remain unaffected.

(2) Visits shall, as a rule, be supervised. The Head of the Institution shall be competent for making exceptions to this rule. Technical visual monitoring aids may be used as means for supervising visits if the visitors and the prisoners are visibly or cognizably made aware of such monitoring.

(3) Visits by defence counsel shall not be monitored.

(4) Visits may be terminated if, in spite of some warning, visitors or prisoners infringe on any of the provisions of this Act or any orders made in pursuance of this Act. A warning shall not be given when it is imperative that the visit be terminated immediately.

(5) Articles may not be handed over in the course of a visit. This shall not apply to any documents and other records handed over in the course of visits by defence counsel, or to documents and other records handed over in the course of a visit from an attorney or notary to deal with a legal matter concerning the prisoner. On the occasion of a visit from an attorney or notary, such handing-over may be made subject to permission for reasons of security or order in the institution. Section 34 (2) Sentences 2 to 4 shall remain unaffected.

(6) The Head of the Institution may order that a separation device be used if doing so is deemed necessary in order to protect persons or to prevent the handing-over of articles.

Section 29: Monitoring of conversations

(1) Conversations may be subjected to acoustic surveillance in individual cases, if doing so is necessary where achieving the aim of serving sentence would otherwise be jeopardized, or on grounds of maintaining security.

(2) Conversations with defence counsel shall not be monitored.

Section 30: Telephone conversations

(1) The prisoners may be given permission to make telephone calls. The provisions relating to visits shall respectively apply mutatis mutandis with regard to telephone calls. The institution shall inform the prisoners of the intended monitoring in good time prior to commencement of the telephone conversation. The prisoners' interlocutors shall be informed thereof immediately after the connection has been established.

(2) The costs arising from telephone conversations shall be borne by the prisoners. Where the prisoners lack the necessary means, the institution may bear the costs to a reasonable extent in justified cases.

(3) The possession and use of devices designed or suitable for the transmission of information via radiofrequencies shall be prohibited on the premises of the institution, unless official permission is granted. The Head of the Institution may make different arrangements. The institution shall be permitted to operate devices that

1. enable the detection of devices designed or suitable for the transmission of information via radiofrequencies,
2. can activate devices designed or suitable for the transmission of information via radiofrequencies for the purpose of locating them, or
3. disturb or suppress frequencies that serve to establish or maintain prohibited radiofrequency connections on the premises of the institution.

The institution shall have regard to the framework conditions set out by the Federal Network Agency in accordance with Section 55 (1) Sentence 5 of the Telecommunications Act. The use of frequencies outside the institution must not be substantially disturbed.

Section 31: Right of correspondence

(1) The prisoners shall have the right to dispatch and receive letters.

(2) The costs arising from written correspondence shall be borne by the prisoners. Where the prisoners lack the necessary means, the institution may bear the costs to a reasonable extent in justified cases.

Section 32: Prohibition of correspondence

The Head of the Institution may forbid correspondence with specific persons, if

1. security or order in the institution would be jeopardized,
2. it is to be feared that persons who are not relatives in accordance with Section 11 (1) Number 1 of the German Criminal Code may have some detrimental influence on the prisoners or hamper achieving the aim of serving sentence, or

3. it is to be feared that the written correspondence will have a detrimental impact on persons who were victims of the offences for which the prisoners are imprisoned.

Section 33: Visual inspection, forwarding and custody of letters

(1) The prisoners shall dispatch and receive their letters through the mediation of the institution, except where other modes are permitted. Incoming and outgoing letters shall be forwarded without delay.

(2) Incoming and outgoing letters shall be inspected, in the presence of the prisoners who have written them or to whom they are addressed, to ascertain whether they contain prohibited articles.

(3) The prisoners shall retain incoming letters in their custody unsealed, except where other modes are permitted. They may hand them in, in sealed form, to be kept with their personal effects.

Section 34: Monitoring of correspondence

(1) Monitoring of correspondence shall only be permissible in individual cases in which such monitoring is necessary due to a jeopardization of the aim of serving sentence or on grounds of security.

(2) The prisoners' correspondence with their defence counsel shall not be monitored. Where the sentence to imprisonment which the prisoners are serving has been imposed for an offence under Section 129a, also in conjunction with Section 129b (1) of the German Criminal Code, Section 148 (2) and Section 148a of the Code of Criminal Procedure shall apply mutatis mutandis. This shall not apply to prisoners in the open regime or when conditions of imprisonment have been relaxed in accordance with Section 38, and where there are no grounds that authorize the Head of the Institution to cancel said relaxation in accordance with Section 90. Sentences 2 and 3 shall also apply where, following the sentence of imprisonment which the prisoners are serving, a sentence of imprisonment for a criminal offence under Section 129a, also in conjunction with Section 129b (1) of the German Criminal Code has to be executed.

(3) The prisoners' letters to parliamentary bodies of the Federation and of the Länder and to the members thereof shall likewise not be monitored, provided that the letters are addressed to such parliamentary bodies and properly show the sender. The same shall apply to letters to the European Parliament and its members, the European Court of Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the United Nations Committee Against Torture, the associated Subcommittee on the Prevention of Torture and the corresponding National Preventive Mechanisms, the consular mission of their home countries, and other institutions correspondence with whom is protected pursuant to international law obligations of the Federal Republic of Germany. Sentence 1 shall also apply to correspondence with ombudsmen of the Länder and the Data Protection Commissioners of the Federation and the Länder. Letters sent from the institutions and bodies stated in Sentences 1 to 3 addressed to the prisoners shall not be monitored if the identity of the sender can be ascertained beyond doubt.

Section 35: Interception of letters

(1) The Head of the Institution may intercept letters if

1. the aim of serving sentence, or security or order in the institution might otherwise be jeopardized,
2. knowing of their contents, forwarding them would constitute an offence subject to a criminal sentence or an administrative fine,
3. they contain grossly incorrect or grossly distorting descriptions of the penal conditions or gross insults,
4. they might jeopardize the integration of other prisoners, or

5. they are written in code or shorthand, illegible, unintelligible or written in a foreign language without any compelling reason.

(2) Outgoing letters which contain incorrect statements may be accompanied by an official letter if the prisoners insist on dispatch.

(3) If a letter has been intercepted, the prisoners in question shall be informed thereof. Intercepted letters shall be returned to the sender or, where this is impossible or inadvisable for special reasons, shall be kept in official custody.

(4) Letters in respect of which monitoring is barred may not be intercepted.

Section 36: Other forms of telecommunication

Where the supervisory authority permits other forms of telecommunications as provided in the Telecommunications Act, the Head of the Institution may permit the prisoners to make use of such forms of telecommunication at their own expense. The provisions of this Chapter shall apply mutatis mutandis.

Section 37: Parcels

(1) Prisoners may be permitted to receive parcels. Prisoners are not permitted to receive parcels containing edibles and luxury articles. The institution may determine the permissible number, weight and size of parcels and individual articles that prisoners shall be allowed to receive. Beyond Section 46 (1) Sentence 2, the institution may exclude articles and forms of packaging that require disproportionate effort to inspect.

(2) The institution may refuse to accept or return to the sender such parcels that are not permitted to be brought into the institution or that do not meet the requirements defined in Subsection (1).

(3) Parcels shall be opened and searched in the presence of the prisoners to whom they are addressed. Articles which are excluded or not permitted shall be dealt with in accordance with Section 49 (3). They may also be returned at the expense of the prisoners' to whom they were addressed.

(4) The receipt of parcels may be forbidden temporarily if this is necessary on account of jeopardy to security or order in the institution.

(5) The prisoner may be permitted to dispatch parcels. The prison authority may check their contents for reasons of security or order in the institution.

(6) The costs arising from sending parcels shall be borne by the prisoners. Where the prisoners lack the necessary means, the institution may bear the costs to a reasonable extent in justified cases.

Chapter 7
Relaxation and other sojourns outside the institution

Section 38: Relaxations for achieving the aim of serving sentence

(1) Prisoners may be granted the right to leave the institution without supervision (relaxations) as a means for achieving the aim of serving sentence, in particular:

1. Leaving the institution for up to 24 hours escorted by a person authorized by the institution (escorted leave),
2. Leaving the institution for up to 24 hours without being accompanied (unescorted leave),
3. Leaving the institution for several days (long-term leave) and
4. Regular employment outside of the institution (work release).

(2) Such relaxations may be granted in cases in which it can be justifiably assumed that the prisoners shall not evade serving their prison sentence or abuse the relaxation of imprisonment to commit criminal offences.

