



Office of Penitentiary Affairs  
Probation and Detention Services

Südbahnhofstrasse 14d  
Postfach  
3001 Bern  
Telephone: +41 31 633 55 00  
Telefax: +41 31 633 55 10  
info.bvd.sid@be.ch  
www.be.ch/ajv

## **Fact sheet concerning semi-detention (SD)**

### **1. What is SD and what are the requirements for it to be granted?**

“At the offender’s request, a custodial sentence of no more than 12 months or the remainder of a sentence after taking account of time spent on remand of no more than six months may be served in the form of semi-detention” (Art. 77b, Swiss Criminal Code).

The detainee spends his resting and leisure time, as well as any days off work (including weekends) in the custodial facility.

The requirements for semi-detention to be granted are the following:

- for the duration of the sentence, detainees will have to continue their regular work or engage in a recognised education or training course for at least 20 hours a week, housework and child care, as well as temporary employment programmes being treated on equal terms;
- detainees are not expected to abscond or commit further offences;
- detainees’ personal, familial or professional circumstances do not provide any reasons against it;
- it may be assumed that detainees will be able to cope with the pressure of semi-detention and will not abuse the trust placed in them and will comply with the institutional rules of the custodial facility;
- detainees are prepared to pay a contribution to costs in the amount of CHF 20.00 per day, provided they are gainfully employed during their semi-detention. In justified cases, a remission or reduction of such cost contribution may be requested.

### **2. What are the procedures for SD?**

If detainees satisfy these requirements, the custodial authority allows them to serve their sentence in the form of semi-detention, designates the regional prison and determines the entry and exit times. The custodial authority may impose conditions on detainees. If the latter fail to comply with them, the right to semi-detention can be revoked and standard detention be ordered for the rest of the sentence.

The competent regional office of the Probation and Detention Services advises detainees with regard to any questions concerning detention and checks up on them. As a rule, a time window of 14 hours outside the custodial facility will be available to detainees per working day, education and further training day or employment day. Detainees will have to spend at least one whole day per week in the custodial facility.

Semi-detention will be cancelled and the sentence will have to be served in standard detention if detainees

- a. no longer satisfy the requirements in accordance with para.1 at the beginning or during semi-detention, particularly if they abuse their time outside the custodial facility, fail to return to the custodial facility or, despite having been warned, return late, under the influence of alcohol or drugs and/or repeatedly infringe against its institutional rules;
- b. fail or refuse to pay the cost contribution.

In the case of minor infringements, semi-detention may not be cancelled. The authority may also refrain from cancelling semi-detention if detainees, after losing their job during their sentence through no fault of their own, find another suitable form of work within 14 days, provided that their support and supervision are guaranteed during that period of unemployment.

If it should transpire during semi-detention that detainees conceal certain facts regarding their employment from the custodial authority (shortened working hours, termination of the employment agreement or loss of job), the custodial facility reserves the right to contact the employer.

### **3. What are detainees' obligations during SD?**

Detainees are subject to the provisions of their custodial facilities. If they fail to fulfil the legal expectations placed in them or infringe against the conditions set down for detention and the institutional rules of their custodial facility, this will result in either a reduction of free time or the cancellation of semi-detention.

Detainees will have to pay a cost contribution of CHF 20.00 per day for semi-detention, provided they are gainfully employed during SD. This amount will have to be paid in advance for 30 days. If this cost contribution is not paid in due time, semi-detention may be cancelled. The remainder of the sentence would then have to be served in standard detention. In individual cases, the custodial authority may exceptionally extend the term of payment.

Insurance cover during the time to be spent outside the custodial facility, notably at the place of work, is the detainees' responsibility.

### **4. How is the request submitted, and within what period of time?**

Offenders have to submit the request for serving the sentence in the form of semi-detention within 14 days after receipt of the order to present themselves for detention, the request form to be sent to the competent regional office of the Probation and Detention Services at one of the following addresses:

- **BVD-Regionalstelle Bern-Mittelland**, Südbahnhofstrasse 14d, Postfach 3368, 3007 Bern
- **BVD-Regionalstelle Berner Jura-Seeland**, Rüschiistrasse 16, Postfach, 2501 Biel
- **BVD-Regionalstelle Oberland**, Allmendstrasse 34, Postfach 188, 3601 Thun
- **BVD-Regionalstelle Emmental-Oberaargau**, Dunantstrasse 7c, 3400 Burgdorf

## 5. What documents are mandatory to be enclosed with the request?

The request form has to be accompanied by the following documents:

### A. Self-employed persons / executives (particularly of a limited company, individual company or SME)

- *Personal documents:*
  - Rental agreement for private household / imputed rental value
  - Documents re health insurance (such as policy or premium invoice)
- *Evidence of work (at least 20 hours per week):*
  - Excerpt from the commercial register (if this does not exist: UID corporate identification number of the Federal Statistical Office)
  - Excerpt from the accounts and corporate bank statements of the last three months
  - Payroll or salary statements of the person submitting the request and possible employees
  - Social security proof (such as the current quarterly OASI invoice) of the person submitting the request and possible employees
  - Latest definitive tax assessment
  - Rental agreement for business premises / imputed rental value
  - Documents concerning existing and anticipated orders (such as invoices, quotations, estimates, etc.)

### B. Employees / persons in education/training / persons in a temporary employment programme

- *Personal documents:*
  - Rental agreement / imputed rental value
  - Documents re health insurance (such as policy or premium invoice)
- *Evidence of work (at least 20 hours per week):*
  - Salary statements of the last three months or current social security budget
  - Currently applicable work, education/training or employment agreement

### C. Persons with child care

- *Personal documents:*
  - Rental agreement / imputed rental value
  - Documents re health insurance (such as policy or premium invoice)
  - Evidence of children in the same household (such as residence permit, etc.) or regarding partial care for children (such as divorce settlement, orders issued by the Child and Adult Protection Authority (KESB) or agreements with institutions of third-party care.
- *Evidence of work for single parents (at least 20 hours of child care per week):*
  - If available: salary statements of the last three months or current social security budget
  - If available: currently applicable work, education/training or employment agreement
- *Evidence of work for persons living in a partnership (at least 20 hours of child care per week):*
  - Salary statements of the last three months of the gainfully employed partner
  - Partner's currently applicable work, education/training or employment agreement for at least 20 hours per week