

Report on measures by the Criminal Sanctions Agency (update 29.4.2020)

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Measures taken by the Criminal Sanctions Agency to prevent the spread of the Covid-19 pandemic in prisons

The CPT Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic

The statement of principles of the CPT was distributed to regional centers and prisons in English on 2.4.2020. Translation in Finnish was also made and distributed.

Pandemic disease plan and prison-specific contingency plans

In order to be prepared for the spread of the coronavirus, the Criminal Sanctions Agency has drawn up a pandemic disease contingency plan, which includes, among other things, arrangements concerning the preparedness organisation, the decision-making, and the operation of the units during the pandemic disease. The Criminal Sanctions Agency of Finland has given general guidelines to prisons and community sanctions offices concerning the epidemic. All prisons and community sanctions offices have their own updated contingency plans.

The Criminal Sanctions Agency has established a preparedness team to monitor and coordinate the coronavirus situation and, to the extent necessary, to instruct the units regarding the situation. The preparedness team is supported by a situation awareness team providing up-to-date data for the decision-making. All work regarding preparedness is done in close cooperation with the Health Care Services for Prisoners (VTH). Prisons are prepared to adapt and prioritise the activities so that that it is possible to carry out the necessary official duties.

Legislative and other measures to reduce the number of prisoners

In order to prevent the spread of the coronavirus and to maintain the operation of prisons, the Ministry of Justice has issued a decree under which a person imposed only a conversion sentence for unpaid fines or a sentence of imprisonment of six months at most, may not be ordered to report to prison between 19 March and 19 June 2020. The Decree entered into force on 19 March 2020. Furthermore, the Ministry of Justice also issued a bill under which the enforcement of conversion sentences for unpaid fines or unconditional prison sentences would not be commenced and new dates to report to prison would not be ordered before 31 August 2020.

New guidelines were issued on the enforcement of supervised probationary freedom during the epidemic. Enforcement of sentences already started continues normally, but changes will be made to the enforcement plans and weekly programs during the sentence period. Activities should happen at home, or from home, and the plan may also include program-based work by telephone, if it is appropriate. Distance learning or remote work is also possible. Contacts with a prisoner by telephone are increased. Supervision ankle bracelet may be installed normally for an offender by the officials. Special hygiene instructions, such as wearing personal protective equipment, should be followed in the installation and removal of the bracelet.

The postponement of the sentence of imprisonment granted to sentenced persons contributes to the reduction of prison population. A sentenced person may be granted a postponement on the enforcement of a sentence of imprisonment for health reasons, for example if he or she is diagnosed with covid-19, or is subject to healthcare restrictions or belongs to a risk group. A sentenced person may also be granted a postponement for reasons other than health, for example if he or she works in a so-called critical sector or has been exposed to the virus.

Guidelines and measures for contacts outside (families, visits, prison leaves, education, cooperation with NGO's)

The Criminal Sanctions Agency has given instructions for prisons concerning the measures in the prevention of coronavirus (in Finnish 17.4.2020 Dnro 31/035/20, entered to force in 18.4.2020). The main measures and principles are listed in these instructions.

Reducing physical interaction is the main method of preventing the spread of the coronavirus also in the Criminal Sanctions Agency. Some of the staff have been instructed to work remotely from home but the Criminal Sanctions Agency has many duties where physical interaction is necessary, for example, in the prisons or as part of the supervision of probationary liberty. The Criminal Sanctions Agency follows the law and the instructions of the health and welfare authorities in everything it does.

Basically, the prison directors have the mandate to decide according to their respective situation about the restrictions. However, all family- and normal visits are currently shut down. Instead, the possibility of Skype-calls is increased and widened in prison wards. The use of normal telephone communication from the prison is also allowed considerably more, and more time is reserved for offenders to speak on the phone.

The appointments with prison officials (including psychological services) will continue until further notice. However, in the reception the attention must be particularly paid to hand hygiene and adequate physical distance in interaction. Staff shall wear protective equipment such as respiratory protective equipment or protective gloves when they estimate it necessary in accordance with separate instructions on the use of protective equipment. A prisoner with respiratory tract infection symptoms cannot be met in a same room. The reception of prisoners may also take place in meeting rooms separated by a protective plex. The reception can also be carried out in such a way that a prison official meets the prisoner from his or her home by skype connection. In the distance work the information security and the safeguarding of the privacy of the prisoner must be respected.

When making decisions on prison leaves, consideration should also be given to the circumstances prevailing in society and the risk of spreading the disease by the prisoner returning from leave to prison, in particular with regard to leaves granted on the basis of the length of the sentence period and an important reason. If necessary, a permission already granted may be withdrawn on the grounds laid down in the Imprisonment Act. If a permission has been applied for participation in some event, it may be considered to enable the participation via Skype.

For the time being, the education staff, co-operation partners or NGO´s are not allowed to enter the prison premises. The only allowed persons to visit a prisoner are other authorities (such as police) and prisoners´ advocates.

