

CPT/Inf (2025) 25

Response

**of the Spanish Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Spain**

from 25 November to 5 December 2024

The Government of Spain has requested the publication of this response.
The CPT's report on the 2024 visit to Spain is set out in document CPT/Inf (2025) 24.

Strasbourg, 31 July 2025



**Report of the Ministry of the Interior on the recommendations of the CPT
in the framework of the visit to Catalonia (25.11-05.12.2024)**

Annex 1. Observations of the National Police and Civil Guard

-24.06.2025-

NATIONAL POLICE

The European Committee for the Prevention of Torture refers in its report to 29 complaints of injuries allegedly inflicted by police personnel. Specifically, the National Police is mentioned in one of the cases, where it states: *"He claims to have been repeatedly ill-treated at the National Police station, with multiple bruises and a perforated eardrum"*.

As the Committee states in its report, these cases have been denounced, and therefore their current procedural situation is one of judicial investigation, without a decision on the facts having been handed down by the competent judicial authority to date.

With regard to the mechanisms aimed at guaranteeing that an effective investigation is carried out into complaints of alleged human rights violations by members of the National Police, it should be noted that police actions are subject to a double control. All police personnel are subject, on the one hand, to judicial control of their professional performance and, on the other hand, to internal administrative control, through Organic Law 4/2010, of 20 May, on the Disciplinary Regime of the National Police Force.

This double control seeks to ensure the legality, transparency and effectiveness of police actions, avoiding abuses and guaranteeing the rights of citizens, with the aim of promoting professional and specialised action that contributes to generating public confidence in the police institution.

In this regard, Organic Law 4/2010, of 20 May, on the Disciplinary Regime of the National Police Force, establishes as a very serious disciplinary offence the practice of inhuman, degrading, discriminatory or humiliating treatment of citizens in police custody (article 7.d), as well as *"any action that involves discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation, sex, language, opinion, place of birth or residence, or any other personal or social condition or circumstance"* (article 7.n).

The sanctions for very serious misconduct are: dismissal from service; suspension from duty for a period of three months and one day up to a maximum of six years; and forced transfer (Article 10.1).

Within the National Police, there is a specific unit, the Disciplinary Regime Unit, responsible for the investigation and processing of disciplinary proceedings in the event of police personnel committing any of the offences set out in the aforementioned Organic Law 4/2010. In line with the above, Instruction 1/2022 of the Secretariat of State for Security creates an internal control body within its structure, the National Human Rights Guarantee Office (ONGADH), integrated into the Inspectorate of Personnel and Security Services. The purpose of this Office is to establish a monitoring, coordination and evaluation mechanism that helps to make visible and promote the commitment of the State Security Forces and Corps to respect for human rights, as well as to regulate the criteria and procedure for the collection of information on human rights.



the criteria and procedure for the collection and recording of all the necessary data on facts and actions that may reveal an alleged violation of the fundamental rights of individuals on the occasion of a police action.

In the same vein, Instruction 2/2025, of the Secretary of State for Security, on the organisation and functioning of the Inspection of Security Personnel and Services, establishes the guidelines for the performance of inspection services in the area of guaranteeing human rights, promoting a fluid and agile exchange of information between the institutions involved, with the aim of obtaining the maximum possible information on those cases that may affect human rights in the exercise or, on the occasion of a police action.

For the proper coordination of actions and exchange of information with the ONGADH, the National Police has designated the Human Rights and Equality Area as the central contact point, with the task, among other functions, of verifying and evaluating compliance with the obligations contained in instructions or other provisions on police actions that may affect the exercise of fundamental rights.

At the same time, within the broad competences for the defence and protection of human rights exercised by the Ombudsman, the Spanish National Mechanism for the Prevention of Torture, as an independent body, carries out a system of regular visits to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The purpose of these inspections is to verify that the public authorities and the personnel in their service act in accordance with the criteria required by national and international human rights legislation in force.

With the main objective of integrating and consolidating all existing regulations and instructions, the Secretary of State for Security approved Instruction 1/2024 on the "*Comprehensive procedure for police detention*". This Instruction is an essential tool for police action and establishes the basis for appropriate intervention in cases of police custody. In this way, it guarantees professionalism and specialisation in these cases, promoting specific protocols for action that are adapted to the needs of the detainee, such as, for example, in the case of persons in vulnerable situations or pregnant women.

On the other hand, the National Police already has video-recording devices in the Detainee Custody Areas, which must be permanently active, regardless of the fact that the police personnel in charge of custody must maintain control of the ACUDE area through video-surveillance means.

With regard to the recordings, these are kept for thirty days from the time they are captured, thus complying with the provisions of Organic Law 7/2021, of 26 May, on the protection of personal data processed for the purposes of prevention, detection, investigation and prosecution of criminal offences and the execution of criminal sanctions, and Instruction 1/2024 of the Secretary of State for Security, which regulates the Comprehensive Detention Procedure.

With regard to the Custody and Detention Areas, the CPT report states on page 22, point 43:



"...] the detention areas of the Guardia Civil and National Police headquarters in Barcelona visited by the CPT's delegation, which, despite their limited use, suffer from the same structural deficiencies, especially as regards lack of natural light and poor ventilation; [...] the CPT calls on the Spanish Ministry of the Interior and the Catalan autonomous government to make efforts to improve the material conditions of the detention units of the Guardia Civil, the National Police and the Mossos d'Esquadra".

The design and construction of the custody areas for detained persons of the State Security Forces and Corps is regulated in Instruction 11/2015 of the Secretary of State for Security.

In this Instruction, the priority objective is to guarantee the integrity of persons in police custody, minimising the possibility of self-harming behaviour in police facilities and ensuring health and hygiene conditions. Likewise, the structure of these facilities aims to ensure that police personnel can carry out the tasks of protection and custody of detainees in optimal conditions of safety.

In this regard, the following aspects are taken into account in the construction of custody areas for detainees:

- The adoption of security measures that guarantee the physical integrity of users and establish the necessary means to prevent detainees from escaping.
- Guaranteeing conditions of healthiness, habitability and diaphanousness appropriate to the expected level of occupancy and the length of stay of users, taking into account, among others, the following aspects: indoor air quality, air conditioning, lighting and continuity of electricity supply.
- The technical characteristics of the elements or materials used and their installation must be suitable for the required safety conditions, avoiding the risk of accidents, self-harm or aggression, and guaranteeing, among other things, their durability and resistance to vandalism, which is why the inside of the cells must be made without edges and be open.

Nevertheless, the recommendations made by the CPT Delegation are taken into account for application, both in the construction of new facilities and in the refurbishment of existing ones whenever, due to the physical characteristics of the site and for security reasons, it is feasible to do so.

Finally, with regard to the recommendation that all cells should have access to drinking water, at present, the possibility of having toilets for personal use is only contemplated in those cells intended for detainees held in solitary confinement. The rest of the cells have a toilet for shared use, which is located next to the access door to the corridor leading to the cell area.



CIVIL GUARD

With regard to section 40 (page 21 of the CPT report) concerning the 6 cells at the Travesera de Gracia barracks, it should be noted that, since the entry into force of Instruction 11/2015 of the Secretary of State for Security, the following actions have been undertaken to adapt the detainee custody area (ACUDE) of this barracks as far as possible (the content of this Technical Instruction is mandatory for new constructions. In the case of refurbishments, reforms, extensions or adaptations of existing infrastructures, its obligatory nature is conditioned by the technical viability of the existing infrastructure):

- Forced air that allows the temperature and the correct ventilation of the installation to be adjusted.
- One buzzer per cell to alert the custody officers.
- Cameras are installed throughout the premises so that the entire stay of the detainee is recorded from the moment he enters, the time of his stay and his departure from the detention area of the barracks, with viewing in the control centre and recording for 30 days.
- Toilet with shower, washbasin and toilet.
- Personal hygiene material.
- Hot breakfast, lunch and dinner rations. Adapted to the different religions or dietary preferences. Bottled water is also provided when required.

With regard to the recommendations of the CPT, it should be noted that with respect to:

- Lack of artificial light, no action can be taken in the current location (basement).
- Lack of space for physical exercise in the open air, this measure is not implemented in SES Instruction 1/2024 on comprehensive police detention procedure.
- As for the deficient ventilation system, although there is a forced air system, a proposal has been made to the 7th Zone Headquarters to install an air conditioning system.
- With regard to the lack of a call bell, this anomaly is not correct given that they have existed from the beginning and we understand that it is a proposal derived from a general drafting of all the police forces involved, and not specifically for this ACUDE.
- Regarding access to drinking water, as mentioned above, water is provided when required.
- Regarding the conditions of the physical security measures of the detention centres, in terms of the design of this type of infrastructure (construction materials, control and communication systems, emergency plan, distribution of spaces, lighting and ventilation, health and hygiene, etc.), these will be addressed as a matter of priority as budgetary needs and the configuration of the facilities themselves allow.



Generalitat de Catalunya
Departament de Justícia
i Qualitat Democràtica
**Secretaria de Mesures Penals,
Reinserció i Atenció a la Víctima**

Document in response to the CPT's General Report on the visit to penal enforcement establishments in Catalonia

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CRIMINAL ENFORCEMENT OF ADULTS

Preliminary considerations

The Government of the Generalitat de Catalunya assumed responsibility for penal execution on 1 January 1984. The legal framework governing the penitentiary field in Catalonia is constituted by the General Penitentiary Organic Law (LOGP) of 1979 - the first organic law of democracy in Spain - and the State Penitentiary Regulations of 1996. In addition to these rules, the Regulations on the Organisation and Functioning of Criminal Enforcement Services in Catalonia (ROFSEPC), approved in 2006, establishes a specific model for the organisation and functioning of the Catalan prison services.

