



# *Ministero della Giustizia*

## *Department of Penitentiary Administration*

### **KMS Question: 270219 : Regulations regarding Coronavirus**

As far as the Italian Department of penitentiary administration<sup>i</sup> is concerned, find below the organisational recommendations for the prevention of coronavirus contagion drafted and disclosed to the various offices and branches of prison administration and to prison staff.

This considering the need of applying all the available measures for preventing and protecting the staff together with the need of ensuring the highest protection of the prison population.

First of all, with specific regard to penal institutions, the prison governors shall have to cooperate closely with the local health authorities<sup>ii</sup>.

In relation to the decision taken by the Minister of Health, in agreement with the respective Regional governmental authorities, all the prison workers who are resident in or live in the areas identified as “red zone” are excused from going to work in their respective offices until further notice. Likewise, entering the prisons must be forbidden for anybody coming from, residing in or living in the above-mentioned municipalities (such as external staff, teachers, volunteers, family members, etc.).

Furthermore, until further notice, escorted transports of prisoners into and out of penal institutions within the competence of the Regional Directorates of Turin, Milan, Padua, Bologna and Florence shall be suspended.

As for the escorted transports in the interests of justice, the prison governors concerned shall agree with the competent judicial bodies upon their implementing rules, also considering the possibility of ensuring the presence of the prisoner through the video conferences<sup>iii</sup> support.

A crisis unit has been set up at the Department of Penitentiary Administration – Directorate General for Prisoners and Treatment, coordinated by a prison executive officer to ensure the steady monitoring of the phenomenon and the information on suspected or confirmed cases, as well as to take the resulting measures in due time.

The prison Governors shall agree with the Health Authorities and the local crisis centres upon clear procedures to carry out during the period of swab sampling and for the treatment of the cases suspected of infection with COVID-19 among the prison population, including possible measures of solitary confinement and the consequent health surveillance.

Particular attention shall be paid to check the prisoners who access from the outside world (the “newcomers”). It is necessary to carry out a specific preliminary monitoring of them.



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In this regard, the Italian Department of Civil Protection<sup>iv</sup> is fully available to provide quick installation systems (small tensile structures) to be used for this purpose where the competent medical staff shall carry out all the necessary preventive examinations.

Every Regional Directorate of the Penitentiary Administration shall carry out, in the relevant district of jurisdiction, a recognition aimed at identifying the actual needs (in numerical terms) of the movable structures that have to be installed in the penal institutions.

This process shall be notified to the Directorate General for Personnel and Resources as soon as possible in order to forward the request to the Operational Committee of the Civil Protection.

### *Categorization of infected persons*

For the health treatment of the prisoners, in the cases suspected of infection, the categorisation set by the Ministry of Health must be followed, together with this provision, according to this partition:

1. *Symptomatic prisoner* (temperature of 37.5° C, sore throat, rhinorrhoea, breathing difficulties and flu-like/COVID-19-like/pneumonia symptoms), following the directions set in the circular letter of the Ministry of Health;
2. *Paucisymptomatic prisoner – close contact people who have been tested negative*. It is necessary to organise medical assistance in specific premises that the prison governors directors shall locate. Moreover, it is important to report the case to the Prevention Department of the competent Local Health Authority and make a joint assessment between the medical prison staff and the appointed service of the Local Health Authority.
3. *Prisoner observed to be positive to the COVID-19 swab but currently asymptomatic*. The prisoner must spend forty days at specific premises (a space for health solitary confinement) under the surveillance of the prison physician during 14 days.

### *Access from outside*

As for the access from outside in prison, for all those persons who enter prison premises for daily services (such as waste collection, food supply, etc.), particular attention shall be paid to people not working for the Penitentiary Administration or the Local Health Authority, including the supplies staff.

In this regard, visitors must necessarily behave responsibly, by means of a self-declaration officially stating that:

- they do not present any symptoms (temperature of 37.5° C, sore throat, rhinorrhoea, difficulty breathing and flu-like symptoms/COVID19-like symptoms/pneumonia);
- they did not come from or did not stay in the last fourteen days in high endemic countries or national districts that are subject to quarantine;



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- they are not aware that they have had contact with people affected by COVID19. In case of a positive declaration, prison access must be forbidden.

