



MESURES IMPLEMENTED BY THE SECRETARIAT OF CRIMINAL SANCTIONS, REHABILITATION AND VICTIM SUPPORT IN THE PRISON SYSTEM IN VIEW OF COVID-19 PANDEMIC

In the weeks prior to the covid-19 outbreak in Spain, the Health Department authoritiesⁱ of the Government of Catalonia (*Generalitat de Catalunya*) were closely working with the Justice Department and in particular with the Secretariat of Criminal Sanctions, Rehabilitation and Victim Support in order to implement the preventive health measures and protocols established by the Health Department of Catalonia and the Ministry of Health of the Spanish Government in both, prisons and juvenile justice educative centres.

In addition to the distribution of protective equipment, planning the course of action for potential and confirmed cases, sets of measures entailing various degrees of restriction of movement and activities in prisons, were foreseen to be implemented at different stages. A specific committee was formed by Health Department and Justice Department officials belonging to the Secretariat of Criminal Sanctions, Rehabilitation and Victim Support. This committee is permanently monitoring the evolution of the epidemic and assesses the need for adjusting the contingency plan as the situation in the community and in the prisons evolves.

After the preliminary preventative set of measures was implemented, on 14 March the Spanish government declared the state of alarm which amongst other measures, imposed movement restrictions and established new health safety measures for the whole of the population. In light of the new situation a more comprehensive set of measures was applied in Catalan prisons. New adjustments and improvements to the contingency plan are being made as often as needed. A summary of the measures implemented to date (31/03/2020) is provided as follows:

1. HEALTH MEASURES

An inmate showing symptoms compatible with Covid-19, or who has been in close contact with another person testing positive for Covid-19, will be placed in infirmary of the prison, in particular in the health isolation cells specially created to this end. The inmate will be tested by health care staff and provided with a face mask.

If the inmate tests positive of Covid-19, health case staff will decide the kind of treatment required for this person who will be preferably transferred to the Prison Hospital of Terrassa or will remain in the prison infirmary. Also a thorough study of the individuals with whom s/he has been in close contact with to the date of isolation, will be undertaken and the appropriate measures will be applied to such contacts. The inmates that have been in contact with an infected person will also be placed separately in the infirmary of the prison and the course of action for potential cases will be implemented by health care staff.

Until 31 March 9 inmates have tested positive of which 2 have already been discharged. Moreover, 34 inmates are potential cases and are being closely monitored by health professionals while in isolation. There are 21 members of prison staff who have tested positive and 200 are isolated at home for being potentially infected.

The surfaces and rooms that a potential or confirmed case has been using, will be properly cleaned and disinfected according to the Health Department standards.

The cleaning services provision has been intensified. New contracts have been signed with companies specialised on disinfection. Personal hygiene packs for inmates have been increased.

Prison staff interacting with inmates wear a face mask. Health staff and prison staff interacting with potential or confirmed cases wear a PPE. Hand sanitisers have been installed in various places within each prison. The provision of protective equipment is being increased.

2. CONTACT WITH THE COMMUNITY

2.1. Prison leaves and scheduled exits

All kinds of prison permits, leaves and scheduled exits granted to inmates (allowed for various specific activities in the community) have been suspended until health authorities establish that these do no longer pose a risk to the inmates' health.

2.2. Family visits and parcels

All kinds of family visits have been suspended until health authorities establish that these do not longer pose a risk to the inmates' health. The possibility to bring parcels for inmates into the prison has been suspended.

2.3. Communication with families

In order to mitigate such restrictions, the number of phone calls inmates can make to their relatives has been increased from 10 to 20 per week (8 minutes per call). The cost of the calls made by those inmates that have no income is covered by every prison budget, also when the relatives live abroad. The possibility to make a collect call is always available.

In order to enable visual contact among inmates and their families as for 26 March additional electronic means are being piloted in a limited number of prisons:

- A videoconference system through a specific software via internet has been set in motion on the computer rooms available in every prison.
- Smartphones have been purchased and distributed among prisons so that inmates can make video calls through WhatsApp.

The scheduling and allocation of video calls are being done by prison staff following the same rules that those applied to the actual family visits. The use and performance of the devices are always being managed by prison staff. The areas where such communications are taking place should allow for both, sufficient privacy for the inmate as well as for the required supervision by prison staff. Very detailed instructions have been provided for the cleaning process of the devices after each use.

2.4. Helpline for relatives

A helpline has been set up through which prison social workers are providing support to and answering questions from families and friends of inmates.

2.5. Defence lawyers

Defence lawyers have been requested to preferably make use of the videoconference call system regularly available in Bar associations all over Catalonia (one in every province). Should the actual visit be really indispensable, will the lawyer be allowed to visit his/her client in the prison. In such cases and provided that the lawyer does not present any symptoms compatible with Covid-19, the visit will take place in a room with a glass partition.

2.6. Religious support

Religious services have also been suspended as these require the entrance of the religious representatives inside the prison premises. However, religious support will be provided individually to the inmate requiring it and will take place in a glass partition room as far as the religious representative does not present any symptoms compatible with Covid-19.

2.7. Consulate representatives

Regular visits by consulates' representatives have been suspended. If the inmate has a need requiring the consulate intervention, the prison management will channel it via the available means so that consulate support can be provided without posing risks to the inmates' health.

3. TREATMENT AND PRISON REGIME

3.1. New arrivals

Upon admission, if the inmate shows symptoms or expresses having been in contact with someone with symptoms or a confirmed case, s/he will be transferred to a cell to be assessed by health staff who will decide whether s/he shall be placed in a health isolation cell. The rest of newly arrived inmates that are not isolated for health reasons, will be placed in a separate unit for 14 days before being transferred to the assigned unit.