At the time of the visit of the European Committee for the Prevention of Torture (CPT) to Catalonia, the prison population showed a growing trend which has continued to the present day (an increase of 349 inmates between 1 January and 28 May 2025). This situation, contemplated in the most demanding analysis scenarios, has forced the Catalan prison administration to design an action plan to deal with a possible overcrowding of the centres, if the trend continues. The plan envisages, in the short and medium term, the construction of prefabricated modules and, in the long term, the construction of new penitentiary facilities to cope with the increase in population. In addition, the opening of a new penitentiary centre in Barcelona with a capacity of 800 places is planned for mid-2026, as well as the start-up, in 2030, of a new penitentiary centre for women with a capacity of around 500 places.

The Secretariat for Penal Measures, Reintegration and Victim Support, the competent body in matters of penal execution in Catalonia, is working resolutely to progressively reduce the use of regimental mechanical restraints in the adult penal sphere, with the ultimate goal of eliminating them. In the area of juvenile and youth jurisdiction, this objective has already been established by law.

Along these lines, in recent years a number of specific regulations and procedures have been drawn up to regulate and apply this measure, including the Guia de Actuació Penitenciari 2 (GAP 29) and circulars 2/2021 and 1/2022, with the aim of bringing its application into line with international human rights standards.

Finally, in response to the CPT's request, attached to this report is the resolution of the classified information concerning the occasional closures of access to prisons, caused by incidents on the public highway, following the death of a professional at the Mas d'Enric Prison.

Expressions of possible ill-treatment

This prison administration takes into consideration the recommendations contained in the report of the European Committee for the Prevention of Torture (CPT), and the available data allow us to conclude that the Catalan prison system has control and supervision mechanisms in place to ensure that any practice contrary to fundamental rights is detected and dealt with in accordance with the current regulatory framework.

Furthermore, the investigation of all the complaints lodged by inmates confirms that this type of practice is exceptional and that the ordinary operation of prisons in Catalonia is in line with international human rights standards.

The Directorate General of Prison Affairs is firmly committed to eradicating all forms of mistreatment of inmates. For this reason, the management teams of the centres receive specific instructions to maintain a proactive attitude and a constant presence in the modules and living units. At the same time, the Inspection Service opens the corresponding proceedings when it becomes aware of actions that could contravene the regulations or the law in force.

The inmates may request interviews with any professional of the centre, including the commanders, as well as send them communications in sealed envelopes to expose or denounce specific facts. They also have the possibility of communicating with any unit of the central services of the Secretariat.

In addition, work is being carried out so that, by means of a new digital channel through the *Viu en digital!* platform, they can address certain units directly, privately and securely.

The Catalan prison system is based on continuous interaction with the inmate population, which is key to guiding individual treatment programmes and guaranteeing internal security. This interaction makes it possible to ascertain the needs, capacities and responses of each inmate to the various situations of prison life, which facilitates preventive and personalised intervention.

The regulations establish that institutional actions are guided by unipersonal and collegiate bodies, coordinated by the management of each centre.

Prison staff training is carried out on a regular basis for all groups, from basic staff to middle management and directors. This training includes content such as the Prison Action Guides (GAP), the first of which deals with communicative interaction in crisis situations, as well as other training actions on professional competencies and skills. In coordination with the Centre for Legal Studies and Specialised Training (CEJFE), the training is distributed in three modalities: initial (for new professionals), continuous (for maintenance and updating) and strategic (for specific programmes).

Regarding the medical reports of injuries of inmates derived from situations of interpersonal violence (between inmates or by application of coercive means), Instruction 2/2018, in force since 1 June 2018, establishes that two copies should be made: one for the director of the centre, indicating the measures to be adopted, and another for the Duty Court. In addition, the procedures of the Istanbul Protocol and the requirements of the Síndic de Greuges and the Ombudsman are complied with, including the collection of the patient's account and the relevant medical observations. In the event that the management of the centre considers that the facts could constitute a crime, the corresponding reports are sent to the Duty Court. Likewise, the application of any means of coercion is reported to the Prison Supervision Court.

The medical reports derived from acts of violence, restraint or self-harm include a literal transcription of the patient's statements and allow the injuries to be marked on anthropomorphic images, thus improving the documentation and traceability of each case.

In relation to the recommendation to design a specific strategy to prevent and effectively manage violence among inmates, it should be noted that reactive actions have a limited impact, and that it is necessary to act on the causes that give rise to such behaviour.

For this reason, at the end of 2023, the Directorate General of Prison Affairs launched new models of intervention and organisation for the control of violence, promoting the RECVI programme, based on three axes:

- Specialisation of the teams: with professionals specifically trained in the management of violent behaviour to intervene with the most at-risk inmates.
- Longitudinal monitoring of cases: assigning professionals to each inmate, instead of assigning them to residential units.
- Exclusive dedication: the programme's professionals do not combine their functions with other interventions within the centre.

Likewise, the Internal Security Units (USI) were created to analyse information and generate prison intelligence with the aim of preventing situations of violence.

In 2024, the Compensatory Intervention Units (UIC) programme was also promoted, aimed at inmates in a situation of accumulated vulnerability. These units seek to improve the treatment and living conditions of this group, as well as the general social and emotional climate inside prisons.

Finally, it should be noted that the audit of the Directorate General of Public Function on the Catalan prison system, carried out in 2023, determined the need to incorporate 407 additional staff from the different groups of the internal service. Currently, more than 90% of these posts have already been filled. The training of 124 Heads of Service and Surveillance Units (CUSV) has also been carried out, within the framework of the new organisational model of the internal service.

The intercultural mediator is an extremely important professional within the prison services' intervention structure. The high percentage of inmates of foreign origin - over 50% in the prison system as a whole and reaching over 70% in the Youth Prison - is evidence of the coexistence of multiple cultures, religions and ethnicities within the centres. This context makes intercultural mediation an essential tool to ensure proper coexistence and effective intervention. In this sense, three fundamental considerations should be taken into account in order to approach this issue with a broader and deeper vision.

- a) We are currently in the process of a general increase in the number of intercultural mediators in prisons in Catalonia. Last year, the intervention hours of these professionals were already increased by 20% in all centres, and the new contract planned for 2026 foresees a weighted increase in the presence of the figure of the intercultural mediator according to the specific needs of each centre.
- b) On 21 May, at a conference organised by the Centre for Legal Studies and Specialised Training (CEJFE), the following was presented to the penitentiary community the Intercultural Mediation Framework Programme in prisons in Catalonia was presented to the prison community.

This programme aims to unify and structure the functions of intercultural mediation professionals, with the aim of generating a shared working culture and prioritising the key issues that should guide the actions of mediators with regard to the inmate population.

- c) In parallel to the task of intercultural mediation, a line of work focused on inter-religious dialogue has been promoted, with the collaboration of the Islamic Council, as well as the Catholic and Evangelical denominations. In addition, essential aspects linked to mediation with the Roma people, conflict management strategies and coordination with the Office for Non-Discrimination and Equal Treatment of the Government of the Generalitat have been reinforced. It should be understood that all of these actions contribute to consolidating and strengthening intercultural mediation, both in the penitentiary centres as a whole and, specifically, in the Juvenile Penitentiary Centre.

Material conditions and operation of DERT

With regard to the material conditions of the Special Closed Regime Departments (DERT), improvement actions have been carried out in the Jóvenes and Quatre Camins prisons, such as painting the spaces with light colours, mainly white, both on walls and security elements, in order to favour luminosity and improve environmental conditions. In relation to the grille and the perforated sheet metal, they are maintained as essential elements to guarantee the security of the department and prevent the exchange of sharp objects or prohibited substances through the windows, which could put the integrity of the inmates and staff at risk.

With regard to the air-conditioning of the DERT at Quatre Camins Penitentiary Centre, a project is currently being processed to improve the heating installation that will cover the entire centre. On the other hand, the adaptation of the living spaces in the rest of the penitentiary centres is being assessed in general.

Circular 2/2017 establishes the presence of healthcare professionals in multidisciplinary team meetings and provides for specialised care in cases where inmates have specific medical or psychiatric needs. The DERTs have an outpatient service with a more prominent presence of healthcare staff to ensure adequate care.

Persons classified in accordance with Article 93 of the Prison Regulations have no limitations in terms of direct contact with professionals. Thus, interaction with these persons is usually carried out without screens or remote communication devices.

With regard to the application of Instruction 3/2023, which regulates regimental limitations for security reasons (art. 75.1 of the Prison Regulations), it is established that at the end of each shift a report must be drawn up on the evolution of the measure, with a description of the behaviour observed, which is reviewed daily with the prison management. In addition, the multidisciplinary team prepares a weekly report on the state and evolution of the inmate in relation to the risk variables, and the director must also request a medical report on a weekly basis. Any modification or cessation (total or partial) of the measures applied is reported to the Prison Supervision Court and to the Directorate General of Prison Affairs. If, after 20 days, no improvement in the inmate's attitude is detected, a meeting is convened between the management of the centre, the Subdirector General of Rehabilitation and Health Programmes (SGPRS) and the Subdirector General of Penitentiary Centres and Management (SGCGP) to assess alternative actions.

