

# Review

## **Convictions leading to psychiatric measures in 2021 – Psychiatric measures resulting from convictions handed out in 2021, number of such psychiatric measures in progress and length of terminated such psychiatric measures**

### Number of convictions leading to psychiatric measures and proportion of these psychiatric measures with no maximum period specified

- 748 convictions leading to psychiatric measures were handed out in 2021. The convictions were imposed on 745 persons as three persons received convictions leading to psychiatric measures twice during the year.
- In 2021, the number of convictions leading to psychiatric measures slightly exceeded the number imposed in 2020 which was the year with the lowest number of such convictions since 2009.
- In 2021, almost half of the convictions leading to psychiatric measures (47 per cent) did not specify a maximum period.

### Mental state of persons convicted and maximum period of the psychiatric measures

- 67 per cent of the convictions leading to psychiatric measures handed out in 2021 were imposed on persons with a mental illness, see section 16(1)(i) and section 68 of the Danish Criminal Code (*straffeloven*). 21 per cent of the convictions were imposed on persons with an intellectual disability, see section 16(1)(ii) or section 16(2) and section 68 of the Criminal Code, and 12 per cent were imposed on intellectually or mentally inadequately developed persons, etc., see section 69 of the Criminal Code. Further, one specific case concerned a temporary abnormal mental condition due to the consumption of alcohol or other intoxicants, see section 16(1)(iii) and section 68 of the Criminal Code.
- The share of convictions leading to psychiatric measures with no maximum period specified was highest among persons with a mental illness (49 per cent) and slightly lower for persons with an intellectual disability (44 per cent) and intellectually or mentally inadequately developed persons, etc. (44 per cent).

### Maximum period and nature of psychiatric measures

- Of the psychiatric measures involving or providing an opportunity for e.g. hospitalisation or assignment to an institution, no maximum period of the measure was specified in 49 per cent (persons with a mental illness), 52 per cent (persons with an intellectual disability) and 45 per cent (intellectually or mentally inadequately developed persons, etc.) of the cases.

### Maximum period of retention of intellectually or mentally inadequately developed persons, etc.

- Convictions leading to psychiatric measures imposed on intellectually or mentally inadequately developed persons, etc., which involve or provide

opportunity for e.g. hospitalisation or assignment to an institution, a maximum period of the residence must be specified, in general not exceeding one year. This is the case in 93 per cent of these convictions leading to psychiatric measures. Such requirement of a maximum period does not apply to persons with a mental illness and persons with an intellectual disability.

#### Nature of offence and mental state of persons convicted

- Convictions leading to psychiatric measures most frequently concern violence and threats against public officials followed by common assault and threats.

#### Convictions leading to psychiatric measures that are in progress

- As at 31 December 2021, 3,893 psychiatric measures resulting from convictions handed out after 1 July 2000 were in progress. More than two-thirds of these psychiatric measures concerned persons with a mental illness, about one-fifth concerned persons with an intellectual disability and 11 per cent concerned intellectually or mentally inadequately developed persons, etc.

#### Length and type of termination of psychiatric measures

- There are certain indications that the length of psychiatric measures resulting from convictions handed out in recent years has increased compared with those handed out during the first years of the period under review. However, reservation is made for the circumstance that the uncertainty of results is greater at the beginning of the period. Convictions terminated after no more than five years are more frequently terminated by a court order than by a new sentence or due to expiry of the maximum period.