Work activities are being revoked in closed prisons for the time being. In open prisons, restrictions on the movement of groups of prisoners to work outside the prison are also considered on a case-by-case basis. However, activity allowance and the salary paid in open prisons will be paid to prisoners even if the activity is suspended because of the coronavirus.

Religious events are organized as far as possible, for example, in such a way that the prison chaplain/other members of the staff performing religious work can hold the events in a small group. The number of participants shall be limited to a maximum of ten persons and the organizer of the event shall ensure that the participants maintain adequate safety intervals. A religious event can also be organized without the presence of prisoners so that the prisoners can follow the

event via television. Prisoners subject to measures imposed by the Prisoners' Healthcare Unit are not allowed to participate in events.

It is important to offer motivational content during the sentence term especially in this exceptional situation. Decisions on work and free-time activities are always made on a case-by-case basis in accordance with the legislation and the instructions of the health and welfare authorities.

Instructions concerning the personnel

The work safety of the prison officials is of utmost importance. In order to be prepared for the spread of the coronavirus, the Criminal Sanctions Agency has drawn up for staff several instructions to ensure best possible performance in these exceptional circumstances. One of the main purposes of the instructions is to protect staff and prisoners. We have also paid attention to staff availability, necessary PPE, risk management and provision of healthcare.

Staff members belonging to the risk group, are being transferred to alternative work assignments which do not include close physical contacts.

All personnel of the Criminal Sanctions Agency doing administrative work must distance work from home. Distance working was already widely used in the agency before the pandemic.

Travels abroad have been cancelled and employees who have been abroad following the instructions concerning the quarantine period.

The Training Institute for Prison and Probation Services and the Criminological Library is closed until further notice. The students of the Training Institute for Prison and Probation Services may work temporarily in prisons until May 31 to ease the possible shortage of staff.

Hygiene instructions (both prisoners and personnel)

Information and advice about the coronavirus and practical prevention measures are distributed for prisoners in institutions (posters) and in the internal e-portal (Portti) designed for informing prisoners. General recommendations are given regularly by the staff concerning hygiene (hand washing, sneezing etc.) and distancing from others. Prevention information is also delivered in foreign languages (Arabic, Russian, English, Swedish and French). For the most part, prisoners have understood the measures taken very well.

The laundry services have also been instructed on how to handle infectious laundry (for example the use of hygienic laundry sacks).

Arrival in prison and allocation to unit

Prisoners arriving in prison may be residing in the same unit where their state of health can be monitored for two weeks before being transferred to other units. Transfers to living units can be carried out more quickly in cooperation with the prison health care personnel. Prisoners must, as far as possible, be placed in one-person cells.

Healthcare and testing of coronavirus

The coronavirus testing of prisoners is carried out in the public health care system. The prisoner is transported to and out the testing point by the staff with a prison car. So far, the tests have been taken at the public test sites of each hospital district.

Health care in prison clinics is functioning normally for the time being, but emergency situations have been prepared and described in the contingency plan for outpatient care. Some changes have been made in the prison hospital and the Psychiatric Prison Hospital, and changes are described in their own contingency plans.

As far as dental care is concerned, the activities have been reduced somewhat, and this measure is also included in the contingency plan.

Instructions are given for prisons concerning the use of protective equipment (Drno 42/035/2020). Situations where personal protective equipment is used are limited to working with prisoners who have symptoms of acute respiratory infection (fever, cough and/or dyspnoea) or when taking an intoxicant test. According to the instructions, when working with asymptomatic prisoners and staff, it is not necessary to use protective equipment.

The instructions concerning substance abuse testing are also modified. Safety and hygiene regulations concerning the personal protection are stricter in test situations than in the normal circumstances.

Quarantine and isolation measures

So far, no coronavirus infections have yet been diagnosed in Finnish prisons among the prisoners (by 29.4.2020). Prisoners, who may become ill during the epidemic, will be placed separately from healthy prisoners. If a significant part of the prison staff becomes ill, the activities of the prison will be scaled down in proportion to what is required in order to maintain activities, safety, and security. As the last alternative, prisons may take the so-called night setting into full-time use. It means that the prisoners are locked in their cells and the necessary activities are carried out in small groups. Evacuating a prison or its part to another prison may only be considered in an extremely exceptional situation where all other measures have proven insufficient.

The prison health care unit (VTH) decides on the quarantine or isolation of a prisoner according to the Infectious Diseases Act. The prison cooperates closely with the health care staff. The rights of prisoners shall not be restricted beyond what is necessarily caused by quarantine or isolation. The state of health of prisoners placed in quarantine and isolated must be closely monitored.

Safety and security

Occupational safety is very important in the crisis. More personal protective equipment has been ordered in prisons and some have already been delivered to units. The use of protective equipment has been guided and a separate instruction is drawn up on the situations in which the

protective equipment is used, as well as on safe methods of taking intoxicant tests using protective equipment.