Improvement of activities and programmes at DERT

The evaluation of compliance with the standards established in Circular 2/2017 is focusing especially on encouraging the participation of inmates in sports and school activities. At the Youth Penitentiary Centre, a specific intervention programme adapted to the particular needs of this population is being developed. At the same time, at the Brians 2 and Quatre Camins centres, a pilot programme is being implemented with the participation of mental health and social work professionals.

In parallel, a pilot programme is being implemented at Brians 2 and Quatre Camins, with the participation of mental health and rehabilitation professionals, aimed at inmates with prolonged stays in the DERTs.

Strategies for reintegration into the ordinary regime and interdepartmental coordination

The Directorate General of Prison Affairs attaches special importance to two key aspects set out in Circular 2/2017 to favour the reintegration of inmates into ordinary living units:

- a) Strict compliance with review periods:** Strict monitoring of the transition from Article 93 to 94 and of phases 1 and 2 of Article 94 is ensured. The DGAP Rehabilitation Service is in charge of monitoring regulatory compliance.
- b) Application of formulas for transition to the ordinary regime:** the formulas provided for in Article 100.2 of the Prison Regulations are applied, which allow inmates in closed regime to participate in activities of the ordinary regime, with the corresponding guarantees of control. Specialised attention is also promoted during the process of transition to the ordinary regime. For this reason, effective coordination between the DERT team and the team of the destination unit is requested, with the aim of designing an intervention adapted to the needs of the inmate at the time of his or her return.

These actions are monitored in conjunction with compliance with the general standards of care in DERTs, as part of the institutional commitment to a prison system that respects fundamental rights and is oriented towards rehabilitation and social reintegration.

Strategies in the ordinary environment to strengthen the open environment

The strategy of the Secretariat for Penal Measures, Reinsertion and Victim Care for the period 2025-2028 includes as a priority objective to increase the percentage of inmates who reach the third grade or parole to 28% of the total, as an indicator of success in social reinsertion and efficiency of the system.

To achieve this ambitious objective, the following actions are envisaged:

- Designing an integrated prison management strategy that promotes the open environment.
- Promote the progressive approach to the open environment, both in terms of the volume of people and the reduction of the time previously required.
- Relocate persons classified in the second degree to open centres with authorised departures (art. 100.2 of the Penitentiary with authorised releases (art. 100.2 of the Prison Regulations).
- Promote the application of Article 86.4 of the same Regulations, together with the proposal for conditional release, in all cases in which it is applicable according to the regulations in force.
- To propose the inclusion of the open environment in the policies of the Department of Social Rights to combat homelessness.
- Promote the effective application of the circular on foreigners, especially with regard to the activation of the Guidance and Reception Service (SOA) and the start of the procedures for regularisation of documents from the first moment of admission.
- Extend the cases in which the initial classification in third degree can be applied.
- Encourage the participation of social entities, associations, family members and other agents in favour of reintegration and community models of penal execution.
- Favouring links with the environment without the need to travel, through actions such as online group treatment, videoconferencing, telematic monitoring or the *Viu en digital!* programme.

These actions must take into account possible increases in the prison population, as well as changes in the profile and living conditions of inmates.

Material and organisational conditions of the ordinary environment

With regard to the material deficiencies detected by the CPT in certain areas, improvements have been made: damage in Module 5 and the seats in Brians 1 Prison have been repaired and painted, and broken furniture has been replaced in the Youth Prison.

With regard to sanitary areas, in the most recently built centres, the shower is located inside the cell, while in older centres it is shared. In these cases, the recommendation to implement separations that guarantee privacy without compromising security will be taken into account in the framework of future reforms.

Admissions Unit

Although the Prison Regulations establish a maximum stay of five days in the Admissions Unit (longer only with the authorisation of the Prison Supervision Court), the usual practice at Brians 1 Prison is for the person admitted to be interviewed and medically attended to on the same day - if it is a working day - and referred for medical treatment on the same day -and sent to their module before nightfall. In the case of night or weekend admissions, care is provided on the following working day. Given the transitory nature of this unit, it is not considered necessary to establish structured activities. With regard to the use of the courtyard in this department, the structural deficiencies that existed have been resolved and its operation is currently normalised.

Circular 2/2024 on the procedure for access, suspension and termination of the special penitentiary employment relationship in the penitentiary centres of Catalonia.

An addendum to Circular 2/2024 has recently been approved, which makes some access criteria more flexible, such as the reduction of deadlines for the cancellation of disciplinary offences. This modification came into force on 15 April 2025.

Use of the tool RisCanvi

Regarding the use of the RisCanvi tool by rehabilitation professionals, it is recalled that its purpose is to support decision-making. The risk assessments it provides do not automatically determine any penitentiary decision; these are always the responsibility of the collegiate body, which must take into account various sources of information.

The RisCanvi assessment protocol is under constant review. In 2024, it was externally audited to assess its predictive capacity and to detect possible biases related to protected variables (age, gender, origin, etc.). The results confirmed both the predictive reliability and the absence of significant biases. A further update of the tool is planned for 2025.

Finally, the Directorate General of Prison Affairs is committed to implementing the recommendations of Rec(2024)5 of the Committee of Ministers of the Council of Europe of 9 October 2024 on ethical and organisational aspects in the use of artificial intelligence. In this respect, the Department's data protection specialists have already initiated specific actions.

Immobilisations mechanical

With regard to the progressive elimination of the use of mechanical restraint, this prison administration reiterates its firm commitment, as stated above and in the previous report. At the same time, specific training is being provided to all prison staff on the application and implementation of this measure, in accordance with the protocols set out in the Prison Action Guide 2 (GAP 2), which regulates the restraint procedure in detail.

Once the restraint has been carried out, medical staff review the measure to ensure that it complies with the established health standards. The same GAP 2 also sets out the procedures for supervision and review by both prison staff and medical staff.

However, in certain specific cases, due to the personal characteristics of the prisoner or the specific circumstances of the incident, it may be necessary to adapt the protocol, it may be necessary to adapt the protocol. These adaptations are always carried out with medical validation.

The Prison Health Programme guarantees that the medication administered to immobilised persons in Catalonia is equivalent to that provided in emergency services. In no case is medication administered without the person's consent, unless it is considered essential to preserve their health, such as in situations of extreme agitation in which the person is momentarily not responsible for their actions.

With regard to the care of basic needs during immobilisation, GAP 2 provides for the following measures:

- Feeding and hydration:
 - Provision of meals at the usual times.
 - Provision of water during face-to-face check-ups.
- Physiological needs:
 - The person should be able to express the need to perform physiological functions.
 - If total decontainment is not possible for security reasons, the Head of Services or the DERT/DS CUE may authorise:
 - The reinforced presence of interior service personnel.
 - Partial restraint of a limb.
 - Temporary restraint with handcuffs prior to full removal of restraint to bed.

- The Head of Services or CUE must personally supervise any action involving decontainment. In all other situations, he/she should give clear instructions to the CUSI or interior service staff.

Recording and monitoring of immobilisations

Although the Catalan Prison Information System (SIPC), the computer application of the Directorate General of Prison Affairs, does not allow automated differentiation of restraints for regimental or medical reasons, the DGAP keeps a detailed record of each restraint. This register includes key variables that make it possible to identify the nature (regimental or medical) of the measure applied.

Criteria for application and duration of the measure

According to Circular 1/2022, mechanical immobilisation is an exceptional measure, which can only be applied when there is an imminent physical risk to the inmate himself, to third parties or to material goods, and only when verbal means of resolution have been exhausted and there is no other less harmful alternative to redress the situation.

As for its duration and supervision, both Circular 1/2022 and GAP 2 state that:

- Permanent surveillance should be carried out by means of video surveillance.
- Periodic on-site controls by different professional profiles should be established, depending on the work shift.

Morning and afternoon shift

	Start of measure ment	Every y hour	2 hours after the start	Every 4 hours	New	Beginnin g of shift	End of measure
SC or SES DERT/DS	X		X		X	X	X
CUSI or civil servant*	X	X			X	X	X
Doctor	X		X	X	X		X
Cabin officer	Permanent visual and auditory video-surveillance control						
Other professionals	If the Management, CUE or the Head of Services (CS) deems it appropriate						

(*) In the absence of the CUE or CUSI, in the morning and afternoon shifts, the HC may designate a CUSI on duty to be in charge of the unit where mechanical restraint to the bed is performed. If this is not possible, the checks must be carried out by the departmental staff.

Night shift

	Start of measurement	Every hour	2 hours after the start	Every 4 hours	New is	Beginning of shift (measure started)	Coincides With medical medical control	End of measure
Head of Services (CS)	X		X		X	X	X	X
Doctor	X		X	X	X			X
Officer (2)	X	X			X			X
Cabin officer	Permanent visual and auditory control by video-surveillance							

Form of execution of mechanical immobilisation and assessment procedures

The manner in which mechanical immobilisation is carried out is regulated in Circular 1/2022 and in the Prison Action Guide 2 (GAP 2). Specifically, it is established that the inmate should be immobilised in bed in the supine decubitus position, with the head and trunk inclined at an angle of between 30 and 45 degrees, using a postural wedge or an articulated bed. Other positions may only be used if medically indicated.

As stated in previous sections, any modification in the way the measure is carried out must be validated by health staff.

The manner in which hydration, feeding and physiological needs are attended to during the restraint period, as provided for in GAP 2, has also been previously detailed.