In either case, newly arrived inmates will have access to the same kind of products they could access if placed in their assigned unit. They will also enjoy the outdoor time regularly allowed to inmates in the unit. When spending time outdoors, will only be grouped with other new inmates that have arrived the same day.

3.2. Transfers

Transfers among prison establishments are postponed except for those that are strictly indispensable and those required for health reasons. Transfers to court premises are limited to those strictly indispensable which cannot take place through videoconference.

3.3. Prison treatment programmes

All treatment and rehabilitation programmes delivered by specialised prison staff continue to operate although the schedules have been rearranged and preventative measures must be observed. Inmates from different units cannot mix in a particular session, the rooms used will be spacious enough so that safety distance among individuals can be observed.

3.4. Individual support

Has been intensified for inmates who have special needs, are under closed regime or find themselves in a particularly vulnerable situation. Safety distance between staff and inmates will always be observed.

3.5. Revision of prison regime

Prison treatment boards are studying one by one the cases of inmates that have been granted the 3rd grade and stay in an open prison (sentenced inmates in Spain can be classified into 3 different gradesⁱⁱ), namely those who spend the day in the community (mostly working) and return to the prison to spend the night, in order to assess whether they can be granted art. 86.4. of the Penitentiary Regulations (*Real Decreto 190/1996, de 9 de febrero, por el que se aprueba el Reglamento Penitenciario*) so that the inmate does not need to return to the prison every night. Such revisions are being made on various grounds such as:

- Positive evolution and no risk for the community
- Availability of proper home where the inmate can comply with the confinement imposed by the government
- No need to undergo any particular treatment programme inside the prison premises

If it is assessed that art. 86.4. can be granted, the inmate will remain confined at home (like the rest of the citizens) and will be monitored electronically or telephonically. The Prison Supervisory Judge will have to validate this decision in every case. Inmates on 3rd grade that do not meet such requirements, will have to remain in the open prison without being able to leave nor enjoy any permit granted.

Moreover, the situation of inmates with a medical condition that renders them particularly vulnerable to a Covid-19 infection, is also being carefully reviewed.

4. ACTIVITIES INSIDE THE PRISON

4.1. Informative group sessions on Covid-19

Addressed to groups of no more than 10 inmates of same residential unit and in sufficiently big rooms. These sessions are meant to inform about the current restrictive measures in place inside the prisons, how to communicate with their relatives as well as about the health protocols being implemented in order to prevent infections and treat potential and positive cases. Information about the government restrictions being implemented in the community is also being explained. In the framework of these sessions, inmates can pose questions so that their concerns can be addressed by the staff.

4.2. Production workshops

Continue to operate although shifts have been rearranged so that inmates from different units do not meet in the same workshop in order to prevent the spread of infection. In particular, the workshops already working on clothing manufacture are now working intensively to deliver health staff clothing ordered by the Health Department.

The bakery, cooking and serving and laundry services are considered essential, hence they continue to operate as usual. The shifts of the inmates working in these services have been rearranged to minimise the contact among inmates from different units/wings.

4.3. Schools and vocational training

Education activities for adults in prisons are being provided by the Education Department of the Government of Catalonia. In the community, activity in schools, university and vocational training were suspended as from 12 March, hence these activities have also been suspended inside the prison. In the community, teachers and pupils are using e-learning tools through internet. Resorting to internet with such platforms in prisons requires additional safety measures to ensure its proper use in the prison. The Education Department is looking into ways to make it possible for inmates to resort to self-learning tools.

4.4. Sports

Physical activity when not involving physical contact, is only taking place in outdoor areas inside the prison premises and observing the safety distance between individuals. Sports entailing physical contact or proximity among individuals cannot be practiced. Gyms and indoor sports courts and pitches have been temporarily closed.

4.5. Activities lead by external staff and volunteers

All the activities that were being undertaken inside the prison by volunteers or external staff from community agencies have been suspended. External staff is only allowed to enter the prison when they are working on drug misuse treatment programmes, sex offender's programmes and reintegration into the labour market.

5. STAFF

Working hours within shifts has been rearranged in order to reduce rotation of professionals. New 187 prison staff members have been hired temporarily. The pool of candidates on the reserve list has been increased in order to speed up the replacement of staff that may need to go on a sick leave.

ⁱ In Catalonia health care in prisons and juvenile justice educative centres is provided by the Health Department of the Government of Catalonia (Generalitat de Catalunya) through the *Institut Català de la Salut*. Namely, health care service provision, protocols and treatments delivered to inmates are equal to those delivered to people in the community at large. Every prison establishment

has its Primary Health Care Team formed by health professionals who belong as well to the Health Department and work by the same technical criteria and standards as the health care units in the community.

ⁱⁱ The prison population in Catalonia is currently of 8400 inmates of which 6800 are serving a prison sentence and the rest are on remand. Only when an inmate has been sentenced (not when s/he is still on remand) is classified into one of three grades which mark the progress along the Individualized Treatment Program (*Programa Individualitzat de Tractament o PIT*) also called ITP. The ITP is designed by the prison treatment professionals together with the inmate at the start of the serving of the sentence. The classification into three grades entails a “gradation” of the programmes and activities in which the inmate participates, the extent of supervision s/he receives, the time spent in the cell as well as the possibility of being granted prison permits, leaves and scheduled exits for particular purposes among other aspects. The first grade being the most restrictive and the third grade being usually spent in an open prison or in a half-way house to full freedom.