Cooperation between national security authorities has been intensified further. The prisons have been instructed to contact the police departments with which they have concluded a police cooperation agreement. They also need to check the current possibilities of executive assistance for prisons in case of special circumstances. Contacts have also been taken with the Finnish Police Board.

The security situation of the institutions will be monitored in the situation meetings held twice a week and in the broader preparedness group, if necessary. In other respects, there are no specific preparedness measures for maintaining safety in prisons, since the personnel of the institutions is very well prepared to take care of safety and security, including unforeseen events.

Transfer of prisoners

Transfers of prisoners from a closed prison to an open facility will continue. If the person moving to an open prison has symptoms of respiratory infection, the transfer will only take place after healing and after a week's asymptomatic period. Transfers of prisoners are not carried out in the middle of a quarantine or isolation ordered by healthcare.

As to the EU transfers of prisoners (FD909), the transfer processes that have been initiated earlier proceed as normal and new EU transfers are being initiated. The preparation process proceeds normally. The Criminal Sanctions Agency makes an appealable decision on the transfer and a proposal to the EU country receiving the transfer. After the receiving country decides on the matter, the time of the transfer is assessed on a case-by-case basis and discussed with the country where the person would be transferred. The transfer may be postponed and, in some cases, it is possible that the transfer will lapse if the transport from one country to another cannot be arranged due to the lack of flight connections or the travel restrictions. The Criminal Sanctions Agency is responsible for the transport from Finland to other countries. The Criminal Sanctions Agency has just had to postpone one transfer of an individual prisoner to an EU country because of the coronavirus situation.

In addition, Criminal Sanctions Agency continues to process the proposals from other countries and consent to transfers if there are no grounds for refusal. These transfers may also be postponed or, in some cases, even lapse if the transport from one country to another cannot be arranged due to the lack of flight connections or the travel restrictions.

As to the European Arrest Warrant (EAW), the Central Administration of the Criminal Sanctions Agency prepares EAW proposals but an actual transfer proposal is submitted to the prosecutor only in an exceptional case. The proposal is not made without consulting the prosecutor first.

Activities related to the day-to-day order of prisons, meals, activities, work, rehabilitation, outdoor activities, leisure time

The aim is to organize activities in the prison as usual. However, the contents of the activity obligation may be amended as necessary. In such cases, it must be ensured that compensatory action is suitable to the sentence plan. Changing the activity obligation may mean, for example, moving from one job to another. Substitute activities may also include self-studies, distance learning, learning e-services, going through the implementation of the sentence plan, planning continuity more thoroughly than usual, or providing guidance for library services. If necessary, the activities may be arranged in a cell. Adequate safety and hand hygiene must be ensured when working and organizing group-based activities.

Prisons have forbidden visitors from entering the prison and cancelled prison leaves. Prisoners can communicate with people close to them by using the telephone and Skype. Open prisons have been forced to make lot of changes to their everyday routines and their operation has become more closed and restricted.

The prison must always organize outdoor activities and meals and ensure that prisoners are able to take care of their own hygiene. Care for hygiene also includes laundry. In addition, the prison must maintain contacts between prisoners outside the prison (leaves, supervised probationary freedom) as far as possible, i.e. at least enable letter mail and telephone calls. This must be made possible in accordance with the law.

However, during the covid-19 epidemic, measures which deviate from what is normal. It may include, for example serving food at the prison wards instead of dining hall or discontinuing certain activities.

Due to the changed circumstances caused by the coronavirus, activities and leisure activities may be arranged in a modified or reduced manner, if this is necessary to maintain institutional order and security. Any changes made shall be confirmed in the daily programs of the units. The assessment of the opening of cell doors is based on situation-specific consideration.

A prisoner's access to library services is, as a rule, secured. However, only 10 persons may stay in the library at a time. The hand hygiene of prisoners visiting the library must be ensured. Books can also be ordered to cells.

Leisure activities that increase the risk of infection can be replaced by some other low-risk leisure activities. Substituting leisure activities may include, for example, a gym and ball games. For example, additional or extended outdoor activities may be arranged.

Communications

The Criminal Sanctions Agency uses intranet for the communication as much as possible. In the intranet there is a special corona-news section for information sharing. It is an important tool in informing about all updated instructions and regulations. In addition, news about corona-situation are published there. Regular follow-ups concerning the situation in other countries' prisons (especially the nearest neighboring countries) are also published in the news feed.

Criminal Sanctions Agency has published a FAQ-part in the organizations' public website. The website serves both prisoners, their families and the staff.

<https://www.rikosseuraamus.fi/en/index/topical/corona.html>

Furthermore, e-services for the offenders have been taken into use. In these exceptional circumstances, access to information regarding the coronavirus is important to prisoners. The Criminal Sanctions Agency has added information and instructions regarding coronavirus in several languages to the prisoners' intranet Portti. The Portti also contains links to services focusing on mental well-being and family affairs.