(3) Long-term leave under Subsection (1) No. 3 should, as a rule, only be granted to prisoners who have served at least six months of their sentence. Prisoners sentenced to imprisonment for life may only be granted long-term leave after they have been imprisoned for ten years, including any preceding remand detention or any other deprivation of liberty, or if they have been transferred to the open regime.

(4) Relaxations shall not interrupt execution of the sentence.

Section 39: Relaxations on other grounds

(1) Relaxations may also be granted to prisoners when there are important grounds, in particular in order to participate in court hearings, to undergo medical treatment, or due to the death or life-threatening illness of close relatives of the prisoners.

(2) Section 38 (2) and (4) shall apply accordingly.

Section 40: Instructions for relaxations

Where relaxations are granted, instructions shall be issued that are necessary given the circumstances of the individual case. The way in which relaxations are implemented should, where possible, take the interests of the victim into account.

Section 41: Short leave, outside work, production before a court, temporary transfer of custody

(1) Prisoners may be permitted to leave the institution under constant direct supervision if this is necessary for special reasons (short leave under escort). Prisoners may also be escorted out of the institution against their will. Where short leave under escort is exclusively in the interest of the prisoners, they may be required to bear the costs that arise from said leave, so long as doing so does not impede their treatment or integration.

(2) Prisoners may be permitted to take up regular employment outside the institution, either under constant supervision or under supervision at irregular intervals (outside work). Section 38 (2) shall apply accordingly.

(3) Upon the request of a court, the Head of the Institution shall produce the prisoner before the court, provided a warrant to appear has been issued.

(4) Prisoners may be temporarily handed over into the custody of a court, a public prosecutor's office or a police, customs, immigration or fiscal authority upon application by said body or authority (temporary transfer of custody).

Chapter 8
Preparation for integration, release and after-care

Section 42: Preparation for integration

(1) Measures for social and vocational integration shall be geared to the point in time at which the prisoners are estimated to be released into freedom. The prisoners shall be supported in the organisation of their personal, economic and social matters. This shall also include referrals in the context of providing continued care and support outside the institution.

(2) The institution shall collaborate with persons and establishments from the outside, in particular in order to achieve that the prisoners have adequate accommodation and have secured a place in work or training when they are released. The State Office for Non-Custodial Offender Support shall, no later than one year prior to the estimated release date, be involved in the social and vocational integration of prisoners who are anticipated to be under the supervision of the Probation Service or under supervision of conduct when released.

(3) Prisoners may be allowed to stay in establishments outside the institution (transitional establishments) if this is necessary for preparing their integration. Prisoners who have served at least six months of their sentence may also be afforded continuous long-term leave for up to six months if this is absolutely necessary for the preparation of the their integration. Section 38 (2) and (4) as well as Section 40 shall apply accordingly.

(4) Within a period of six months prior to the estimated release date, the prisoners shall be granted such relaxations of the prison regime as are absolutely necessary to be able to prepare their integration, unless it can be expected with a strong degree of likelihood that the prisoners will evade serving their prison sentence or abuse the relaxation of imprisonment to commit criminal offences.

Section 43: Release

(1) On the last day of their term of imprisonment, the prisoners should be released as early as possible, at all events during the morning.

(2) In the event of the term of imprisonment ending on a Saturday or Sunday, a statutory holiday, the first working day after Easter or Whitsun, or on a day in the period between 22 December and 6 January, the prisoners may be released on the working day preceding such day or period, provided that this is reasonable in view of the length of the term served and is not barred by any reasons associated with after-care.

(3) Release may take place earlier, two days at the most, if there are compelling reasons showing that this is material for the prisoners regarding their integration.

(4) Prisoners whose own funds are insufficient may be warranted a release grant in the form of a travel subsidy, adequate clothing or another form of support that they require.

Section 44: After-care

With the agreement of the Head of the Institution, institutional staff may be involved in the after-care of releasees, when they so agree, when their integration would otherwise be at jeopardy. Such institutional after-care may also be rendered outside the institution. The provision of after-care shall, as a rule, be restricted to the first six months following release.

Section 45: Remaining or returning on voluntary grounds

(1) Where occupancy levels so allow, the prisoners may, if they so apply, exceptionally be permitted to voluntarily remain in or be voluntarily re-admitted to the institution temporarily, if their integration is at jeopardy and staying in the institution is justified for this reason. Accommodation shall occur on a contractual basis.

(2) Regime measures against releasees who are voluntarily residing in the institution may not be asserted through direct coercion.

(3) The voluntary accommodation of releasees in the institution may be brought to an end at any time if they disturb the operation of the institution or on grounds pertaining to the organization of the institution and its regime.

Chapter 9
Provision for basic needs, leisure activities

Section 46: Bringing articles into the institution

(1) Articles may only be brought into the institution by or for the prisoners if the institution so agrees. The institution may refuse to give such agreement if the articles are suitable for jeopardizing security or order in the institution or the aim of serving sentence, or if, given their type or dimensions, storing them is obviously not possible.

(2) It is not permitted for edibles or luxury articles to be brought into institutions or units within institutions with a closed regime. The Head of the Institution may make different arrangements.

Section 47: Possession of articles

(1) Prisoners may only possess, accept or surrender articles when the institution so consents.

(2) Without such consent, prisoners shall be allowed to accept articles of minor value from other prisoners and to hand over such articles to other prisoners. The institution may make acceptance and possession of such articles subject to its consent.

Section 48: Furnishing of cells

Prisoners shall be allowed, to a reasonable extent, to furnish their cells with articles of their own, or to store such articles in their cells. Arrangements, installations and articles which

make it impossible to keep the cell under supervision or which jeopardise security or order in the institution in any other way shall be excluded or removed from the cell.

Section 49: Custody and destruction of articles

(1) Articles which the prisoners are not allowed or do not want to store in their cells shall be taken into safekeeping by the institution insofar as is possible given the type and dimensions of the articles.

(2) Prisoners shall have the opportunity to dispatch by mail articles of their own which they do not require during sentence or for release. Section 37 (6) shall apply accordingly.

(3) Where prisoners do not remove articles from the institution that cannot be stored in the institution due to their type or dimensions despite being requested to do so, the institution may store, utilize or destroy such articles outside the institution at the expense of the prisoners. The requirements and procedure for such utilization and destruction shall be governed mutatis mutandis by the provisions contained in the Security and Order Act of Mecklenburg-Western Pomerania.

(4) Recordings and other articles that convey knowledge of the security precautions of the institution or that allow conclusions to be drawn regarding such precautions may be destroyed or rendered unusable.

Section 50: Newspapers and periodicals, religious writings and articles

(1) Prisoners shall be permitted, at their own expense, to subscribe to newspapers and periodicals, within reason, through the mediation of the institution. Newspapers and periodicals, the distribution of which is subject to a criminal sentence or an administrative fine, shall be excluded. Specific issues or parts of newspapers or periodicals may be withheld from the prisoners if they might considerably jeopardise the objective of serving sentence or security or order in the institution.

(2) Prisoners shall be permitted to have fundamental religious writings and, to a reasonable extent, to retain articles for religious use. Prisoners may only be deprived of such writings and articles in the event of gross abuse thereof.

Section 51: Radio, information and entertainment electronics

(1) The prisoners shall have access to radio broadcasts.

(2) Prisoners shall be permitted to have their own radio and television sets if this is not in opposition to Section 48 (2) and when it has been ascertained that they do not contain any prohibited articles. Inspections and/or possibly necessary modifications shall be arranged for by the institution at the expense of the prisoners in question. Other electronic information and entertainment devices may be permitted under these conditions. Section 36 shall remain unaffected.

(3) The prisoners may be referred to rental devices or an institutional multimedia system. The institution may permit or commission third parties to supply and operate receiving installations, to supply, let or distribute radio and television sets as well as other electronic information and entertainment devices.

(4) Access to radio broadcasts may be temporarily suspended or individual prisoners may be prohibited from listening to radio broadcasts, if this is indispensable for maintaining security and order in the institution.

Section 52: Clothing

(1) The prisoners shall wear institutional clothing.

(2) The Head of the Institution may make different arrangements. Prisoners shall arrange for the cleaning and maintenance of their own clothing through the mediation of the institution.

Section 53: Board and purchases

(1) The composition and nutritional value of the food in the institution shall correspond to that of a healthy diet and shall be monitored by medical officers. Special food shall be provided on orders from a medical officer. Prisoners shall be provided with the possibility to obey religious instructions with regard to the consumption of food.

(2) The prisoners shall be allowed to make purchases. The institution should provide an assortment which takes account of the prisoners' wishes and needs. The procedure for making purchases shall be regulated by the Head of the Institution. Edibles, luxury articles and cosmetics may only be purchased with House Money and Pocket Money. Prisoners may purchase, to a reasonable extent, other types of articles with their Own Money.