Circular 1/2022 provides for two separate assessment mechanisms for each application of mechanical restraint for regimental reasons:

1. Regimental analysis of the incident

Once the restraint has been completed, the deputy director of interior, or the person designated by the director in his/her absence, must carry out a detailed analysis of the intervention within a maximum period of 10 days. This analysis must include:

- The facts that motivated the measure.
- The inmate's behaviour before and during restraint.
- The use of verbal interaction techniques (if possible).
- The type of restraint applied.
- The health actions performed.
- Any incidents that occurred during the procedure.

All the personal and technical resources available in the centre may be used for the preparation of this report.

2. Evaluation by the multidisciplinary team

Within a maximum of 72 hours from the end of the restraint, the multidisciplinary team of the inmate's department of origin must conduct a personalised interview. Then, within a maximum of 7 days of the interview, an assessment report must be drawn up and submitted to the centre's management, which must include:

- An analysis of the reasons that led to the application of the measure.
- The proposal of preventive strategies to avoid future containment in crisis situations.
- A review and update, if appropriate, of the Individualised Treatment Programme (ITP) according to the new needs detected.
- The updating of the RisCanvi risk programme, if considered relevant.

In addition, on a quarterly basis, and especially in cases where there is a repetition of containment measures, the multidisciplinary team, in coordination with the health and mental health services, must hold a clinical case session. This session aims to ensure that all areas of the centre are involved in the prevention and management of crisis situations, through a comprehensive and coordinated approach.

One of the objectives of the Secretariat for Criminal Measures, Reintegration and Victim Care is to move towards zero mechanical restraint. To achieve this, work is being carried out in all areas: procedures are continually being improved, the staff responsible for resolving related incidents are being trained, individual professional care is being reinforced and the treatment intervention adapted to the individual needs of each inmate is being intensified.

To this end, in March 2024 the RECVI intervention programme (for people with a high risk of violent behaviour in Catalan prisons) was implemented, which includes as one of its strategic objectives to reduce the impact of regimental mechanical restraint measures, especially in those recipients where the measure is applied repeatedly.

The professional actions were designed with a primarily preventive character and consist of:

- Receive individual and intensive care: with an increase in the presence of professional support, the person is attended to by various professionals with a higher number of visits than the average for the rest of the prison population.
- To carry out an analysis of the risk factors that cause violent behaviour together with the inmate.
- Providing the person with strategies for conflict resolution, emotional management and asking for help to deal with situations of discomfort.
- A longitudinal follow-up of the case for 1 year since the last application of immobilisation, in cases of greater severity and repetition.

The results obtained in the first year of the RECVI programme have been favourable: the reduction of regimental restraints has been 61% in the group of inmates with greater violence towards third parties and with a history of repeated applications of mechanical restraints.

On the one hand, it can be observed that the inmate has more personal management tools and greater ongoing professional support. On the other hand, prison professionals are less exposed to personal risk scenarios, while the preventive capacity to anticipate risky behaviour increases, thanks to a more in-depth knowledge of the case.

Use of handcuffs and communication to the Supervisory Court Penitenciària

In accordance with the provisions of article 72 of the Prison Regulations, the application of any means of coercion, including handcuffs, must be immediately reported to the Prison Supervision Court.

The reports drawn up as a result of the application of these means include:

- A detailed description of the facts that have led to their application.
- The corresponding annexes, where both the initiation of the measure and the follow-up carried out during its application are recorded.
- The identification of the professionals of the internal service and the health personnel involved.
- Real-time visualisation of the images of the inmate during the period of application of the coercive measure.
- The medical reports on the start and follow-up of the measure, in accordance with the established protocols.

This procedure guarantees the traceability, supervision and judicial control of any coercive measure used, ensuring that it meets the criteria of necessity, proportionality and legality.

Improving communication between patients and healthcare professionals in penitentiary centres.

The Directorate of the Prison Health Programme takes a very positive view of the recommendation of the European Committee for the Prevention of Torture (CPT) regarding the installation of mailboxes or lockers that allow inmates to communicate directly with the healthcare team. It is considered a proposal in line with the general standards of external healthcare centres, where similar channels already exist - such as suggestion boxes - which favour fluid, non-urgent communication that respects the patient's privacy.

Moreover, from a perspective of continuous improvement and digital transformation, it is proposed to go a step further: to facilitate that internal people can request medical or nursing visits without any kind of intermediary, neither civil servant nor healthcare professional. This autonomy would favour:

- The transparency of the process.
- The order and prioritisation of medical consultations.
- The patient's own responsibility for his or her health.

To make this possible, it is planned to implement this functionality in the *Viu en Digital!* platform, integrating a specific module that allows direct and secure management of requests for non-urgent medical visits.

This initiative would not only improve the efficiency of the prison healthcare system, but would also represent a clear commitment to dignifying patients deprived of their liberty, putting them on a par with the treatment received by citizens on the outside.

Detection of injuries, attention to violence and healthcare resources in the prison setting

With regard to the systematic visual control of inmates on admission and the detection of possible injuries, it should be noted that the medical services already include in the admission procedure a systematic question on whether the person has suffered violence. This interview is accompanied by the corresponding physical examination and, if appropriate, by the issuing of an injury report to the Duty Court. The medical services consider that it is not appropriate to apply a comprehensive visual check beyond the established protocol, as it would imply a naked inspection that could be traumatic, especially in patients who have not shown any signs of abuse.

In the case of women admitted from liberty, this access occurs mainly in the Women's Penitentiary Centre of Barcelona and not in the Brians 1 Penitentiary Centre. In this centre, the implementation of a protocol for the detection of previous mistreatment is planned, currently in the process of consensus between the departments of Justice and Health.

According to a study carried out in 2020, approximately 80% of female inmates had suffered gender violence at some point in their lives. Given this reality, it is considered necessary to systematise the triage of women who require health or psychosocial care, to establish specific intervention programmes and to guarantee support measures for release, with the aim of favouring knowledge of and access to available resources in the event of possible future situations of violence.

The exhaustive medical examination at the time of admission or following a violent incident or police transfer is carried out in accordance with Instruction 1/2018, which regulates the issuing of the injury report to the Duty Court. This action is applied both in cases of aggression, self-harm or restraint, as well as when the patient states that they have been assaulted, even if no obvious physical injuries are detected.

The form used allows the patient's account to be transcribed verbatim, injuries to be marked on anatomical diagrams and all relevant information to be collected, except for the judgement of compatibility. This document is incorporated into the medical record and sent to the centre's management in a sealed envelope for forwarding to the court.

Currently, there are three aspects pending development:

- The incorporation of the judgement of compatibility,
- The use of photographs,
- And to establish a specific register for the follow-up of communiqués.

These improvements depend on computer developments that are currently under study. Likewise, the incorporation of photographs is being addressed jointly by Health and Justice. In addition, a request has been made for the health IT system to be able to extract lists of patients with reports of injuries in order to validate the quality of the actions taken.

Injury reports are always given to the patient, although not necessarily at the same time as the examination, as the clinics do not have a printer. These reports are not given directly to the lawyers, but form part of the medical record, which can be given to the patient, who can decide with whom to share it.

With regard to the training of healthcare staff, a decentralised course is planned for 2025 in all prisons, during working hours and compulsory for clinical professionals, on the description of injuries and the correct issuing of reports to the judicial bodies.

The physical and mental health treatment of patients placed in the DERTs is maintained as normal, and medication is only interrupted in case of express medical indication.

The Specialised Care Department (DAE) of the Quatre Camins Penitentiary Centre is a module managed by the Department of Justice and Democratic Quality, specialising in intervention with people with intellectual or developmental disabilities. With a long history within the Catalan penitentiary system, this space incorporates therapeutic and technological innovations. The latest addition has been the creation of a multi-sensory stimulation room, aimed both at people with disabilities and other profiles with vulnerabilities, such as emotional or behavioural dysregulation. The Directorate General of Penitentiary Affairs plans to extend this resource to other areas, such as the Compensatory Intervention Units (UIC) and the DERTs.

The energy rehabilitation works at the Penitentiary Psychiatric Hospital Unit (UHPP), financed with PIREP funds (Programme to Promote the Rehabilitation of Public Buildings), will include air conditioning, improvement of hot water, ventilation and thermal insulation of the envelope (façades and roofs). Given the incompatibility of carrying out these works with the presence of users, a temporary relocation of the inmates is foreseen. For this reason, the infirmaries of the Brians 1 (INPI), Joves and Brians 2 (mental health unit) centres have been adapted, with improvements in physical security

and the installation of video surveillance systems. The work will begin in early June and is expected to last 12 months. Once completed, the inmates will be returned to the UHPP.

With regard to the immobilisations applied in the UHPP (Brians 1) and in the UHRP (Brians 2), this issue will be referred to the managing body of the prison psychiatric hospitals so that, together with the health care providers, they can analyse the application and conditions of these measures.

Finally, it should be noted that the medical services provide training for internal service staff in the management of inmates with mental disorders, thus contributing to a better care and approach to this group within the prison system.

Abuse of substances

The presence of drugs inside prisons in Catalonia is dealt with by means of the internal security measures provided for in the General Penitentiary Organic Law and the Penitentiary Regulations. These include the observation of inmates and the carrying out of searches in their various forms (of inmates, cells, common areas, reception of packages, etc.), as well as the application of controls at the entrances and exits of both residential units and work spaces (workshops and other destinations), communications and other areas, always following the least invasive procedures possible.