### *Protection measures for staff and staff behaviour*

Personal protective equipment (PPE), following the supply, shall be made available especially for personnel who perform operational services or activities that may involve direct exposure to contagion.

The prison governors shall also comply with the directions given by the Ministry of Health relevant to the salubrity of workplaces and to the protection of workers' health.

It will be necessary to recommend – inter alia – to avoid crowding in offices or barracks, to ensure the regular and frequent ventilation of all the premises and to take care of their usual cleaning and sanitation.

The employees shall be informed that, if presenting any symptoms, even a light one but indicating a possible infection (temperature, cough, breathing difficulties, muscle pain), they must avoid any direct access to first aid facilities and call their own doctor or the national emergency number or the toll-free number of the Ministry of Health, in compliance with the directions of the Ministry of Health. Simultaneously, they will notify the Directorate where they are on duty.

Where the symptoms arises on the workplace and/or during their shift, the prison medical staff shall be immediately informed for their subsequent intervention.

In order to reduce possible tensions among the prison population, as well as to avoid concerns among staff, the prison governors shall organize, in agreement with Local Healthcare Agencies, some information meetings, run by experts in the field and addressed to both staff and inmates.

### *Further Specific directions to the areas directly concerned by the contagion*

In addition, specific information to prevent contagion from Coronavirus in Italian regions of Piedmont, Liguria, Lombardy, Veneto, Friuli-Venezia Giulia, Trentino-Alto Adige, Emilia-Romagna, Marche, Tuscany and Sicily is provided for as follows.

In the context of those districts, more specific cautions needs to be adopted into the penal institutions hereof.

Before adopting any measure, every prison governor must necessarily start a detailed information and awareness-raising campaign addressed to the prison population. The prisoners must be aware of the necessary information, of the provisions to be adopted and their relevant implementation; moreover, they must support these objectives especially considering the limited period of time in which these provisions will be valid.

Some provisions may be needed to:



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- a) suspend treatment activities that need to be carried out with the participation of people from the local community;
- b) limit both the external and internal working activities which involve people coming from the outside;
- c) substitute the visits with relatives or third parties, other than the defense counsel, with remote talks carried out through the tools available for the penal institutions (Skype) and telephone calls that may be authorized exceeding the limits set forth by the Penitentiary Act and Regulations.

As regards visits to the penal institutions, and the talks with the defense counsels, the visitor or the defense counsel shall make use of the adequate protection device in implementation of the Local Health Authorities prophylaxis.

With reference to the leaves and to the provisions granting semi-liberty, every prison Governor must start the necessary communications with the judicial bodies so that the latter may vet, on a case by case basis, the possibility of temporarily suspending the validity of the provisions adopted.

Kindly note that the provision above will be updated and or modified according to any further development.

Rome, 2 March 2020

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<sup>i</sup> The Department of penitentiary administration is competent for the management of prisons for adults.

<sup>ii</sup> In 2008 all the tasks and duties relevant to prisoners' healthcare were transferred from the Ministry of Justice to the Ministry of Health.

<sup>iii</sup> The system of video-connection with courts active in the Italian penal system ensures the participation of thousands of inmates belonging to high security category in the hearings at-a-distance. Such system is regulated by law and is being extended to a larger number of inmates, in order to avoid too many transfers of inmates throughout Italy. [N.d.T.]

<sup>iv</sup> The Civil Protection Department has been grounded in the offices of the Presidency of the Council of Ministers since 1982. It has a guiding role, in agreement with regional and local governments, of projects and activities for the prevention, forecast and monitoring of risks and intervention procedures that are common to the whole system.

The Department coordinates the response to natural disasters, catastrophes or other events - events of C type – that for their intensity and extent should be faced with extraordinary powers and means. <http://www.protezionecivile.gov.it/department> [N.d.T.]