(3) Articles which jeopardise security or order in the institution may be excluded from purchase. On orders from a medical officer, prisoners may, wholly or partially, be forbidden from buying certain edibles and luxury items if it is to be feared that their health might otherwise be seriously impaired. In hospitals and sick wards, the purchase of certain edibles and luxury items may be forbidden or restricted generally on orders from a medical officer.

Section 54: Leisure activities

(1) In order for prisoners to organise their leisure time, the institution shall provide, in particular, sporting, cultural and educational opportunities. This shall also apply to weekends and public holidays. The institution shall provide an adequately stocked library.

(2) The prisoners shall be motivated and instructed to participate in the provided leisure time opportunities.

Chapter 10
Remuneration, prisoners' financial means, and costs

Section 55: Remuneration for work and taking into account of the exemption for the time of release

(1) The following provisions pertaining to remuneration for work shall apply:

1. Prisoners who participate in scholastic or vocational training measures in

accordance with Section 9 (1) Sentence 1 No. 11 shall receive a training allowance,

2. Prisoners who participate in work-therapeutic measures or vocational training in accordance with Section 9 (1) Sentence 1 No. 12 or who work as provided in Section 9 (1) Sentence 1 No. 13 shall be remunerated,
3. Prisoners who, during working hours, wholly or partly participate in an orientational, basic or further scholastic or vocational training measure or in special measures that promote their scholastic, vocational or personal development, and who for this reason require an exemption from measures stated in Section 9 (1) Sentence 1 No. 11 to 13, shall continue to receive training allowance or remuneration for work.

(2) The assessment of remuneration for work shall be 9 per cent of the reference figure in accordance with Section 18 of the Fourth Book of the Social Code (basic remuneration). A daily rate shall be the two-hundred-and-fiftieth part of the basic remuneration; remuneration for work may be assessed on the basis of an hourly rate.

(3) Remuneration for work may be rendered in accordance with a graduated scale according to the prisoners' efficiency and the type of work or measure performed. It shall not be lower than 60 per cent of the basic remuneration. The ministry competent in matters of justice is hereby empowered to define levels of remuneration for work by statutory decree.

(4) Where contributions need to be paid to the Federal Employment Agency, the institution can retain a share of the prisoners' remuneration or training allowance that corresponds to the share of the contributions that the prisoners would be required to pay if they were to receive such a wage as employees outside the institution.

(5) The prisoners shall be informed in writing of the level of remuneration they receive.

(6) Prisoners who are participating in a measure in accordance with Section 21 shall only receive a training allowance if they are not entitled to such payments for their living as are granted to free persons on such occasions.

(7) Independent of an exemption under Section 24 (1), prisoners shall be exempted for two working days for every three months for which they have continuously performed work or measures as provided in Sections 19 to 22. Periods shorter than three months shall not be considered. Where prisoners do not avail themselves of the exemption stated in Sentence 1 within one year of meeting the requirements for such exemption, it shall be taken into consideration (credited) by the institution when determining the prisoners' time of release.

(8) Crediting in accordance with Subsection (7) Sentence 3 shall be excluded

1. for prisoners who are serving a sentence of imprisonment for life or prisoners against whom preventive detention has been ordered or such order has been deferred, and for whom a release date has not yet been determined,
2. in the event of suspension of execution of the remainder of a prison sentence on probation, where taking into account is no longer possible between the ruling of the court until the time of release,
3. if this is ordered by the court on the grounds that, in suspension of execution of the remainder of a prison sentence on probation, the circumstances of the prisoner or the impact anticipated to result from suspension for them require such execution until a certain point in time,
4. if execution is dispensed with in accordance with Section 456a (1) of the Code of Criminal Procedure, or
5. if the prisoners are released from detention by way of a pardon.

(9) Prisoners in whose cases taking into account pursuant to Subsection (8) is ruled out shall receive, at the time of release, an additional 15 per cent of the remuneration granted to them for working or of their training allowance as compensation. Such entitlement shall not arise until release. Where taking into account is ruled out in accordance with Subsection (8) No. 1, the compensation shall be credited to the prisoners‘ Own Money (Section 56) after serving in each case ten years of life imprisonment, unless they are released prior to this point in time. Section 57 (4) of the Criminal Code shall apply accordingly.

Section 56: Prisoners' Own Money

(1) The prisoners' Own Money shall be such money that they bring into the institution with them at admission, that they receive while serving sentence, as well as those shares of their remuneration that are not used as House Money or contributions to detention costs.

(2) The prisoners may dispose of their Own Money so long as doing so does not stand in opposition to measures pursuant to Section 9 (1) Sentence 1 Nos. 19 to 21. Section 53 (2), Section 59 and Section 60 shall remain unaffected.

Section 57: Pocket Money

(1) Prisoners in need shall be granted Pocket Money if they make an application for it. Prisoners shall be deemed in need if it is likely that the combined sum of House Money (Section 59) and Own Money (Section 56) that they will have at their disposal in the course of the month will be lower than the sum of Pocket Money they would be eligible to receive. Section 60 shall remain unaffected.

(2) Prisoners who do not have a sum as defined in Subsection 1 Sentence 2 at their disposal because they have refused reasonable work that has been offered to them, or who have lost work at their own fault, shall not be deemed in need. The same shall apply to scholastic and vocational qualification measures.

(3) The Pocket Money shall correspond to 14 percent of the basic remuneration (Section 55 (2)). It shall be granted at the beginning of the month in advance. Where prisoners receive money in the course of the month, a sum not exceeding the sum of granted Pocket Money may be retained in return.

(4) The prisoners shall be allowed to dispose of their Pocket Money in accordance with the provisions of this Act. It shall be credited to their House Money account.

Section 58: Accounts, ready cash

(1) The prisoners' funds shall be managed in House Money Accounts and Own Money Accounts in the institution.

(2) Prisoners shall not be permitted to have cash in their possession in the institution. The Head of the Institution shall be competent for allowing exceptions to this rule.

Section 59: House Money

(1) Three sevenths of the remuneration regulated in this Act shall be allocated as House Money.

(2) For prisoners who have a regular income from a free contract of employment, self-employment or other forms of regular income, a reasonable monthly amount of said income shall be allocated as House Money.

(3) Subsection 2 shall apply mutatis mutandis for prisoners who dispose of their Own Money (Section 56) and who are not in receipt of sufficing remuneration pursuant to this Act.

(4) The prisoners shall be allowed to dispose of the House Money in accordance with the provisions of this Act. The entitlement for disbursement shall not be transferable.

Section 60: Deposits for specific purposes

Money can be deposited to be purposely used for covering the costs of measures for integration, especially costs for health care as well as vocational and further vocational training, and costs of measures for maintaining social relationships, in particular telephone costs and travel expenses. Money so deposited may only be used for these purposes. The entitlement for disbursement shall not be transferable.

Section 61: Contribution to detention costs, sharing of costs

(1) Prisoners who are engaged in free employment, are self-employed or who otherwise dispose of a regular income shall, during this period, pay contributions to the costs arising from their detention. Prisoners who are self-employed may be required to pay contributions to detention costs, either entirely or partly, at the start of each month in advance. Remuneration pursuant to this Act shall not be considered. A daily rate in accordance with Section 55 (2) Sentence 2 shall remain at the prisoners' disposal on each day. Asserting such entitlement shall be refrained from when doing so would otherwise jeopardize the prisoners' integration.

(2) The contribution to detention costs shall be levied to the amount determined in accordance with Section 17 (1) No. 4 Book Four of the Social Code on average for evaluation of the payments in kind. The Supervisory Authority shall determine the average amount for each calendar year in accordance with the evaluations of the payments in kind applicable on 1 October of the previous year. In the event of self-catering, the amounts provided for catering shall not be levied. The determined occupancy capacity shall be the decisive factor for assessing the value of the accommodation.

(3) The prisoners may be required to contribute to the operating costs of devices or appliances that they have in their possession.

Chapter 11
Medical Services

Section 62: Type and extent of medical services, sharing of costs

(1) The prisoners shall be entitled to necessary medical services under consideration of the principle of sound financial management and the general standard provided under

statutory health insurance. This entitlement shall also cover preventive medical services as well as the provision of medical aids, insofar as such provision is not unreasonable in view of the duration of imprisonment, and provided that the aids are not to be regarded as articles for general use in everyday life.