With regard to the observation rooms for inmates suspected of having introduced narcotic substances into their bodies following a release from prison or a special communication, the regulations establish that prior medical supervision is required before acting in these cases. In any situation, medical attention inside prisons is immediate in the event of a health incident, in the same way as it would be in the event of a similar situation outside the prison, although outside the prison this would be the responsibility of the police authorities.

Prevention of suicides

With regard to suicide prevention efforts for inmates returning to the ordinary regime after a stay in the DERT and inmates with a history of self-harm, abandonment or abuse, this DGAP has continued to work steadfastly on everything related to suicide prevention. Specifically, since 2018, different action plans have been implemented for the prison population in terms of suicide prevention:

- **Suicide prevention framework programme** (year 2019, modified on several occasions to adapt it to new casuistry).
- **Procedure for preventive personal protection measures**, which seeks to guide prison management teams in the adoption of measures to prevent and deal with self-injurious behaviour that is not detected by current suicide prevention programmes as they do not meet the inclusion criteria (2021).

- **Wellbeing Programme** (approved in 2023).
- **Anaïs Project** (2024).
- **Suicide shock plan** (2024), which should serve to adjust the intervention in inmates with risk behaviours, foresees:

- Strengthening coordination mechanisms:** creation of a permanent suicide prevention committee in each prison.
 - Monthly review** of detection/activation/deactivation data and its evolution.
 - Raise awareness and train** all staff involved in prisons in the detection of suicide risk.
- Extend the possibilities of preventive action** and activate a procedure for personal protection and support measures, informed by the prison psychologist and activated by the establishment's management.
 - Involve the inmates** so that they become active agents in the detection and active agents in the detection and support of people at risk of suicide: implementation of a mailbox accessible to all inmates and deployment of the figure of the support inmate.
 - Monitor activations and actions.** Primary Care will intensify the monitoring of inmates at low and moderate risk of suicide. Suicide Prevention Programmes (SPP) with high risk will not be deactivated, and their follow-up will be organised by means of a graduation in the reduction of risk according to psychiatric clinical justification.
 - Restrict access to lethal means and objects.**
 - To provide alternative spaces for suicide prevention:** video surveillance and more flexible spaces.
 - Intensive and additional intervention in the special department of closed regime (DERT).** The coordination of the work of professionals will be improved and medical visits will be intensified, which will be daily for people in the sanctioned department.
 - Ensuring connectivity:** ensuring the recording of information in the repository shared by all professionals.
 - Conduct, within three months, a suicide risk study with a gender perspective.**
 - Finally, **within a period of no more than three months**, the Justice-Health working group on suicide prevention will review the current Suicide Prevention Framework Programme (dated 2020) and will submit a proposal to the interdepartmental Mental Health-Health-Justice commission. This review will include the measures envisaged in this shock plan and others that, in the study and review, are considered appropriate to improve the prevention of suicides in prisons.

On the other hand, it should be added that last year the Directorate General of Prison Affairs launched a programme for the implementation of Compensatory Intervention Units (UIC), in which inmates with accumulated vulnerability are placed, i.e. inmates who, beyond the situation of vulnerability that being deprived of their liberty entails, present other types of needs.

In these units, specialised care and support is offered, aimed at intervention in different dimensions (personal wellbeing, interpersonal relationships, personal development, self-determination, etc.). The programme is currently being implemented at the Puig de les Basses Penitentiary Centre (Figueres) and at the Brians 1 Penitentiary Centre (Women's Unit), and it is planned to be deployed in four more centres during 2025-2026: Jovénès, Lledoners, Brians 2 and Mas d'Enric (Tarragona).

Deaths in centres penitentiaries

The death of an inmate in a penitentiary centre is heard by the Duty Court of the judicial district where the centre is located. The procedure establishes that the judicial retinue must appear to proceed with the removal of the body and proceedings are opened, which include, among others, the autopsy of the deceased person.

At the same time, the Inspection Service initiates an internal procedure on the circumstances surrounding the death of the inmate, with the aim of determining how the public penitentiary service has functioned. This service contacts the judicial authority to request the result of the autopsy and, therefore, the cause of death. It is the judicial authority that decides whether or not to provide this report to the administrative authority. In some cases, the judicial bodies do not consider the prison administration to be an interested party in the proceedings and, therefore, do not comply with the request.

Penitentiary Hospital Pavilion of Terrassa

With regard to the comment about an inmate who gave birth while in the custody of the Mossos d'Esquadra, it is necessary to clarify that this medical intervention was not carried out in the Terrassa Prison Hospital Pavilion, but in the Terrassa Health Consortium, a civil hospital annexed to the Pavilion. In these cases, the custody of the inmate becomes the responsibility of the police, as it is an extra-penitentiary environment. It is therefore up to the police force to establish the surveillance measures they deem appropriate.

As far as mechanical restraints are concerned, they are no longer carried out at the Pavellón Hospitalario Penitenciario for regimental reasons. Any immobilisation is carried out exclusively on medical criteria and under strict medical supervision.

With regard to the suspension or relaxation of prison sentences for health reasons for terminally ill patients, prison regulations provide for various options for inmates suffering from incurable illnesses or with a short-term prognosis.

Specifically, Article 104.4 of the Prison Regulations states that:

Very seriously ill prisoners with incurable suffering, according to a medical report, may be classified in the third grade for humanitarian reasons and reasons of personal dignity, regardless of other classification variables, taking into account their low level of danger and difficulty in committing a crime.

On the other hand, Article 90 of the Penal Code establishes the general requirements for access to conditional release:

- To be classified in the third degree.
- To have served three quarters of the sentence.
- To have maintained good conduct while serving the sentence.

In the case of persons with terminal illnesses, the application of Article 90 of the Penal Code establishes the general requirements for access to parole: To be classified in the third degree.

104.4 allows compliance with the first requirement (third degree classification). Furthermore, Article 196.2 of the Prison Regulations provides for exemption from the second requirement (three quarters or, where appropriate, two thirds of the sentence), provided that the medical services of the centre issue a favourable report and inform the Treatment Board of the situation.

Therefore, an inmate with a very serious illness and incurable conditions may apply for conditional release provided that he or she maintains good behaviour, which is a prerequisite for the Treatment Board to be able to submit the proposal to the Prison Supervision Court, which is the competent body to approve it.

Training needs and new prison training centre

With regard to the detection of new staff training needs, it should be noted that both in the design of the training aimed at new professionals and in the continuous training given in the training unit of the Brians 1 Prison Training Centre, it is planned to incorporate new modules that address specific phenomena and challenges of the prison environment. These include aspects such as vulnerability - already included in the programme of the Compensatory Intervention Units - and the gender perspective.

Currently, the Directorate General of Penitentiary Affairs (DGAP) is developing the project for a new penitentiary training centre, which is expected to be operational in 2027. At the same time, a specific structure is being set up, with organic dependence on the Centre for Legal Studies and Specialised Training (CEJFE) and functional dependence on the DGAP.

Disciplinary regime

The Prison Regulations establish that authorisation to extend the execution of disciplinary sanctions beyond 14 days is the responsibility of the Prison Supervision Court. In order to assess this extension, these courts require an exhaustive medical report that evaluates the state of health of the inmate and guarantees that there is no medical impediment to compliance with the solitary confinement sanction. This medical assessment is carried out daily and the continuity of the sanction is conditional on the evolution of the inmate's state of health, with the possibility of suspending or modifying the measure if a worsening is detected.

The most severe sanction of solitary confinement for a very serious offence is 14 days. However, if the inmate commits several disciplinary offences, a sanction may be imposed for each of them, which may lead to a period of solitary confinement exceeding 14 days. However, this extension is not standard practice in the enforcement of sanctions.

Article 234 of the Prison Regulations establishes that disciplinary sanctions must be graduated taking into account the nature of the offence, the seriousness of the damage or harm caused, the degree of execution of the acts, the culpability of those responsible, the degree of participation and other concurrent circumstances.

In application of this article, work is being carried out to define prison management standards that will enable the unification of criteria for action in all prisons.

With regard to the guarantees of the sanctioning procedure, the inmate may be heard at any time during the process and has the right to present the allegations he/she deems appropriate.

In order to overcome language difficulties, the Directorate General of Prison Affairs has a simultaneous telephone translation service. This service allows fluent communication between staff and inmates by means of a interpreter, thus facilitating mutual understanding and respect for the inmate's rights.

With regard to the refurbishment of the cells on the ground floor of Module 5 at Quatre Camins Penitentiary Centre and the DERT at Brians 2 Penitentiary Centre, maintenance work has been carried out, such as painting the cells, repairing elements and replacing damaged furniture. As for the Quatre Camins DERT, the deteriorated flooring in the corridors has also been replaced with a new one.

Inmates foreigners

Within the framework of the new prison training centre project currently being developed, a curriculum design is planned to incorporate aspects such as interculturality, communication with inmates with mental health disorders, and a more comprehensive approach to the gender perspective in professional actions.

Inmates transgender

As already mentioned, the initial training for new professionals in the prison system includes a specific module on gender perspective. Furthermore, each penitentiary centre has a "gender referent" person, who is the key element for developing actions aimed at promoting equality, and for preventing, detecting and intervening in situations of discrimination based on sex, sexual orientation or sexual identity in the penal execution, with the function of guaranteeing adequate attention and the resolution of possible conflicts related to this matter among inmates.

