

COVID-19: WHAT IS HAPPENING IN EUROPEAN PRISONS?

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EUROPEAN
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WHAT DOES THE "NEW NORMALITY" LOOK LIKE IN PRISON?

During the Covid-19 emergency, the European Prison Observatory has released [weekly updates](#) on the situation of prisons around Europe. Most European prison systems took several actions to face the virus, such as the introduction of restrictions to the entrance of family members, staff, and volunteers, decarceration measures to facilitate social distancing hence lowering the chances to spread the virus in prisons, or more phone and video calls to favour contacts with family members who were not allowed anymore to visit their detained relatives.

After the first emergency phase, restrictions started to be lifted. However, the situation is not back to a complete normality because the risk of contracting the virus is still very real; therefore, the partners of the European Prison Observatory have decided to publish new issues of the series [Covid-19: what is happening in European prisons?](#) to try to depict the "new normality" in prison systems around Europe.

The following information on prisons in **England and Wales** has been collected in the last few weeks thanks to the work of EPO's member **CENTRE FOR CRIME AND JUSTICE STUDIES** and is updated to 22 September 2020. Please note that these answers do not include the situation in Scotland or Northern Ireland. The information published here and the upcoming updates will be available on the [European Prison Observatory website](#).

Other information can be found on the following websites.

The **Association for the Prevention of Torture (APT)** has launched an [information hub](#) of news and resources, including on how different actors in the criminal justice, penitentiary, healthcare and oversight spaces are responding to the COVID-19 situation around the world.

The **European Organization of Prison and Correctional Services (EUOPRIS)** has set up a [webpage](#) where it gathers and shares all regulations/protocols/approaches European Prison Services or related organisations have drafted or taken in order to deal with the Covid-19 virus.

Prison Insider collected in a [webpage](#) the measures that countries around the world are taking to guarantee the safety of all prisoners and prison staff and the consequences of the pandemic on the living conditions in prisons.

World Prison Brief is compiling a [list](#) of news articles from around the world on COVID-19 and prisons which will be updated regularly.

Fair Trials has launched the [COVID-19 Justice project](#) to monitor how criminal justice systems are being affected by the pandemic and their response.

WHICH COVID-19 RULES STILL CURRENTLY APPLY TO PRISONS?

The Ministry of Justice circulated a weekly update on 10th September informing that in the weeks following prisons would be moving to implement Stage 2 of the five-stage National Framework for Prison Regimes and Services. The easing of restrictions is implemented according to local conditions rather than being uniform across all prisons in England and Wales. Stage 2 is the second lowest level of regime restriction.

The full details of how different aspects of prison operations are delivered at different stages of the lockdown are contained in 27 Exceptional Delivery Model guidance documents which are not widely publicly available. The National Framework describes what a Stage 3 'Restrict' regime might look like:

- ◆ continued compartmentalisation, where the prison estate is compartmentalised to isolate symptomatic prisoners, shield the vulnerable, and quarantine new entrants.
- ◆ testing and monitoring is ongoing.
- ◆ social distancing remains in place and PPE is used.
- ◆ transfers between prisons resume if Reverse Cohorting Units (designated areas where new receptions can be isolated for a time to see if they develop symptoms before they enter the prison population) are in place and procedures are agreed at a higher level.
- ◆ the highest priority areas of the regime (such as visits) can be resumed with appropriate restrictions in place.
- ◆ reintroduction of classroom-based education in the Youth Custody Service with restrictions and adaptations and reintroduction of Offender Management work and Offender Behaviour Programmes with restrictions and adaptations.



The National Framework describes what a Stage 2 'Reduce' regime might look like:

- ◆ continued compartmentalisation
- ◆ ongoing testing and monitoring
- ◆ minimal social distancing now required
- ◆ transfers between prisons where Reverse Cohorting Units in place at receiving prisons
- ◆ reintroduction of classroom-based education in the adult estate, greater workshops activity in operation, indoor physical exercise, all with restrictions and adaptations to reduce capacity as necessary.
- ◆ less restrictive adaptations and greater capacity across all services such as visits
- ◆ reintroduction of communal worship with restrictions and adaptations.

With cases back on the rise and national restrictions reintroduced for the general population, it is expected any progress to stage 2 to be rolled back in the coming weeks and months and a return to more restrictive regimes.