(2) Prisoners may be required to share the costs arising from services stated in Subsection (1) to a reasonable extent that does not exceed the level of contribution that a comparable person with statutory insurance would be required to pay. For services that go beyond those covered in Subsection (1), prisoners may be required to bear the costs entirely.

(3) Where prisoners receive services under Subsection (1) as a result of deliberate self-harm, they shall be required to cover a share of the arising costs to a reasonable extent. Prisoners shall not be so required if this would jeopardize achieving the aim of serving sentence, in particular the integration of the prisoners.

Section 63: Execution of medical services, subrogation

(1) Medical diagnostics, treatment and care for sick and needy prisoners shall be performed in the institution or, where necessary, in another penal institution that is better suited for this purpose, a penal hospital, or outside of the penal system.

(2) Where the execution of sentence is interrupted or ends while prisoners are being treated, the Land shall only be required to bear those costs that had arisen up until the execution of sentence was interrupted or ended.

(3) Statutory entitlements of prisoners to claim damages from third parties for bodily harm shall be devolved to the Land insofar as prisoners are to be granted services pursuant to Section 62 (2). Assertion of such entitlements can be abstained from on grounds of equity, in particular when asserting them would jeopardize the aim of serving sentence.

Section 64: Medical treatment for social integration

With the prisoners' consent, the institution should permit medical treatment to be performed, in particular operations or prosthetic measures which promote their social integration. The costs shall be borne by the prisoners. Where prisoners are unable to do so, the institution may assume the costs to a reasonable extent in justified cases.

Section 65: Health protection and hygiene

(1) The institution shall support the prisoners in restoring and maintaining their health. It shall promote awareness for a healthy diet and lifestyle. The prisoners must comply with the necessary instructions which pertain to the protection of health and hygiene. They may be required to share the costs for hygiene measures to a reasonable extent.

(2) Prisoners shall be given the opportunity to be in the open air for at least one hour per day.

Section 66: Therapeutic treatment during relaxations

(1) During relaxations, the prisoners shall only be entitled to claim from the Land

therapeutic treatment inside the penal institution responsible for them. Section 39 shall remain unaffected.

(2) Entitlement to services shall be suspended for as long as prisoners are medically insured through a contract for free employment.

Section 67: Coercive measures in the field of medical care

(1) Medical examinations and treatment under coercion, as well as forced feeding, shall be permissible only in case of danger to life, in case of serious danger to the prisoners' health, or in case of danger to other persons' health. Such measures must be reasonable for the persons concerned and may not entail a serious danger to the prisoners' life or health. The institution shall not be obliged to execute such measures as long as it can be assumed that the prisoners can act upon their own free will.

(2) For the purpose of health protection and hygiene, a coercive physical examination shall be permissible in addition to that in Subsection (1) if it does not involve an operation.

(3) Coercive measures may only be ordered by the Head of the Institution and on the basis of expert opinion obtained from a medical doctor. The measures shall be performed and supervised by a medical officer, except where first aid is rendered in case a medical officer cannot be reached in time and any delay would imply danger to the prisoners' life.

Section 68: Duty to notify of illness or death

Where prisoners fall seriously ill, their relatives shall be notified. The same shall apply in case of a prisoner's death. Prisoners' requests to also notify other persons should be complied with.

Chapter 12
Exercise of religion

Section 69: Spiritual welfare

Prisoners shall not be denied religious welfare by a chaplain of their religion. At their request, they shall receive assistance in establishing contact with a chaplain of their religion.

Section 70: Religious activities

(1) Prisoners shall have the right to attend divine service and other religious activities.

(2) Prisoners may be excluded from attending divine service or other religious activities where this is required by overriding reasons of security or order. Prior to this, the chaplain shall be heard.

Section 71: Ideological communities

Sections 50 (2), 69 and 70 shall apply mutatis mutandis to members of ideological

communities.

Chapter 13
Security and order

Section 72: Principle

(1) Security and order in the institution shall form the basis of life in the institution that is designed in a manner that promotes achieving the aim of serving sentence, and shall contribute to maintaining a peaceful climate free of violence in the institution.

(2) The duties and restrictions imposed on the prisoners in order to maintain security and order in the institution shall be chosen in such a manner that they are in a reasonable proportion to their purpose and do not affect the prisoners more and longer than necessary.

Section 73: General obligations for conduct

(1) The prisoners shall be jointly responsible for, and their conduct must be conducive to orderly community life. Their awareness to this end shall be aroused and strengthened. The prisoners shall be capacitated to mutually resolve disputes.

(2) The prisoners shall obey orders from the institutional staff even if they feel aggrieved by them. They shall not leave, without permission, an area to which they have been allocated.

(3) The prisoners shall keep their cells and the articles given to them by the institution in good order and treat them with care.

(4) The prisoners shall report without delay any circumstances which may mean a danger to the life or a person, or a considerable danger to the health of a person.

Section 74: Inspection, search

(1) It shall be permissible to inspect and search prisoners, their belongings and the cells with technical or other aids. Male prisoners shall only be searched by men; female prisoners shall only be searched by women. The sense of shame shall not be offended.

(2) A search of the body connected with stripping shall be permissible only where there is imminent danger or upon orders from the Head of the Institution in the individual case. When male prisoners are searched, only men shall be present; when female prisoners are searched, only women shall be present. Such searches shall be carried out in private. Other prisoners shall not be present.

(3) The Head of the Institution may make a general order to the effect that prisoners be searched in accordance with Subsection (2) upon admission to the institution, subsequent to contact with visitors and after each absence from the institution.

Section 75: Safe custody

Prisoners may be transferred to an institution more suitable for their safe custody if there is

increased danger of them escaping or being freed, or if their behaviour, condition or contacts to other prisoners constitute in any other way a danger to security or order in the institution.

Section 76: Measures for detecting the use of addictive substances

(1) In order to maintain security and order in the institution, the Head of the Institution may order that measures be taken, either generally or in individual cases, that are suitable for ascertaining whether addictive substances have been used. These measures shall not involve a physical intervention.

(2) Prisoners may be required to bear the costs of the measures when they reveal that addictive substances have been used illicitly.

Section 77: Right to apprehend

Prisoners who have escaped or who otherwise remain outside the institution without permission may be apprehended by the institution, or upon its instruction, and be returned to the institution. When the pursuit or the search initiated by the institution does not promptly result in the prisoners being seized, any further measures to achieve such seizure shall be the responsibility of the executing authority.

Section 78: Special precautions

(1) Special precautions may be ordered in respect of prisoners where, in view of their behaviour or on account of their mental state, there is increased danger of them escaping or danger of violent attacks against persons or property or the danger of suicide or self-injury.

(2) The following measures shall be permissible as special precautions:
1. deprivation or withholding of articles,
2. observation of the prisoners, also using technical aids,
3. segregation from all other prisoners (solitary confinement),
4. restriction of outdoor exercise,
5. detention in a specially-secured cell containing no dangerous objects, and
6. shackles.

(3) Measures in accordance with Subsection (2) Nos. 1 and 3 to 5 shall likewise be permissible where the danger of a prisoner being freed or a considerable disturbance of order in the institution cannot be avoided or remedied in any other way.

(4) Solitary confinement for longer than twenty-four hours shall only be permissible when such confinement is indispensable for reasons inherent in the prisoners' personality.

(5) Prisoners should, as a rule, be shackled only on their hands or feet. In the prisoners' interest, the Head of the Institution may order a different mode of shackling. The shackles shall be temporarily loosened where this is necessary.

(6) The prisoners may also be placed in shackles on the occasion of short leave under escort, production before a court or transport, where there is a danger of escape.

Section 79: Orders for special precautions, procedure

(1) Special precautions shall be ordered by the Head of the Institution. In case of imminent danger, other prison officers may also give provisional orders for such precautions. The decision of the Head of the Institution shall be obtained without delay.

(2) Where prisoners are under medical treatment or observation, or where their mental state is the reason for the precaution, the medical officer shall be heard in advance. Where this is not possible because danger is imminent, his or her opinion shall be obtained without delay.

(3) The decision shall be disclosed to the prisoners verbally and shall be recorded in writing together with the reasons in brief.

(4) Special security precautions shall be subjected to review at appropriate intervals to ascertain whether – and if so, to what extent – they need to be perpetuated.

(5) Special security measures pursuant to Section 78 (2) Nos. 3, 5 and 6 shall be reported to the Supervisory Authority without delay if they last for longer than three days. Solitary confinement and detention in a specially-secured cell on more than 30 days within twelve months shall require the approval of the Supervisory Authority.

(6) While in solitary confinement or detention in a specially-secured cell, prisoners shall be subject to particularly close supervision. Where prisoners are also in shackles, they shall be subject to continuous observation by a member of the institutional staff in direct view.