Contact with the external

In terms of communication between inmates and the outside world, the implementation of the *Viu en digital!* programme has doubled the capacity for calls and expanded the channels of communication through video calls. The deployment of the terminals of this programme has already been carried out in the penitentiary centres of Women's Prison in Barcelona, Puig de les Basses, Mas d'Enric and Lledoners. They are scheduled to be installed in the Ponent Penitentiary Centre in the next two weeks, followed by the Brians 1 centres and the centres open during the months of June and July. Finally, the deployment will reach the Jóvenes, Brians 2 and Quatre Camins centres between September and November.

On the other hand, in relation to the low temperatures in the Communications area of the Quatre Camins Penitentiary Centre, a project is being processed to improve the heating installation in order to guarantee more suitable conditions for visits.

complaints procedures

The inmates of penitentiary centres in Catalonia may submit their complaints to different bodies. They can address them to the management of the centre where they are incarcerated, to the Directorate General of Penitentiary Affairs, to the Inspection Service, as well as to external control institutions such as the Penitentiary Surveillance Court, the Sindicatura de Greuges and the Ombudsman, which oversee the correct functioning of the penitentiary system and the protection of the rights of inmates.

In this regard, the channels of communication are diverse. These range from requests addressed to the different levels of the centre itself to written communications in sealed envelopes when the confidentiality of their contents is to be guaranteed.

The deployment of the *Viu en digital!* programme envisages the incorporation of a mailbox that allows inmates to communicate in a confidential manner.

inspection procedures

With regard to the comments made on the jurisdictional competences of the administration of justice on criminal enforcement in Catalonia, it will be necessary for the competent authority to forward them to the governing bodies of the courts and tribunals for their consideration.

PENAL EXECUTION OF JUVENILE JUSTICE

Training of security personnel in juvenile justice education centres

In relation to the training of the professionals of the security company providing services in the Juvenile Justice educational centres, the Department of Justice and Democratic Quality has fully followed the recommendations made by the Catalan Ombudsman. These established that security guards should receive specific training in juvenile justice matters, given and supervised by professionals from the Department and with material prepared by the latter.

Based on this recommendation, the Department commissioned the Centre for Legal Studies and Specialised Training (CEJFE), in collaboration with the Directorate General for Community Criminal Enforcement and Juvenile Justice (DGEPCJJ), to coordinate the development of a training manual for security staff in educational centres.

This manual has been developed over the years 2023 and 2024 with the participation of various professionals from the DGEPCJJ and other areas of the Department, with in-depth knowledge of the functioning of the centres, the applicable legal framework, the existing protocols and the specific functions of security personnel.

The manual, entitled *"Training for security personnel in juvenile justice centres. Supporting material"*, is designed to improve and qualify the training of security guards, focusing on key aspects such as:

- The rights and duties of juvenile inmates and young inmates.
- The principles of intervention and action with minors
- Appropriate use of restraints
- Security functions (searches, active surveillance)
- The legal framework and the limits of actions
- Conflict de-escalation techniques
- Good practices in the application of restraint measures and the development of surveillance functions.

The manual is structured in seven thematic blocks:

1. Introduction to juvenile justice
2. Execution of detention measures
3. Surveillance and security functions
4. Principles of action and legal limits
5. Preventive actions and de-escalation techniques
6. Use of means of containment
7. Static safety elements

In addition to the theoretical content, the material includes practical exercises on reductions and immobilisations, as well as a multiple-choice test to assess the knowledge acquired.

This training is given in a structured course with a duration of 15 hours: 14 hours devoted to the development of the theoretical and practical content, and 1 hour for the final assessment test.

Following the criteria established by the Síndic de Greuges, the teaching staff is exclusively Department staff (from both the DGEPCJJ and the Directorate General of Penitentiary Affairs), with the exception of the practical part, which is taught jointly with staff from the security company.

When the new security contract was put out to tender in 2024, due to the termination of the previous contract on 30 June, a clause was included obliging the company awarded the contract to ensure that all security personnel take the course at least once. For this reason, the company must organise several editions per year to ensure that both current guards and new recruits receive the training.

In compliance with this obligation, in September 2024 the company awarded the contract presented a training plan for the second half of the year, including dates, number of students per edition, location of the sessions and systems for monitoring attendance and use.

Following approval of the plan by the Department, the following editions were held during the second semester of 2024:

- 1st edition: 21, 22 and 23 October.
- 2nd edition: 25, 26 and 27 November.
- 3rd edition: 9th, 10th and 11th December

A total of 47 security guards took part in these three editions, out of a total of 130 assigned in the centres. Both the company and the participants rated the training very positively.

The following training sessions are scheduled for the first half of 2025:

- 1st edition: 1, 2 and 3 April (17 participants).
- 2nd edition: 13, 14 and 15 May (26 participants)
- 3rd edition: 10, 11 and 12 June (planned)
- 4th edition: 17th, 18th and 19th June (planned)

Interventions with physical restraint and injuries

With regard to the interventions of security personnel that have resulted in injuries to minors at the Els Til·lers Educational Centre between January 2021 and June 2025, it should be noted that the security guards do not act autonomously, but always with prior authorisation from those responsible for the centre (in the case of the girls' unit) or under the indication of medical staff (in the therapeutic unit), and always with the support and supervision of health staff.

Each time a physical restraint is carried out, the minor undergoes a medical check-up within a maximum period of 48 hours. This review is reflected in a medical report recording all injuries observed, however minor they may be. The medical reports are also communicated to the relevant juvenile court.

Medical reports

From the analysis of the medical reports issued between 1 June 2021 and 26 May 2025, it can be seen that in 12 of them the medical staff recorded some type of injury. All these injuries occurred in the context of the application of means of restraint, in the face of the active resistance of the child or young person, and always with the use of the minimum force necessary to ensure safety.

In none of the cases analysed by the General Directorate of Community Criminal Enforcement and Juvenile Justice is there any evidence of malpractice or of the use of greater force than necessary, in accordance with the intervention protocols in force.

Year	Unit	Reports with injuries	Description from of the injury observed	Medium from containment applied
2021		None		
2022	Girls	4	Knee sprain	Containment containment and temporary isolation
			Injuries Wrist sprains	Physical restraint and securing wrist mechanics
			Injuries wrist injuries	Physical restraint and securing mechanics of the wrists
			Laceration knee left	Containment physical restraint y temporary isolation
	UT	4	Superficial abrasion knees, redness at the wrists	Containment physical restraint, temporary isolation and mechanical restraint of the wrists (transfer). wrists (transfer)
			Wrist scratches	Physical restraint and mechanical restraint of wrists (transfer) and restraint mechanical restraint bed
			Ecchymosis wrist, minor nose and knee lacerations	Containment physical restraint, temporary isolation and mechanical restraint from the wrists (transfer)

			Laceration inside lip	Physical restraint and mechanical restraint of wrists (transfer)
2023	Girls	1	Macular injuries	Physical restraint and mechanical restraint of the wrists
2024	UT	1	Broken humerus	Personal physical restraint
	Girls	1	Mild shoulder dislocation	Physical restraint and mechanical wrist restraint (transfer)
2025 To 1 June	UT	1	Clavicular dislocation	Physical restraint and mechanical bed mechanics

Considerations on grilled windows

At the centre, the full opening of windows has historically been highly valued as it promotes better ventilation, contributes to the healthiness of rooms and helps to mitigate high temperatures, especially during the warmer months.

The grilled windows did not have any significant impact and were not perceived negatively by the girls. On the contrary, their design has often been highlighted positively, especially in comparison to other centres where natural ventilation is reduced to small side or top openings.

It should be borne in mind that the presence of bars does not necessarily imply a negative or carceral connotation. Often, the inability to provide adequate ventilation can be more limiting and create a greater sense of oppression than the presence of protective elements that allow windows to be kept open safely.

In many urban and residential environments, it is common to find windows with grilles as a security measure that, at the same time, facilitates the circulation of air and the regulation of the interior temperature without altering the perception of comfort or freedom within the space.

In this regard, it should be noted that assessments of this element should take into account the specific context of the centre, climatic conditions or other factors relevant to functional design and environmental well-being.

Containment mechanical

The Therapeutic Unit of the Els Til·lers Educational Centre is not just another ordinary juvenile justice centre. It is a health facility for minors and young people (boys and girls) who are serving a detention measure by court order and who suffer from mental health pathologies and/or addictions. It is managed by the Department of Health of the Generalitat de Catalunya through a health entity and by means of an agreement with the Department of Justice and Democratic Quality.

This therapeutic unit was authorised at the time of its opening and operation as a "unit intended to provide psychiatric and psychological care to young people admitted" and was registered in the Register of Health Centres, Services and Establishments of the Department of Health under number E08680638, by Resolution dated 8 February 2006, of the Directorate General of Health Resources of the Department of Health.

The provider with which the Department of Health has contracted the health service is the Sant Joan de Déu Health Park, a health institution specialising in mental health and addictions. The management of the unit and all its staff are specialised health professionals.

The unit, when dealing with situations of heteroaggressiveness or self-aggressiveness, does so by means of a specific protocol, evaluated and approved by the Department of Health, which follows the criteria applicable to other mental health units in Catalonia, in accordance with the legislation and regulations of reference, which provide, among the applicable and possible techniques for controlling and treating critical psychiatric situations, mechanical restraint, following a specific protocol.

