



Ministero della Giustizia

Department of Penitentiary Administration

Replies to questionnaires from the EuroPris mailing list

Information as of 18 November 2020

Use of face masks inside prisons

Face masks have always to be worn by both inmates and staff and visitors who are present in the prison, for any reason. Only inmates are exempt when they are in their own cell.

The IPS would like to know if any jurisdiction has trialled the use of official mobile phones by prisoners in prisons to enhance communications with families and/or prisoner services?

During the current pandemic emergency, the use of mobile phones by the inmates for calling/video-calling their relatives was allowed, while in "normal" times, the telephone calls are only made by inmates through landline devices. Three thousand and two hundred (3,200) devices were procured by the penitentiary Administration to meet the need of prisoners to be connected with their families in this hard period.

However, we wish to clarify that the mobile devices are not handed over to the inmates. The mobile phones are at the inmates' disposal only for the limited time of the telephone call. The use of those devices is made under the control of the Penitentiary Police officers. The prisoners are prohibited to have a mobile phone with them. Indeed, a very recent law passed a few weeks ago provides for the possession and the introduction of a mobile phone inside prisons as a crime (beforehand it was just an administrative violation).

Current and planned COVID-19 lockdown measures and regulations in prison services?

During the first (acute) and second phase (recovery) of the pandemic, the Italian prison system reacted in a quite effective way to the risk of spreading of COVID-19 infection throughout the prisons of our Country. Guidelines and directions were issued at national level and translated at regional level into concrete practices of prevention and quick intervention. Today, all the outside observers (national and local ombudspersons of prisoners' rights, volunteers' associations) acknowledge the positive results of the efforts made by the Italian penitentiary Administration in this sense.

Therefore, the whole system was almost ready to the COVID-19 pandemic "second wave" (phase 3).



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The prisons had already arranged spaces dedicated to the separation of inmates in accordance with several criteria in line with the health risk management plan set up and had already experimented effective procedures of checks and prevention; the staff is aware and prepared about risks, tasks and actions to be taken. Where possible, workplaces of inmates have been arranged with all necessary safety equipment and in compliance with safety measures provided for by law. The premises for family visits have been equipped with Plexiglas or glass partitions in all the establishments.

So far, family visits are still ongoing (one or two per months, each with only one visitor aged between 12 and 65), although prisoners are encouraged to make use of telephone calls and video-calls to maintain their contacts with their families. Moreover, the Italian territory has been subdivided by the Government into areas – that correspond to the Regions – of three different levels of risk: yellow (moderate), orange (high) and red (very high).

In the red areas, movements are extremely restricted: people cannot go out of their houses, except to go to work, to see a doctor or for reasons of necessity (to buy food, for instance). People cannot go out to see their relatives. Therefore, people cannot go and visit imprisoned relatives or friends, either. But in principle visits in prisons are not suspended as such. In yellow areas they are still ongoing, since movements are free around the whole regional area. In orange areas, people's free movement is restricted to the municipal area of residence.

The recommendations and instructions issued **by the national Headquarters** on the phase 3 ("the second wave") concern a more widespread, continuous and rigorous use of face masks inside the penal establishments, a more intensive testing activity on newly arrived prisoners, a quicker contact tracing of positive cases, through a wider use of swab tests and rapid tests to detect COVID-19 infection. A careful and clear action of information towards inmates is recommended, should it be necessary to adopt restrictions on inmates' rights, which must be **proportionated** to the possible risks and **temporarily limited**. Should it be necessary to stop the contacts of the prisoners with people coming from outside (family members, volunteers, rehabilitation actors, teachers, etc.), that interruption must be **proportioned, gradual and temporary**. The Head and the Deputy Head of the Department of Penitentiary Administration shall be informed without delay of the need to adopt such a measure. All the prisoners involved shall be duly and carefully informed about said decision before its implementation.

At **regional level**, each Directorate drafts a regional plan in close cooperation with regional healthcare authorities, which are in charge of providing healthcare services to inmates. Those regional plans provide for the identification of some prisons in each regional district able to accommodate a good number of infected inmates to be temporarily transferred in



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those establishment in order to concentrate healthcare and human resources to dedicate to their care.

Finally, **two scenarios** have been foreseen by the Headquarters for the prisons, according to the percentage of infected persons in each prison (considering both inmates and staff).

1. **First threshold** – In case the number of infections **is up to 2%** of the total number of persons present in one prison (including both staff and inmates): besides recurring to already implemented procedures of isolation of infected inmates and of screening by swab tests of those ones who had closed contacts with them, the activities in the establishment shall be regulated as follows:
 - a. **Exercise with co-inmates:** only the inmates assigned to the same wing shall be allowed to exercise together. The relevant premises shall be adequately hygienized and ventilated.
 - b. **School and training activities** shall be maintained only where it is possible to ensure an adequate distancing (of one meter at least and with the use of face masks) for small groups of prisoners assigned to the same wing. Teachers and instructors shall be connected remotely, the classroom shall be regularly and adequately hygienized and ventilated. Where it is not possible to ensure the above, school and training activities shall be suspended.
 - c. **Sport:** only those activities shall be authorized which do not foresee physical contact and ensure adequate social distancing of 2 meters at least. All other activities shall be suspended.
 - d. **Cultural and leisure activities, volunteers' activities:** they will be carried out inside the single wings (not allowing persons from different wings to meet) and only where it is possible to ensure adequate social distancing of one meter among participants and the use of face masks. Groups shall be of small size. Recourse shall be made to remote connections. The relevant premises shall be regularly and adequately hygienized and ventilated.
 - e. **Religious activities:** religious rites shall be maintained but limited to every single wing (not allowing persons from different wings to meet). Social distancing of one meter shall be ensured among participants along with the use of face masks and an accurate hand cleaning.
 - f. **Staff:** it is crucial to implement staff cohorting, that is to avoid assigning staff to shifts to be carried out in different wings or areas of the prison. The purpose is to restrict staff's mobility inside the establishment as much as possible.
 - g. **Cells:** prisoners shall have the possibility to wash/disinfect their hands while entering or going out of their cell. They shall always wear face masks while



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out of their room. Specific instructions shall be given in each prison for the use of common showers where in-cell bathrooms are not equipped with showers.

2. **Second threshold** – In case the number of infections is **up to 5%** of the total number of persons present in one prison (including both staff and inmates):
 - a. All the instructions given with reference to the first threshold shall be updated by providing further restrictions, considering the suspension of all the above-mentioned activities, except the exercise with co-inmates and some essential activities (kitchen, prison shop, cleaning, building maintenance and other activities which, at local level, are considered as essential for the life in the establishment);
 - b. Exercise with co-inmates: it will be implemented in small groups of inmates assigned to the same wing. Those groups shall be always the same and will use in shifts the dedicated premises. Those premises shall be adequately cleaned and ventilated between the accesses of the various groups.
 - c. Cells: the use of face masks shall be recommended also inside the rooms, especially where social distancing cannot be ensured.

In any case (both for 1st and 2nd threshold), the implementation of the measures adopted shall be sustained and accompanied by an **adequate information campaign** to prisoners. The measures shall last 15 days, then an assessment of the levels of contagion shall be made, with the purpose of confirming or lessening those measures. In any case, the prison governors shall make a **weekly assessment** of the situation of their prison in order to survey the percentage of infections and activate the consequent measures without delay.

Prisoners' transfers are limited only to unavoidable situations relevant to health reasons and to very serious and well-grounded reasons of security.