Section 80: Supervision by a medical officer

(1) Where prisoners are detained in a specially secured cell or are shackled, the medical officer shall visit them in a timely fashion and, if possible, daily thereafter. This shall not apply where prisoners are shackled for the purpose of short leave under escort, of being produced before a court, or of transport.

(2) The medical officer shall be consulted regularly as long as prisoners are in solitary confinement for longer than twenty-four hours.

Chapter 14
Direct coercion

Section 81: Definitions

(1) Direct coercion shall mean the effect on persons or physical objects by physical force, aids of physical force or weapons.

(2) Physical force shall mean any direct physical effect on persons or physical objects.

(3) Aids of physical force shall mean shackles and irritants in particular. Weapons shall mean firearms and side-arms.

(4) Only officially permitted aids and weapons may be used.

Section 82: General conditions

(1) The institutional staff shall be permitted to use direct coercion where they are lawfully carrying out penal measures or security precautions, and the objective aimed at thereby cannot be achieved by any other means.

(2) Direct coercion against persons other than prisoners may be used where such persons undertake to free prisoners or to unlawfully enter the premises of the institution, or where they are found on such premises without permission.

(3) The right to use direct coercion as established in other provisions shall not be prejudiced.

Section 83: Principle of proportionality

(1) Where several measures of direct coercion are possible and suitable, those shall be chosen that will presumably least affect the individual and the general public.

(2) Direct coercion shall not be applied where the damage likely to result from its application would obviously be disproportionate to the result striven for.

Section 84: Warning

A warning shall be given prior to the application of direct coercion. Such warning may be dispensed with only where the circumstances do not allow it to be given, or where direct coercion must be used immediately in order to prevent an unlawful act which would constitute a criminal offence provided in the criminal law, or to avert imminent danger.

Section 85: Use of firearms

(1) The use of firearms by institutional staff shall be prohibited. The right of police officers to use firearms shall not be prejudiced thereby.

(2) Outside the institution, firearms may only be used by institutional staff designated for this purpose, and only during escorted leave, presentation before a court, and the transportation of prisoners. The use of firearms outside the institution shall be governed by Subsections (3) to (6).

(3) Firearms may be used only where other measures of direct coercion have already failed or do not offer any prospect of success. They shall be used against persons only where the purpose cannot be achieved by applying arms against physical objects, and only to make a person unfit for attack or escape. They shall not be used if it cannot be ruled out that third persons would be endangered thereby.

(4) A warning shall be given prior to the use of firearms. A warning shot shall also be deemed to constitute such a warning. Firearms may only be used without such warning if this is necessary to avert imminent danger to life or limb.

(5) Firearms may only be used against prisoners

1. if they fail to lay down a weapon or other dangerous implement in spite of being repeatedly requested to do so,
2. if they are mutinous (Section 121 German Criminal Code), or

3. for the purpose of preventing their escape or for recapturing them.

(6) Firearms may be used against other persons if such persons undertake to free prisoners by force.

Chapter 15
Disciplinary action

Section 86: Types of disciplinary action

(1) Where other forms of conflict resolution or a warning are deemed insufficient, disciplinary measures may be ordered when prisoners unlawfully and culpably

1. attack other persons verbally or physically,
2. destroy or damage edibles or objects belonging to another,
3. otherwise commit regulatory or criminal offences,

4. bring prohibited articles into the institution, are involved in such bringing-in, are in possession of such articles, or circulate such articles,
5. illicitly consume narcotics or other intoxicants,

6. escape or attempt to escape,
7. breach instructions issued in the context of granting relaxations, or

8. repeatedly or seriously violate other obligations imposed on them by, or in pursuance of this Act, and in doing so disturb orderly community life in the institution.

(2) The following types of disciplinary action shall be permissible:

1. reprimand,
2. restriction or forfeiture of privilege to watch television or to use other electronic information and entertainment devices for a period not exceeding three months,
3. restriction or forfeiture of articles to be used during leisure time, with the exception of reading materials, for a period not exceeding three months,
4. restriction or forfeiture of the privilege to spend time in the company of others or to participate in joint activities, for a period not exceeding three months,
5. restriction of purchasing privileges for a period not exceeding three months,
6. up to a ten percent reduction in remuneration for work for a period not exceeding three months,
7. forfeiture of allocated work for a period not exceeding four weeks, and
8. disciplinary detention for a period not exceeding four weeks.

(3) Disciplinary detention shall be imposed only for serious or repeated misconduct.

(4) Several disciplinary measures may be combined with one another.

(5) Disciplinary action shall also be permissible where criminal proceedings or proceedings concerning an administrative fine are instituted on account of the same misconduct.

Section 87: Execution of disciplinary action, suspension on probation

(1) Disciplinary action shall, as a rule, be executed immediately.

(2) Disciplinary action may, wholly or in part, be suspended on probation for a period not exceeding six months. Suspension on probation may be revoked, wholly or in part, when prisoners do not meet the underlying expectations of the imposed measures.

(3) For the duration of solitary confinement, prisoners shall be accommodated in isolation from other prisoners. Prisoners may be detained in a special detention room which shall meet the requirements of a cell destined for occupation during daytime and at night. Subject to orders to the contrary, the prisoners' privileges to participate in measures outside the room in which detention is being enforced, as well as their privileges to furnish the room in which they are accommodated with personal articles, to watch television and to make purchases shall be suspended. With the exception of reading materials, leisure articles shall not be permitted. The rights to attend divine service and to spend time in the open air shall remain unaffected.

Section 88: Disciplinary powers

(1) Disciplinary action shall be ordered by the Head of the Institution. Where the misconduct is committed en route to another institution for the purpose of transfer, the head of such destination institution shall be competent.

(2) The Supervisory Authority shall be competent for decisions in cases where misconduct was directed against the Head of the Institution.

(3) Disciplinary action against a prisoner ordered while he or she was in another penal institution or in remand detention shall be executed on request. Section 87 (2) shall remain unaffected.

Section 89: Procedure

(1) The facts shall be elucidated. In doing so, both incriminating and exonerating circumstances shall be determined. The prisoners in question shall be heard. They shall be informed of the misconduct of which they are being accused. They shall be informed that they are at liberty to comment. The findings shall be recorded in writing, as shall the prisoners' defence pleading.

(2) In order to prevent the imposition of disciplinary measures, in suitable cases, agreements may be reached in the course of mutual dispute resolution. In particular, and non-exclusively, repairing the harm caused, apologizing to the damaged party, rendering services to the community and agreeing to temporarily remain in the cell may be considered. Imposing a disciplinary measure for the misconduct in question shall be inadmissible if the prisoners fulfil the agreement.

(3) Where multiple instances of misconduct are to be assessed simultaneously, they shall be sanctioned in one decision.

(4) The Head of the Institution should, prior to rendering a decision, consult such persons who are involved in the organisation and functioning of the penal regime to a considerable degree. The prisoners shall be granted opportunity to comment to the Head of the Institution on the results from the investigation. A medical doctor shall be additionally consulted in cases of prisoners who are receiving medical treatment, pregnant woman or nursing mothers.

(5) The decision shall be verbally disclosed to the prisoners by the Head of the Institution, and shall be recorded in writing together with the reasons in brief.

(6) A medical officer shall be heard before disciplinary detention is executed. The prisoners shall be under the supervision of a medical officer while in disciplinary detention. Disciplinary detention shall not be executed or shall be interrupted when the health of the prisoners would otherwise be jeopardized.

Chapter 16
Cancellation of measures, complaints

Section 90: Cancellation of measures

(1) The cancellation of measures for regulating individual matters in the field of executing prison sentences shall be governed by the following Subsections, so far as this Act makes no deviating provisions.

(2) Unlawful measures may be cancelled, wholly or partly, with effect for the past and the future.

(3) Lawful measures may be cancelled, wholly or partly, with effect for the future if
1. given circumstances that have arisen or become known in the meantime, the measures could have been denied,
2. the measures are being abused, or
3. instructions are not being complied with.

(4) Promotive or favourable measures may only be cancelled in accordance with Subsections (2) or (3) when the penal interests in cancellation significantly outweigh the legitimate expectations of the affected persons that the measure shall continue. This shall be assumed when a measure is indispensable for safeguarding security in the institution in particular.

(5) The judicial protection bestowed in accordance with Sections 109 to 121 of the Federal Code on the Execution of Sentences to Imprisonment shall remain unaffected.

Section 91: Right to complain

(1) The prisoners shall be given an opportunity to apply to the Head of the Institution with requests, suggestions and complaints on matters concerning themselves.