For this reason, when Instruction 2/2021 of the Directorate General for Community Criminal Enforcement and Juvenile Justice was issued, approving the Protocol for the application of means of restraint in juvenile justice centres, the therapeutic unit was exempted from the prohibition to apply mechanical restraint to the bed in the following manner:

Mechanical restraint consisting of holding the minor or young person to an articulated bed or to an object fixed or anchored to the facilities or movable objects is prohibited, except for what may be provided for the Els Til·lers Therapeutic Unit, or for other therapeutic units that may be set up in the future, the protocol in force for the management of self- and heteroaggressive risk behaviours that provides for the 3rd transitory provision of this instruction.

The 3rd Transitory Provision states that:

"3ª. Within a maximum period of five months from the date of signing this instruction, the DGEPCJJ and the competent body of the Department of Health shall approve the protocol for prevention and intervention in self/heteroaggressive risk behaviours of the Els Til-lers Therapeutic Unit, following a proposal by the entity assigned the care service of said unit, once it has been adapted to the applicable chapters of the protocol approved by this instruction.

Given the healthcare nature of this unit, intended for the care and treatment of mental health problems, the above protocol may include the containment measures applied in other similar healthcare facilities, in accordance with the protocols in force approved by the Department of Health".

The above protocol was approved by the Department of Health on 31 May 2022. This protocol is governed by the principles of "care, exceptionality, necessity assessed by medical prescription, proportionality, provisionality, prohibition of excess, and recognition of the dignity and promotion of the autonomy of the person as the backbone of the interpretation of this matter", in accordance with the provisions of Instruction 1/2022, of 19 January, of the State Attorney General's Office on this matter.

It should be noted that all restraints carried out by the Therapeutic Unit of the Els Til-lers Educational Centre are notified to the competent Juvenile Judges and to the Juvenile Prosecutor's Office, in accordance with Organic Law 5/2000.

In summary, given that the Therapeutic Unit of Els Til-lers is a medical and sanitary environment where the decision to apply mechanical restraint in bed is taken as a last resort and following a strict protocol by the health staff and for strictly medical and sanitary reasons, and not regimental ones, this is the reason why it is maintained in this facility and not in the rest of the Juvenile Justice centres.

Considerations on the use of mechanical wrist restraints in juvenile justice facilities

Following the recommendation of the European Committee for the Prevention of Torture (CPT) to review the application of mechanical restraint and the use of handcuffs on young people in the Els Til-lers Educational Centre and in the rest of juvenile justice centres, it is necessary to recall the current legal and procedural framework that regulates this exceptional measure.

Organic Law 5/2000, which regulates the criminal responsibility of minors, was amended in 2021 to explicitly prohibit mechanical restraint to the bed or to any fixed or anchored object. However, the same amendment establishes that, exceptionally, the wrists of the minor or young person may be restrained with approved equipment, provided that it is not possible to apply less harmful measures and that this action is carried out under a strict protocol.

In coherence with this legal mandate, the Directorate General for Community Criminal Enforcement and Juvenile Justice (DGEPCJJ) approved Instruction 2/2021, which regulates the *Protocol for the application of means of restraint in juvenile justice centres*, establishing a graduated and proportional use of means of restraint, always as a last resort and with the aim of minimising the impact on young people.

According to this protocol, mechanical restraint of the wrists can only be applied in two very specific situations:

- When the young person in temporary solitary confinement exhibits self-injurious or violent behaviour towards others or causes damage to property, and these behaviours cannot be managed by verbal or physical restraint.
- During the transfer of a young person after personal physical restraint, if there is active resistance or violent behaviour that cannot be controlled by less invasive means.

In both cases, the measure must be applied with the prior authorisation of the director or incident commander, except in emergency situations, and must be carried out with approved equipment, by trained staff and with continuous supervision (in person or by video surveillance, as appropriate). Its duration should be the minimum necessary and, if the young person's behaviour does not improve, the activation of additional health resources is envisaged.

This protocol guarantees respect for the rights of minors, and prioritises prevention, verbal de-escalation and physical restraint as the first options at all times. It also excludes any form of restraint with fixed objects and strictly regulates the conditions and supervision of the action.

At Els Til·lers Educational Centre, both in the girls' unit and in the Therapeutic Unit, mechanical restraint of the wrists is applied only when strictly necessary and within the cases provided for by the protocol in force.

Specifically, between 1 January 2024 and 26 May 2025, this measure has been used 32 times in the girls' unit and 26 times in the Therapeutic Unit, always under supervision, documentation and justification in accordance with the aforementioned legal and regulatory framework.

Application of the sanction of removal from the group at the Centre Educatiu Els Til·lers

The disciplinary sanction of removal from the group, provided for in Organic Law 5/2000, regulating the criminal responsibility of minors, is only applicable to the girls' unit at the Els Til·lers Educational Centre. It does not apply to the Therapeutic Unit, in accordance with article 59.3 of the Regulations of the Organic Law 5/2000, which excludes from the

disciplinary regime minors under therapeutic internment due to a psychic or perceptive anomaly or alteration that prevents them from understanding the wrongfulness of the facts or acting accordingly.

According to the current legal framework, the sanction of separation from the group can be imposed:

- For very serious misconduct, for a period of three to seven days, or three to five weekends, in cases of evident aggressiveness, violence or serious disruption of coexistence.
- For serious misconduct, for a maximum of two consecutive days, or one or two weekends.

This sanction implies that the minor remains in his or her room - or in a room of equivalent characteristics - during activity hours, with the exception of participation in compulsory education, the right to receive visits and the possibility of enjoying two hours a day in the open air.

The Regulation develops and reinforces these guarantees in Article 66, which establishes additional requirements such as:

1. The limited application to cases with aggressiveness, violence or serious and repeated disturbance of coexistence.
2. Compliance with the sanction in one's own room or in an equivalent room.
3. The maintenance of adapted individual educational activities during the general timetable.
4. Daily visits by a doctor or psychologist, with the possibility of suspending or modifying the sanction for reasons of physical or mental health.
5. The exclusion of certain particularly vulnerable groups, such as pregnant minors, mothers with babies, infants and sick minors.

At Els Til·lers Educational Centre, the sanction of separation from the group is applied strictly within the limits and conditions set out in the regulations.

Furthermore, it should be noted that the girls are not isolated most of the time: they are supported and accompanied by educators, with whom they hold workshops, reflect on the behaviour that led to the sanction and regularly participate in academic, sports and leisure activities, as also stated in the CPT's report.

Given the current regulations, it is difficult to dispense with the application of this sanction for minors, although it is the will of the Directorate General for Community Penal Enforcement and Juvenile Justice to progressively reduce its use, by means of pedagogical and preventive strategies that favour the positive management of coexistence.

Gender balance of security personnel private

Currently, at Els Til·lers Educational Centre there are 23 private security professionals, divided into different shifts, of which 8 are women.

With the aim of promoting a more balanced gender presence, especially relevant in an educational and youth care environment, the Centre will pass on to the company concessionary of the service the recommendation to increase, as far as possible, the number of female security guards in the different shifts of service.

This measure aims to reinforce gender-sensitive care and to contribute to the creation of a more inclusive environment adapted to the specific needs of the female inmates.

Motivational system and family communications

The motivational system applied in juvenile justice educational centres is based on what is expressly established in Article 85 of the Regulations of Organic Law 5/2000, which states:

"Article 85. Incentives the acts of the minor that show good conduct, a spirit of work and a sense of responsibility in personal and collective behaviour, as well as positive participation in the activities derived from the educational project, may be incentivised by the public entity with any reward that is not incompatible with the Law and the precepts of these Regulations".

Based on this principle, the motivational system of the centres - including CE Els Til·lers - is based on the promotion and positive recognition of the educational and behavioural evolution of the young people. Thus, three progressive levels are established (level 1, 2 and 3), which are determined according to the evaluation carried out by the centre's professionals.

This system does not contemplate any restriction of rights in level 1, which guarantees in any case the legally established minimum rights, including communications with families. In other words, girls in level 1 are guaranteed all the communications provided for by the regulations.

The higher levels (level 2 and level 3) provide additional incentives, such as an increase in the number or duration of communications, as well as other educational or leisure benefits. The aim is to stimulate responsibility, coexistence and personal progress.



Report on the observations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during its visit in 2024

Police of the Generalitat-Mossos d'Esquadra

General Directorate for Institutional Relations, Prevention and Mediation

Institutional Relations and Citizen Services Department

Date: 19 June 2025



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I. Introduction

During its visit between 25 November and 5 December 2024, with the aim of examining, among other things, the situation of the police facilities of the Policia de la Generalitat – Mossos d'Esquadra (PG-ME) and to assess the progress made since the Committee's previous visits in 2019, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made a series of recommendations, in relation to which the following information is provided:

The main purpose of the visit was to examine the treatment of persons detained in police and prison facilities, with a particular focus on assessing the material conditions, treatment and safeguards against ill-treatment of prisoners in closed prison regimes and the use of means of restraint, in particular the mechanical restraint of prisoners for disciplinary purposes.

While the report acknowledges the cooperation and facilities provided by the authorities and bodies during the CPT's visit, it stresses that the principle of cooperation established in Article 3 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment () is not limited to facilitating the work of visiting delegations; it also requires that the Committee's recommendations be effectively



implemented in practice. In this regard, the CPT considers that the Spanish and Catalan regional authorities have not taken effective measures to abolish the practice of mechanically restraining prisoners for the purpose of maintaining internal order, despite the CPT's previous recommendation to that effect. The CPT considers that the continued inaction on the part of the Spanish and Catalan regional authorities to address this matter could lead the Committee to initiate the procedure provided for in Article 10, paragraph 2, of the Convention.

