



EUROPEAN ORGANISATION OF
PRISON AND CORRECTIONAL SERVICES

EuroPris
PO Box 13635
2501 EP The Hague
Netherlands

Overview of European prison services' responses to the COVID-19 crisis Period September – November 2020

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The information shared in this overview is based on information from the EuroPris network, largely provided by responses to a EuroPris managed mailing group of 91 European prison practitioners, who are sharing pressing questions. This is the fourth overview since the beginning of the pandemic. The earlier overviews as well as fact sheets on specific topics can be accessed on our website.¹ EuroPris did not do any independent verification, nor is the information necessarily representative for the entire European Union or Council of Europe area, as not all countries responded to the questions that were raised.

General observation

Since March 2020, Prison Services in Europe have been under continued huge pressure to manage the impact of COVID-19 in the prisons and to keep prisoners and staff safe. During summer in most countries, restrictions were eased, but both staff and prisoners continue to be concerned about their health, and prisoners still suffer from the lack of activities and visits. There is also much concern about the current second wave that caused the return in many countries to a number of restrictions.

After some month of decreasing prison population the numbers are rising again. The increased use of non-custodial measures as alternatives to detention had an positive impact on prison overcrowding. There is concern that the decrease was also due to courts not operating and limitations in pre-trial detention. These are often not systemic changes and caused an immediate increase again, when courts took up their work after the first wave.

The longer the pandemic lasts, the more challenging it is to keep staff motivated and prevent dissatisfactions by prisoners. Clarity of communication to staff and prisoners and their families continues to be essential in addressing their concerns and in their acceptance and understanding of the measures and restrictions. The constant change of regulations that are applied outside and inside of prisons are hard to keep track of for staff, prisoners and their families and bring much uncertainty. This is even more the case when a differentiation in the type of measures is applied within one country, providing for different regulations in different prisons.

Overall it is understood that it will be important to evaluate the experiences with the newly introduced measures to ensure that all positive and negative impacts are understood and taken into consideration in the decisions for the future work after the pandemic.

¹ <https://www.europris.org/covid-19-prevention-measures-in-european-prisons/>



Family visits

During the summer family visits were reintroduced in most of the countries as contact free visits, not allowing any physical contact by either keeping the required social distancing and/or by installing screens between visitors. In October countries still reported the continuation of personal visits under the required sanitary measures. Some countries adopted specific measures for individual prisons depending on the pandemic situation in the geographical area or the occurrence of infections within a prison. But then in November a number of countries had to suspend visits again. Those countries that still proceed with family visits are applying all necessary hygiene and distancing measures, like health check upon entry, limiting the number of visitors (one adult and one child) and the length of the visit, the use of face masks and disinfectant, plexiglass screens and ventilation. Due to all required measures, the total capacity of personal visits that can be offered in a prison is significantly reduced. Since it is hard for small children to deal with screened visits some countries allow physical contact with small children or require a quarantine period for the prisoner after the personal contact with their children.

Use of technology

The accelerated introduction of video conferencing facilities in most European countries proved to be a welcome alternative to compensate for the loss or reduction of physical visits. It turns out that in some cases prisoners even prefer the video conferencing as it gives them the possibility to see their whole family at once and get a glimpse of the home environment. Also, for family members living at a greater distance or with health issues, the video conference can be a good alternative. It will be useful to observe how video conferencing is continued to be used in a responsible way after the pandemic. Some countries have expressed their concern that it should stay as a complement and not be used as a replacement of in-person visits.

A number of countries also report the increased use of video conferencing for court sessions and the increased acceptance by the courts for using such technology.

Telemedicine is not yet a widely spread technology, but the pandemic has increased the attention for and use of this additional method for consulting health specialists.

The change into distant work from home offices was a completely new experience in many countries. It challenged the IT skills and independent working skills of staff, as well as the Prison Services to provide for a sufficiently functioning IT infrastructure. By now this adaptation has mainly been made.