(2) When representatives of the Supervisory Authority inspect the institution, it shall be ensured that the prisoners can apply to them in matters concerning the prisoners themselves.

(3) The option of lodging a disciplinary complaint shall remain unaffected.

Chapter 17
Criminological research

Section 92: Evaluation, criminological research

(1) Treatment programmes for prisoners shall be designed on the basis of findings from scientific research, shall be standardized, and their effectiveness shall be subjected to evaluation.

(2) The execution of prison sentences, in particular in terms of organisation and the fulfilment of its tasks, the implementation of the underlying principles as well as the problems that arise in the context of treatment and their impact on achieving the aim of serving sentence shall be subject to regular supervision and research by the Criminological Service, a university, or another suitable institution or agency.

(3) Section 476 of the Code of Criminal Procedure shall apply mutatis mutandis for disclosure and the inspection of files for research purposes, with the proviso that files stored in electronic form may also be transmitted.

Chapter 18
Structure and organization of institutions

Section 93: Institutions

(1) Institutions and units shall be established that take into account the various requirements placed on the regime of serving sentence. In particular, socio-therapeutic units shall be provided.

(2) The number and outfitting of places for therapeutic measures, scholastic and vocational qualification, work training, work therapy and labour shall be suitable for meeting the demand for such measures. The same shall apply for visits, leisure time, sports and spiritual welfare.

(3) Cells and functional rooms shall be equipped in accordance with, and in a fashion that is appropriate for the purpose they serve.

(4) Where private enterprises maintain workshops or other establishments in institutions, the technical and industrial control of those workshops and other establishments may be transferred to staff members of those enterprises.

Section 94: Determination of capacity, prohibition of overcrowding

(1) The Supervisory Authority shall determine the capacity of the institution in such a way that adequate accommodation of the prisoners is guaranteed. Section 93 (2) shall be taken into account.

(2) Detention rooms shall not be occupied by more persons than is permissible.

(3) Exceptions to Subsection (2) shall be permissible only temporarily and only with the consent of the Supervisory Authority.

Section 95: Head of the Institution

(1) The Head of the Institution shall be responsible for the entire penal regime in the institution and shall represent the institution vis-à-vis the outside world. He or she shall be

permitted to transfer certain functions to other institutional staff. The Supervisory Authority may reserve the right to agree to such transfer.

(2) For each institution, a civil servant of the second service class group, second entry level shall be appointed as full-time Head of the Institution.

Section 96: Institutional staff

(1) The institution shall be equipped with the staff it requires for achieving the aim and objective of imprisonment and for fulfilling its tasks, in particular general institutional officers as well as civil servants from the social, psychological and pedagogic services. It shall be ensured that institutional staff receive advanced training as well as practice counselling and guidance.

(2) Specially qualified personnel shall be provided and interdisciplinary cooperation shall be ensured for the supervision and support of prisoners who have been ordered to be placed in preventive detention, or whose order to preventive detention has been deferred. External specialist staff shall be involved when and insofar as is necessary.

(3) All persons who work in the institution shall work together and towards fulfilling the aim and objective of serving sentence.

Section 97: Chaplains for spiritual welfare

(1) Chaplains shall, with the agreement of the ministry competent in matters of justice, be appointed by the respective religious community, in part or full-time, or engaged by contract.

(2) Where the small number of members belonging to a religious community does not justify such religious welfare as is laid down in Subsection (1), religious welfare shall be permitted in some other way.

(3) With the consent of the ministry competent in matters of justice, the prison chaplain may avail him or herself of the services of free religious assistants and engage chaplains from outside the institution for divine service and for other religious activities.

Section 98: Medical care

(1) The provision of medical care shall be ensured.

(2) Sick prisoners should be nursed by persons who dispose of a permit as provided in the Patient Care Act of 16 July 2003 (Federal Law Gazette I p. 1442), most recently amended by Section 35 of the Act of 6 December 2011 (Federal Law Gazette I p. 2515). Where such persons as defined in the first Sentence are not available, institutional staff who have been given other training in patient medical care may also be employed.

Section 99: Representation of prisoners' interests

The prisoners shall be allowed to elect representation. This representation may approach the institution with suggestions and ideas in matters of joint interest that are suitable for such involvement and participation.

Section 100: House Rules

The Head of the Institution shall issue House Rules on the basis of this Act that govern the shaping and organisation of every-day prison life. The supervisory authority may reserve the right to refuse to permit such rules.

Chapter 19
Supervision, Advisory Council

Section 101: Supervisory Authority

(1) The ministry competent in matters of justice shall exercise supervision over the penal institutions (Supervisory Authority).

(2) The Supervisory Authority may reserve the right to render decisions on transfers and temporary transfers.

Section 102: Scheme of Execution, penal communities

(1) The Supervisory Authority shall regulate local competence and competence ratione materiae of the penal institutions in a Scheme of Execution.

(2) Within the framework of penal communities formed between the Länder, sentence may be served in the penal institutions of other Länder.

Section 103: Advisory Council

(1) An Advisory Council shall be established in the institution. Institutional staff shall not be members of the Advisory Council. The ministry competent in matters of justice shall be granted the power to define via legal ordinance the procedure for commissioning the Council, its tenure of office and its fundamental activities, as well as the number of members it should comprise and how they should be reimbursed.

(2) Members of the Advisory Council shall participate in the organisation of the prison regime and in the integration of prisoners. They shall promote understanding for the serving of sentence and the penal regime and its acceptance in the community, and shall facilitate contacts to public and non-public establishments.

(3) The Council shall serve as a point of contact for the Head of the Institution, the institutional staff and the prisoners.

(4) The members of the Advisory Council shall be allowed to gather information on the accommodation of the prisoners and on the organisation of the prison regime, as well as to inspect the institution. They shall be allowed to visit the prisoners and detainees in their cells. Conversations and correspondence shall not be supervised.

(5) The members of the Advisory Council shall be under the obligation not to disclose outside their office any matters of a confidential nature, in particular with regard to names and personalities of the prisoners. The same shall apply with regard to the time after their

term of office has come to an end.

Chapter 20
Execution of military disciplinary confinement

Section 104: Principle

(1) The provisions of this Act shall apply mutatis mutandis to the execution of military disciplinary confinement unless Section 105 provides otherwise.

(2) Section 105 (1) to (3), (7) and (8) shall not apply where military disciplinary confinement is executed in interruption of another liberty-depriving measure.

Section 105: Special provisions

(1) Prisoners in military disciplinary confinement shall be accommodated in the open regime.

(2) Joint accommodation shall be permissible only with the consent of the persons subjected to military disciplinary confinement.

(3) Visits, telephone conversations and correspondence may not be forbidden or supervised unless this is necessary for reasons of security or order in the institution.

(4) Prisoners in military disciplinary confinement shall be permitted to receive visits once a week.

(5) Prisoners in military disciplinary confinement shall be allowed to wear their own clothing and to use their own bedding, unless this is barred by reasons of security and provided that they see to cleaning, repair and regular changes at their own expense.

(6) Within reason, prisoners in military disciplinary confinement shall be allowed to buy edibles and luxury articles, as well as toiletries and cosmetics, through the mediation of the institution at their own expense.

(7) Body searches requiring that the prisoners strip down shall only be permissible when there is imminent danger.

(8) Firearms may not be used for the purpose of preventing escape or for recapturing prisoners pursuant to this Section who have absconded.

Chapter 21
Data protection

Section 106: Application of the Data Protection Act of Mecklenburg-Western Pomerania

The Data Protection Act of Mecklenburg-Western Pomerania shall apply unless this Chapter makes differing regulations.

Section 107: Collecting personal data, notification requirements

(1) The institution and the Supervisory Authority may collect personal data (data) where knowledge of such data is necessary for purposes pertaining to the execution of prison sentences. Such purposes shall be achieving the aim and objective of serving sentence, protecting the general public from further criminal offences, maintaining security and order in the institution, and safeguarding the execution of sentences to imprisonment.

(2) Data shall, as a rule, be collected from the persons concerned. In individual cases, prisoner data may be levied without their knowledge from third parties, if

1. a legal provision prescribes or peremptorily presupposes such collection,
2. a) the nature or purpose of the duty to be performed necessitates collection of the data from other persons or bodies, or
   b) collection of the data from the prisoners would necessitate disproportionate effort and there are no indications that overriding legitimate interests of the prisoners are impaired.

(3) Data on persons who are not prisoners may only be collected without their knowledge for purposes pertaining to the serving of sentence if doing so is indispensable and the nature of their collection does not impair interests of the persons concerned that are in need of protection.