More detailed information about the strategy to prevent and contain outbreaks in prisons as outlined [here](#).

HAVE IN PERSON FAMILY VISITS RESUMED?

Prisons began to reopen for in-person social visits in July on a prison-by-prison basis, not uniformly. Individual prisons can suspend social visits again if they believe it is not safe to allow visitors into the premises or if the local area is subject to lockdown. People who are symptomatic or have tested positive for COVID-19, people who live with someone with COVID-19, people who have had recent close contact with someone with COVID-19 symptoms or who is self-isolating, people who have been asked to self-isolate by the Test and Trace system, and people who live in an area with a local lockdown are not allowed to visit prisons.

All visitors in a single visit must live in the same household unless they are parents of a prisoner under 18 and live apart. Only two adults can visit at the same time, but if the visit involves only one adult they can bring two children with them.

During visits two metre social distancing rules apply, no physical contact is allowed except for between visitors in the same household, and face coverings must be worn. Play facilities are not available and visitors cannot bring any refreshments except for baby food. All other COVID-secure guidelines and measures must be adhered to.



HAVE ACTIVITIES PREVIOUSLY CARRIED OUT VIA VIDEOCONFERENCING RESUMED IN PERSON?

Face-to-face parole hearings are still suspended. The Parole Board are progressing cases through a combination of remote hearings and a paper review process, sometimes combined with case management hearings.

Face-to-face visits by legal professionals were never completely banned. The Exceptional Regime and Service Delivery operational guidance issued at the beginning of April just stated that '...alternatives to face-to-face visits should be utilised as far as is possible.'. It is not clear the extent to which these visits are now being done in person, but the relaxing of rules on social visits implies visits by legal advisors may now be more common.

Guidance implies that it is now possible for prisoners to make court appearances in person. It is unclear the extent to which they continue to do so remotely.

ARE VOLUNTEERS AND/OR OTHER PERSONNEL (NOT BELONGING TO PRISON STAFF) ALLOWED TO ENTER IN PRISONS?

According to information received by a voluntary sector service delivery organisation, all the prisons they work in are not allowing anyone other than prison staff in at the moment and they expect this situation to continue for some months to come.

IS TECHNOLOGY (E.G. PHONE CALLS, VIDEO CALLS, EMAILS) STILL USED TO MAINTAIN CONTACTS WITH THE FAMILY AND/OR FOR OTHER ACTIVITIES? WHICH ONES?

Video calling is available in some prisons. Prisoners are allowed one 30 minute video call a month if it's available, and video calls have been made free of charge during the pandemic. Up to four people plus the prisoner can be part of the video call.

Prisoners can call people on their friends and family list using a prison phone. 900 additional temporary secure handsets were issued to prisons that did not have in-cell telephony (around 60% of cells had in-cell telephony installed before).

Voice messages can be exchanged between prisoners and family and friends using the Prison Voicemail Service.

People can email the Email a Prisoner Service and it will be printed out and handed to the prisoner.

DO PRISON ADMINISTRATIONS INTEND TO KEEP USING THESE TECHNOLOGIES OR WILL THE PRISON SYSTEM STOP USING THEM AS SOON AS THEY ARE NOT NEEDED ANYMORE?

Phone, voicemail and email were pre-existing technologies, but the 900 additional secure handsets have been described as 'temporary' so it can be assumed that these will be discontinued after the pandemic. The Ministry of Justice has said it is assessing the potential wider use of video calling in prisons in the future in line with recommendations in a 2017 report on strengthening prisoners' family ties.



CURRENTLY ARE THERE INMATES POSITIVE TO COVID-19?

The latest figures for England and Wales show that an additional 30 prisoners tested positive for Covid-19 in August, but it is not known how many prisoners currently test positive for Covid-19.

HOW MANY INMATES HAVE BEEN POSITIVE TO COVID-19 SINCE THE BEGINNING OF THE PANDEMIC?

In England and Wales, 560 prisoners have tested positive for COVID-19 since the pandemic began, including 30 new cases in August. 23 prisoners have died.

WHAT DOES THE "NEW NORMAL" LOOK LIKE IN PRISON?

The "new normal" looks like the regulations set out in the already-cited Stage 2 of the five-stage National Framework for Prison Regimes and Services. The prison service has stated they do not expect a return to the status quo, the conditions which prevailed before the pandemic.





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