



EUROPEAN ORGANISATION OF
PRISON AND CORRECTIONAL SERVICES

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REDUCING OVERCROWDING | EuroPris COVID-19 pandemic fact sheet | Updated July 2020

EuroPris continues to work with prison services in Europe to identify issues arising due to COVID-19 and to share experiences, practices and knowledge. When the outbreak began, it became immediately clear that places of confinement were at risk because of the limited possibilities for physical distancing. To help protect prisoners and staff against outbreaks amongst the prison population, most jurisdictions attempted to reduce the occupancy rate in prisons. This served two goals: on the one hand, more space was created among prisoners within a prison wing or unit. At the same time, space was created to reserve and adapt certain wings for medical isolation. This fact sheet presents an overview of the measures that were introduced to increase the safety in prisons in Europe, as reported by prison services.

1. Early release, postponement and suspension of sentences

Several jurisdictions decreased the occupancy rate in prisons by postponing the start of prison sentences for up to six months. Sentences that would normally be executed directly after sentencing by a court were put on hold and will be executed later. In some countries, the execution of short-term sentences (generally up to 6 months) was suspended entirely for several months. The conversion into prison sentences of unpaid fines was also postponed. Also, those prisoners with a very short remaining sentence (generally up to 2-6 months) were released early in some countries. The early release of prisoners who were due to be released shortly in any case, was considered to present a much lower risk to the public, and that lower risk, coupled with the significant risk presented by the pandemic to the effective operation of prisons, justified the use of such action. A number of categories of prisoners were generally excluded from early release as part of the risk assessment (eg. domestic violence, sex offenders, violent extremist offenders). Also, those prisoners who were on leave when the pandemic started, were allowed to extend their leaves with several months, to prevent their re-entry into prison and thus limit the chances of contagion. The postponement of prison sentences also happened independent from the prison services, because the judiciaries in most countries postponed the adjudication of criminal cases.



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2. Non-custodial measures

Some jurisdictions almost entirely replaced short sentences, or short remaining sentences of longer convictions, as well as pre-trial detention with non-custodial measures such as home detention (in their homes, in a healthcare center or in half-way homes or supervised apartments) or reporting to the police regularly, sometimes but not always supported with electronic monitoring. Other means of monitoring included regular phone or videocalls and alcoholmeters. Some countries reported a higher number of community service in relation to prison sentences. However, during the COVID-19 pandemic, most community services were also suspended, to be served later.

3. Capacity increase

In many countries, we observe a reduction of the occupancy rate in detentions. Yet, some jurisdictions reported that the suspension of sentences and increased use of non-custodial measures did not achieve the desired result of creating more space in all prisons. In particular, emergency rules that prevented prisoners from being transferred between prisons, caused there to be an uneven spread of prisoners within jurisdictions. For that reason, such restrictions were lifted and transfers of small groups of prisoners were reintroduced on a limited basis where such moves were required to alleviate population pressures in individual sites or regions. Some prison services also reported expanding their prison capacity, by creating emergency wings either for the general population or specifically for prisoners who needed medical isolation.

4. Single person cells

In order to reduce the risk of COVID-19 spread, most prison services have provided single cell accommodation to a greater proportion of the prison population, because it is not possible to maintain a social distance within a shared cell. This measure was made possible by the decrease in the number of prisoners and the increase in capacity achieved by the three measures described above.

5. Future perspectives

Although prison services generally report a significant decrease in admissions and occupancy rates, there are concerns about what will happen after the emergency measures expire. Many expect a rise in the number of new admissions – because of suspended sentences being executed all at the same time, in addition to community services being converted into prison sentences due to non-compliance, as well as a general growth in prison sentences because of new COVID-19 related charges - which could potentially lead to overcrowding. In addition, a major concern for the penitentiary authorities is to cope with the risk of a second wave of COVID. Therefore, the situation is still under a daily based monitoring.