(4) The persons concerned shall be informed of the collection of their data without their knowledge where doing so does not jeopardize purposes pertaining to the serving of sentence. If the data have been collected from other persons or agencies, notification may be foregone if

1. the data, according to their nature, must be kept confidential in accordance with a legal provision, namely because of the overwhelming interest of a third party, or
2. the effort that notification involves is disproportionate to the protective purpose, and no indication exists that overriding interests of the person concerned that are in need of protection are impaired.

(5) Where personal data are collected from a non-public body and not from the prisoners, such body shall be informed of the legal provision requiring the supply of particulars or that such supply is voluntary, as the case may be.

Section 108: Special modes of data collection

(1) To safeguard imprisonment and to maintain security and order in the institution, particularly in order to ascertain the prisoners' identity, the following identification measures shall be permissible with the knowledge of the prisoners:

1. taking finger and palm prints,
2. taking photographs,
3. ascertaining external physical characteristics,
4. electronically recording biometric features of the face, the fingers and the hands,
5. taking measurements.

The institution may oblige prisoners to carry a photograph ID on their person if this is necessary for reasons of security or order in the institution.

(2) For reasons of security and order, it shall be permissible for areas of the institutional premises, including the inside of buildings, the grounds of the institution or the immediate surroundings of the institution, to be subjected to optical-electronic surveillance (video

surveillance), and for recordings to be made in individual cases. Such surveillance shall be made visible by appropriate means than do not thwart the purpose of said surveillance. Video surveillance of cells shall be prohibited unless this Act makes provision to the contrary.

(3) The institution may condition entry to its grounds, by persons not involved in the serving of sentence or the institution, on such persons

1. verifying their forename, surname and address by presenting official identification cards or comparable official documents, and
2. enduring the recording of biometric features of their hands or signature, so far as is necessary to prevent prisoners being exchanged.

The Head of the Institution shall be competent for regulating the particularities.

(4) The Head of the Institution may order that electronic data storage units, or electronic devices containing data storage units, that are illicitly in the prisoners' possession be accessed and read-out when there are concrete grounds which justify that such action is necessary for purposes pertaining to the execution of sentence. Prisoners shall, at the time of their admission to the institution, be informed of the possibility that data storage units may be accessed and read-out.

Section 109: Protection of the data in paper files and computer files, disclosure

(1) Data collected on prisoners shall be stored in the institution's books, in prisoners' personal files and in electronic files. They shall be protected by the necessary technical and organisational measures against unauthorised access and unauthorised use. Medical files, treatment files, documents pertaining to psychological and pedagogical tests as well as medical case sheets shall be kept separately from other documents, and shall be especially safeguarded.

(2) Institutional staff may gain knowledge of data only where this is necessary to carry out the tasks incumbent on them, or for rendering the collaboration necessary for the joint accomplishment of tasks.

(3) The religious and ideological confession of prisoners and data collected on the occasion of medical examinations or in the context of the monitoring of visits, correspondence, telecommunication and the dispatch and receipt of parcels may not be made general knowledge within the institution. Other personal data on the prisoners may be made general knowledge within the institution if this is absolutely necessary for maintaining ordered co-existence within the institution.

Section 110: Storage, transmission and use of data

(1) The institution and the Supervisory Authority shall be permitted to store, transmit and use data, insofar as this is necessary for purposes pertaining to the execution of imprisonment.

(2) The storage, transmission and use of data for purposes other than those stipulated in Subsection (1) shall also be permissible

1. if this is necessary to avert activities for a foreign power which place security at risk or secret service activities for a foreign power, or activities in the area of application of this Act which by using violence or acts in preparation

a) target the free, democratic basic order, the existence or the security of the Federation or of a Land,

b) have, as their purpose, an unlawful impediment to the exercise of the office of the constitutional bodies of the Federation or of a Land or of its members, or place at risk international interests of the Federal Republic of Germany,
2. to avert considerable disadvantages for the common good or a danger to public security,
3. to avert a grievous impairment to the rights of another person,

4. to prevent or prosecute criminal offences, as well as to prevent or prosecute administrative offences which endanger security or order in the institution, or

5. for measures of execution of imprisonment or of decisions under the law on the execution of imprisonment.

(3) Storage, transmission or use for other purposes shall not be deemed to be such if such storage, transmission or use serves judicial legal protection in accordance in with this Act or the purposes named in Section 10 (4) of the Data Protection Act of Mecklenburg-Western Pomerania.

(4) Over and above the purposes regulated in Subsections (1) and (2), data may be transferred to competent public agencies if this is necessary for

1. the preparation and execution of measures of the Court Assistance Agency, Youth Court Assistance Agency, Probation Service, the authority responsible for supervision of conduct, or forensic ambulance services,
2. decisions in pardons cases,
3. statutorily required statistics of the administration of justice,
4. measures pertaining to social policy,
5. the initiation of assistance measures for the prisoners' family members (Section 11 (1) No. 1 of the Federal Criminal Code),
6. official measures of the Federal Armed Forces in connection with the conscription and discharge of soldiers,
7. immigration law measures, or
8. the implementation of taxation.

Transmission for other purposes shall also be permissible if such transmission is provided for by another statutory provision and explicitly relates to the personal data of prisoners.

Section 111: Processing of data gathered via special modes of data collection

(1) Personal data gathered in the course of monitoring visits, telephone conversations, other forms of telecommunication, written correspondence and parcels may only be processed for the purposes stated in Sections 107 (1) and 110 (2) and (3).

(2) Data and documents obtained through the identification measures stated in Section 108 (1) Sentence 1 shall be included in the prisoners' personal files or saved in personalized electronic files. They shall be transmitted to the Police in cases in which it is estimated that the prisoners will be subject to supervision of conduct upon their release, or when the institution has received from the Police a request for such transmission. The data shall be transmitted no later than on the day on which the prisoners are released. They may otherwise only be processed and used by the competent authorities for the purposes named in Section 108 (1) Sentence 1 and Section 110 (2) No. 4 as well as (4) Sentence 1 No. 1, as well as for the purpose of searching for and apprehending prisoners who have escaped or who are otherwise at large without permission.

(3) The data collected from persons not involved in the execution of sentence, the penal regime or the institution in accordance with Section 108 (3) may only be processed

1. for the purpose of comparison when such persons leave the institution, or
2. for the purpose of prosecuting criminal offences where it is suspected that they were committed while the person was in the institution. In such case, the data may, solely for the purpose of prosecution of these offences, also be transmitted to the authorities responsible for criminal prosecution.

(4) Data collected from data storage units pursuant to Section 108 (4) may only be processed when doing so is necessary for the purposes stated in that Section. Such data shall not be processed if they

1. concern the core area of the private conduct of life of third parties or

2. concern the core area of the private conduct of life of prisoners, and balancing the penal interests stated in Section 108 (4) in favour of such processing against the interests of prisoners in the data being illegally stored deems further processing intolerable.

(5) Data collected pursuant to Section 107 (3) on persons who are not prisoners may only be processed or used in order to fulfil the purpose of collection, for the purposes regulated by Section 110 (2) No. 1 to 3 subsection (2) Nos. 1 to 3, or to prevent or prosecute criminal offences of considerable significance.

Section 112: Disclosure of conditions of imprisonment

(1) The institution or the Supervisory Authority may disclose to public and non-public agencies, upon their written request, whether a person is in detention, as well as whether and when their release is likely to take place within one year, where

1. the information is necessary for the public body requesting it to be able to fulfil the tasks for which it is competent, or
2. if non-public bodies
   a) plausibly demonstrate a legitimate interest in such disclosure and

   b) the prisoners do not have an interest in ruling out disclosure that is in need of protection.

(2) The Police shall, in order to fulfil the tasks incumbent on them, be informed by the institution or the Supervisory Authority of

1. the admission of prisoners to the institution for serving a sentence to imprisonment,
2. the transfer of prisoners to an institution outside of Mecklenburg-Western Pomerania,
3. the beginning and expiration of long-term leave to be granted pursuant to Section 38 (1) No. 3, including the place at which the prisoners shall be residing,
4. in a timely manner, as a rule not later than three months prior to the anticipated release date, any imminent release of prisoners into freedom or to an institution that is not part of the penal system, as well as the address to which the prisoners will be released.

(3) Disclosure shall be documented in the prisoners' personal files.

(4) In addition, the victims of a crime as well as their legal successors may, upon their

written application, be provided with information concerning the address to which the prisoners shall be released or the financial circumstances of prisoners, if such disclosure is necessary for ascertaining or asserting legal claims connected to the offence.