Testing policies

In most of the countries possibilities for testing are widely available. New committals to prison are tested as part of the quarantine arrangements. Quarantine is generally for 14 days or until the test result is known. Prisoners that become symptomatic are also isolated and tested for Covid-19. Procedures have been put in place in all countries for the testing of staff by the Prison Service or by the Public Health Authorities. This testing is performed either random, or for all staff, or when the staff member has been in contact with an infected person or when the staff member shows any Covid-19 related symptoms. Some countries specifically indicated that the testing is taking place on a voluntary basis.

Use of face masks

A number of countries reported that wearing a face mask is compulsory for all inmates upon leaving the cell, during transportation, or when they are attending out of the cell activities in which social distancing cannot be observed. Prisoners always have to wear face masks when they have to leave their cells, while they are symptomatic/positive or if there is a suspicion of an infection.

The question came up if the use of face coverings will make it more difficult to routinely confirm the identity of a prisoner and that careful consideration must be given as to how staff can verify a prisoner's identity when they move around the prison. It turned out that no country had any particular issues in this regard.

In some countries staff must wear face masks during all their working hours in the prison, in others staff have been issued with masks which are only to be worn in areas where social distancing is not possible or when they are near inmates that have been infected / or are suspected of being infected by Covid-19. Prison staff with symptoms of Covid-19 are generally required to stay home.

Leaves for inmates

Most countries reported in September that leaves were again taking place, either at a normal level or with a shorter time limit. Some decided to not yet allow leaves or were starting gradually with granting leaves. Such decision could also depend on the specific situation of the geographical area where the prison is placed and if the infections in this area are high. On leave prisoners have to respect the general public measures for preventing the spread of the infection. Upon return to the prison they would have a similar treatment as new arrivals with regard to testing and isolation.

Treatment activities & work

Where therapies and treatment programmes are implemented in groups, they were resumed by observing epidemiologic safety measures like social distancing and limits to the numbers of participants. School, free times activities and workshops restarted sometimes even with involvement of external parties, depending on the pandemic situation in the area.

While employment inside prisons was resumed after the summer, employment outside of the prison was not yet restored. Due to the pandemic some employers changed their production, which resulted in less employment opportunities for prisoners. Also, the number of prisoners able to work at each workshop was reduced due to social distancing. Where working activities take place hygiene regulations are followed and detainees have to wear face masks.

Second wave - measures and regulations

End of October / November a number of European Prison Services had to take new strong measures next to the specific hygienic and disinfection measures that are applied since the start of the pandemic. One of the first and immediate steps was the suspension of visits. A general limitation of external contacts applies, while still trying to enable access for persons visiting for professional reasons (judicial authorities, communities, intelligence).

Regular out of cell group activities (sport, culture, education) are often suspended or implemented in smaller groups and with the same group of detainees (detainees living in the same wing). Only domestic work and activities inside the cell continued. Use of e-learning is increasingly used, where this technology is available.

In case of prisoner transfers the procedure is often that the prisoner is placed upon arrival in preventive quarantine in isolation units and tested. The quarantine will be lifted when the test is negative. A similar procedure is applied when a prisoner shows symptoms. Some prisons use these isolation units also for risk group prisoners (elderly, health problems). Under crowded prison conditions it can be challenge for Prison Service to provide for sufficient separation units for prisoners in accordance with their health needs and isolation requirements.

Some countries decided for restrictive measures on a case-by-case, depending on the regional situation of each prison and the active positive cases in society and/or inside an individual prison. Sometimes legal changes were required to give prison directors the mandate to decide on specific restrictions.

Legislative basis of restrictions

In order to provide for an adequate legal basis to deal with the epidemic most Prison Services did not need to make any legal amendments. The national Penal Code provided already for the possibility to apply restrictions if there is danger for a possible harm for the prisoner. Some countries adopted amendments to the Penal code, so they could issue law decrees that allow to grant special measures (home detention, extended phone time) or that mandate the prison director to restrict prisoners' rights (visits) in the case of a national emergency. The legal changes could be decisions by the government or the Ministry of Justice, and sometimes joint decisions involving the Ministry of Health.

Statistics

The steep increase in the community transmission during the second wave has also had negative implications for the prison system. The number of infected prisoners and staff members is rapidly growing in a number of countries. It is noticeable that some countries, especially in the Eastern European region, where no infections occurred in prisons during the first wave, are now reporting substantial numbers of infections.