(5) The prisoners shall be heard before disclosure is made to non-public bodies or to injured parties or their legal successors, unless it is to be feared that this would thwart or significantly impede the applicant in pursuing his or her interests, and an appreciation of interests reveals that the applicant's interests outweigh the prisoners' interests in being heard prior to permitting disclosure. Where there is no hearing, the affected prisoners shall be subsequently informed by the institution of the disclosure.

Section 113: Ceding and transmission of files

(1) Files may only be made available, either by ceding in their physical form or by transmission of a duplicate copy when in electronic form, to

1. other institutions and Supervisory Authorities,
2. the Court Assistance Agency, Youth Court Assistance Agency, the Probation Service, the authority responsible for supervision of conduct, and the forensic ambulance services,
3. the courts responsible for rulings on matters related to imprisonment, rulings on the execution of sentence and criminal law rulings, and
4. the authorities responsible for the execution of imprisonment and criminal prosecution.

(2) Transmission to other public agencies shall be permissible where issuing information requires unjustifiable effort or where – upon explanation by the agencies that are requesting inspection of files – such disclosure is insufficient to complete the task. The same shall apply to the ceding or transmission of files to agencies mandated by an institution, a Supervisory Authority, an authority responsible for the execution of prison sentences or a court for the provision of expert reports.

Section 114: Duties of disclosure for persons subject to professional secrecy

(1) Unless stated otherwise in this Act, as bearers of professional secrets,

1. doctors, dentists, and other medical professionals who are required to have undergone state-regulated training in order to be permitted to perform their profession or to refer to themselves as members of such profession,
2. professional psychologists with state-approved final examination certificates, or
3. state-approved social workers or state-approved social education workers

shall also be under an obligation to treat any secrets that prisoners have shared with them, or secrets about prisoners that have otherwise come to their knowledge, with secrecy and confidentiality vis-à-vis the institution and the Supervisory Authority.

(2) The persons stated in Subsection (1) shall be obliged to reveal such secrets to the Head of the Institution where this is necessary in order for the institution or the Supervisory Authority to fulfil its tasks, or in order to avert considerable danger to life or limb of prisoners or third parties.

(3) Medical doctors are obliged to reveal to the Head of the Institution any secrets that come to their knowledge in the course of providing general medical care where this is indispensable for ascertaining that the institution or the Supervisory Authority shall be able to fulfil their tasks or for averting considerable danger to life or limb of prisoners and third

parties. Other rights and duties of disclosure shall remain unaffected.

(4) The prisoners shall be informed of the duties of disclosure provided in Subsections (2) and (3) before the data are collected.

(5) Data disclosed pursuant to Subsections (2) and (3) may only be processed or used for the purpose for which they have been disclosed or for a purpose for which disclosing them would have been permissible. Such data shall only be processed or used under the same conditions under which a person stated in Subsection (1) would him or herself be permitted. Under these conditions, the Head of the Institution may generally permit direct disclosure to specified institutional officers.

(6) Where doctors or psychologists from outside the institution are tasked with examining, treating or caring for prisoners, Subsections (1) to (3) shall apply accordingly, on the condition that the persons so tasked are also obliged to inform the institution's medical doctors and psychologists.

Section 115: Disclosure to the persons concerned, inspection of files

(1) The prisoners shall, at their request, be provided with information on

1. stored data concerning them, including any reference in them as to the origin of those data,
2. the recipients or categories of recipients to whom the data are transmitted, and
3. the purpose for which they are stored.

The request should specify the type of data to be disclosed. If the data are stored neither by automated procedures nor in non-automated filing systems, information shall be provided only in so far as the prisoners supply particulars making it possible to locate the data, and the effort needed to provide the information is not out of proportion to the interest in such disclosure expressed by the prisoners. The institution or the Supervisory Authority shall exercise due discretion in determining the procedure for such disclosure, in particular the form in which disclosure is provided.

(2) Subsection (1) shall not apply to data which are only being stored because they are not allowed to be erased due to legal, statutory or contractual provisions concerning their retention, or exclusively serve purposes of data security or data protection control and disclosure would require disproportionate effort.

(3) If the disclosure relates to the transfer of data to authorities of the Prosecution Service, Police Stations, authorities for the protection of the constitution, to the Federal Intelligence Service, the Federal Armed Forces Counterintelligence Office and, where the security of the Federation is concerned, other authorities of the Federal Ministry of Defence, it shall be admissible only with the consent of such bodies.

(4) Information shall not be provided if

1. this would be prejudicial to the proper performance of the duties of the responsible authority,

2. this would impair public safety or order or otherwise be detrimental to the Federation or a Land,
3. the data, or the fact that they are being stored, must be kept secret in accordance with a legal provision or by virtue of their nature, in particular on account of an overriding justified interest of a third party,
4. the data have been stored in lieu of decisions pertaining to pardons.

(5) Reasons need not be stated for the refusal to provide information if the statement of the actual and legal reasons on which the decision is based would jeopardize the purpose pursued by refusing to provide information. In such cases, it shall be pointed out to the prisoners that they may appeal to the Commissioner for Data Protection of Mecklenburg-Western Pomerania.

(6) If no information is provided to the prisoners, it shall, at their request, be supplied to the Commissioner for Data Protection of Mecklenburg-Western Pomerania, unless the Supervisory Authority determines in a particular case that this would jeopardize the security of Mecklenburg-Western Pomerania, another Land, or the Federation. The transfer from the Commissioner for Data Protection of Mecklenburg-Western Pomerania to the prisoners must not allow any conclusions to be drawn as to the knowledge at the disposal of the retaining authority, unless the latter consents that more extensive information be provided.

(7) Prisoners for whom disclosure alone is insufficient and who, as a result, are dependent on being granted access to the records in order to safeguard their legal interests, shall be granted such access.

(8) Information and inspection of files, when granted, shall be provided free of charge.

Section 116: Erasure, blocking and retention

(1) The data stored in computer files shall be erased at the latest five years after the prisoners' release or their transfer to another institution. Until expiry of the retention period for the prisoners' personal files provided in Subsection (8), information on family name, first name, name at birth, date of birth, place of birth, date of entry and departure of the prisoner may be excluded from this where this is necessary for locating the prisoner's personal file.

(2) With the exception of photographs and descriptions of physical characteristics, data that may serve to identify prisoners who have been subjected to identification measures pursuant to Section 108 (1) Sentence 1 shall be destroyed promptly after the prisoners' release as soon as the execution of the judicial decision on which imprisonment was based has been completed and the transmissions of data pursuant to Section 111 (2) have been completed.

(3) Data collected using optical-electronic equipment pursuant to Section 108 (2) shall be deleted no later than four weeks after collection, unless retaining them in storage for longer periods is indispensable for evidence purposes in individual cases.

(4) Data collected in accordance with Section 108 (3) No. 2 shall be immediately erased once the persons they concern have left the institution.

(5) Data gathered pursuant to Section 108 (4) shall be promptly destroyed when processing them pursuant to Section 111 (4) is inadmissible. The data shall be destroyed no later than 72 hours after they have been accessed and read-out, unless retaining them in storage for longer periods is indispensable for evidence purposes in individual cases.

(6) Data in paper files shall be specially marked so as to restrict their further processing and use (blocking) no sooner than five years after the prisoners have been released or transferred. Such blocking shall be lifted if the prisoners are once more admitted for the execution of a prison sentence or if the persons concerned have consented thereto.

(7) Data blocked pursuant to Subsection (6) may only be transmitted or used if doing so is indispensable for

1. prosecuting criminal offences,
2. implementing scientific research projects in accordance with Section 92,
3. remedying an existing lack of evidence, or
4. determining, asserting or averting legal claims in connection with the execution of a prison sentence.

(8) In retaining paper and computer files that contain data blocked in accordance with Subsection (6), a period of 30 years may not be exceeded for prisoners' personal files, medical files, therapy files, documents pertaining to psychological and pedagogical tests, medical case sheets and prison registers. The retention period shall commence with the calendar year following the year of placing on file. The provisions of the Archive Code of Mecklenburg-Western Pomerania shall remain unaffected.

Chapter 22
Final provisions

Section 117: Restriction of basic rights

By this Act, the basic rights to physical integrity and to freedom of the person (Article 2 (2) of the Basic Law) and to secrecy of post and telecommunications (Article 10 of the Basic Law) shall be restricted.

Section 118 Effective date

This Act shall enter into force on 1 June 2013.

The preceding Act is hereby executed. It shall be promulgated in the Gazette of Laws and Ordinances for Mecklenburg-Western Pomerania.

Schwerin, 7 May 2013

The Prime Minister
Erwin Sellering

The Minister of Justice
Uta-Maria Kuder