On 7 and 31 January 2025, the Catalan authorities reported on the measures taken in respect of some of the issues raised by the CPT in its preliminary observations at the end of the visit.

In order to assess the treatment of persons deprived of their liberty by the Mossos d'Esquadra, the CPT interviewed, in particular, persons detained in various Mossos d'Esquadra police stations, as well as in the detention unit of the Ciutat de la Justícia. It also met with persons in pre-trial detention in the Brians 1, Joves and Quatre Camins prisons who had recently been in police custody.

During the 2024 visit, the delegation reported receiving several allegations of physical ill-treatment, including excessive use of force, against detainees by police officers (in particular members of the Mossos d'Esquadra).

The CPT states in its report that *these alleged ill-treatment consisted of slaps, punches and blows with batons inflicted on detainees at the time of their arrest or during their transfer to a police station or prison. The CPT describes that, in several cases, the allegations were corroborated by medical certificates issued when the detainees were escorted to a hospital, a health centre or upon admission to prison. Furthermore, the CPT states that the delegation's doctors were able to assess the consistency of the injuries observed on some of the persons who reported ill-treatment with their explanations as to their origin. According to the CPT, the cases described below illustrate, by way of example, the threshold of severity, the trends and the pattern of the complaints received by the delegation.*

In view of the seriousness of the facts presented, each of the questions raised is answered and all the measures taken are explained in detail.

The first visit by the CPT took place on 30/11/24 at around 8.15 p.m., when representatives of the European Committee for the Prevention of Torture (CPT) visited the Les Corts Detention Centre (ACD), where they were received by the police station and the ACD command.

During this visit, the CPT staff interviewed police personnel, healthcare personnel and several detainees (PD) who were in custody at the time.

Other activities carried out by the CPT included examining the various computer applications used by the PG-ME, as well as inquiring about the number of complaints received and how restraints used on detainees and the material used are recorded.

They also inquired about the time elapsed between the actual arrest of a person and their access to the ACD.

During the second visit, on 4 December 2024, part of the inspection committee returned to the ACD to meet with the head of the ACD Health Service (part of the ICS) and to request information on the documentation and records generated in relation to the use of restraints on PDs at the Les Corts ACD.



During this second visit, the instructions, guidelines and procedures relating to restraints were handed over to the CPT representative, Mr Aleksandar Tomcuk, in physical format, as well as the Excel control sheets on restraints, the number and type of incidents that occurred in the ACD involving PDs in custody, in digital format.

II. General recommendations made by the CPT to the PG-ME

- **The CPT considers that *the continued inaction by the Spanish and Catalan regional authorities in addressing this issue could lead the Committee to open the procedure provided for in Article 10, paragraph 2, of the Convention.***
- **The CPT invites the Spanish authorities to consider authorising in advance the publication of all future CPT visit reports concerning Spain and the Government's responses thereto, subject to the possibility of delaying publication in a specific case.**

The Directorate-General of Police takes into consideration and addresses each of the issues raised in the CPT report of the Council of Europe, however, these two considerations in particular are, in any case, outside its sphere of competence.

III. Reiteration of basic principles to officers with a message from the Director General of Police on zero tolerance and specific training on manual control techniques in the context of arrest

The CPT recommends that *these basic principles be reiterated to Mossos d'Esquadra officers, including through practical exercises.*

The CPT also recommends that *the Catalan regional authorities send a strong message, through the Director General of the Mossos d'Esquadra, on zero tolerance for ill-treatment of detained persons, emphasising that this practice is illegal, unprofessional and will be subject to appropriate sanctions. In addition, according to the CPT, specific training on manual control techniques in the context of the arrest of suspected offenders should be provided on a regular basis. According to the CPT, a similar zero-tolerance approach should also be applied to verbal abuse of detainees.*

The Police Force of the Generalitat - Mossos d'Esquadra (PG-ME) is Catalonia's own police force, an organisation made up of more than 19,000 people and currently undergoing growth, which carries out functions of public safety and order; administrative policing; judicial policing and criminal investigation, including various forms of organised crime and terrorism, in accordance with the law; the amicable resolution of private disputes, cooperation and collaboration with local authorities; road safety and traffic, preventing and neutralising situations that pose a risk to the safety of people and property on interurban roads and, where appropriate, on urban roads, and acting as the police in matters of emergencies and civil protection.

In 2024, the PG-ME responded to almost one million incidents (939,723 to be precise), investigated/reported 290,891 individuals, filed 1,265,080 reports and made 81,212 arrests.¹

¹ Link to the publication of the PG-ME's 2024 Security Report https://mossos.gencat.cat/web/.content/home/01_els_mossos_desquadra/indicadors_i_qualitat/estadistica/Balan-c-de-seguretat-2024.pdf



The PG-ME is a police force with a clear commitment to public service, with a close, ethical **and democratic** approach **and a commitment to fundamental rights**. In a democratic context, all the mechanisms are in place to bring any situation of torture and ill-treatment to the attention of the justice system (from direct access to the judicial authorities to private interviews between the detained person and their lawyer). In addition, the PG-ME works continuously to **improve internal mechanisms that guarantee zero tolerance of ill-treatment of detained persons**.

In this regard, the basis of any value in organisations begins with solid training that reinforces these aspects. In the **Basic Training Course for Police Officers (CFBP)**, which is taught at the Public Security Institute of Catalonia (ISPC), candidates for the PG-ME are trained to carry out police duties, taking into account all the regulations, legislation and guidelines that refer, among other disciplines and in relation to this subject, to professional ethics in general and human rights in particular.

Beyond the training unit on human rights and ethics already taught at the CFBP, in 2024, the coordinator of the Catalonia Police Academy, Superintendent Jesús Requena, published an article on police identification in the *Indret Criminologia* magazine, a journal for the analysis of law. In this article, entitled "Police stops, identification and searches. Their significance from the perspective of police culture in Catalonia"², a series of reflections on the subject are made and the need to adopt a new approach to police training is pointed out.

As a result of this reflection, the next CFBP will include a new training unit, 1.4 Criminology and Social Structure in Catalonia (25 hours), which aims to explore the relationship between police work and the dynamics of social exclusion. One of the topics in this unit will be specifically dedicated to racial profiling.

Obviously, training is provided on criminal law to enable candidates to understand what constitutes criminal behaviour and its criminal consequences.

The aforementioned course is not only composed of theoretical and cross-disciplinary training, but also provides students with practical training in the procedures and most appropriate attitudes for dealing with the public, taking into account all the knowledge they have acquired. Everything related to the treatment of detainees is dealt with in an exhaustive and specific manner.

Specifically, in relation to the training provided at the ISPC on the use of force in the arrest and control of agitated or dangerous persons, the CFBP, which consists of 1,119 hours, a training unit on police procedures (79 hours) and self-protection and police control (74 hours) is provided, which covers the use of force in the arrest and control of agitated or dangerous persons.

Similarly, the training unit *Integration and Development of Police Skills* (130 hours) deals with the development of key skills and, consequently, the values and quality indicators of police forces to ensure the proper management of their own human resources throughout the training process. It has an important practical component in which candidates, working in pairs, must resolve simulated situations in the field of public safety. Some of the practical exercises deal with the use of force in the arrest and control of agitated or dangerous individuals.

From the 2025-2026 CFBP onwards, all practical subjects related to the use of force by the police will be integrated into the new module 2, *Police and the progressive use of force*, to give greater meaning to the importance of this police practice in a uniform and

² Link to the article: <https://indret.com/paradas-policiales-identificaciones-y-cacheos-su-significacion-desde-la-perspectiva-de-la-cultura-policial-en-cataluna/?edicion=2.24>



cross-cutting manner. In this new module, a new training unit 2.1, *Strategies for the Prevention of the Use of Force*, will be created, where students will receive better training to be able to initially manage agitated or dangerous individuals.

Similarly, all these issues will be reinforced in promotion courses and in courses providing training in the various specialities.

In the **promotion courses** for corporal, sergeant and sub-inspector, students receive theoretical and practical training on the use of force in the arrest and control of agitated or dangerous persons in the training unit on the progressive use of force. This subject focuses on the operational and operational leadership aspects of each category, with attention to teamwork management.

The inspector course includes a theoretical round table discussion on the progressive use of force, with the participation of police commanders, expert trainers in this field and members of the judiciary.

With regard to **provision courses**, some specialised courses deal with the use of force in the arrest and control of agitated or dangerous persons, within the framework of generic actions involving the use of force. This subject is covered in practical subjects, in the following courses:

- Public order course (285 hours)
- Course on the protection of persons and property (278 hours)
- Special intervention course (719 hours)
- Special Protection Course (217 hours)
- Police instructor course (126 hours)

The **training courses for training personnel** train instructors who will subsequently teach subjects related to the use of force in the arrest and control of agitated or dangerous individuals, as follows:

- Self-defence and police control instructor course (62 hours)
- Police techniques instructor course (59 hours)
- Course on the use of energy-dispersing devices (30 hours)
- Course for trainers in preventive strategies for the use of force (22 hours)
- Shooting instructor course (124 hours)
- Course for trainers in the progressive use of force (32 hours)
- Shooting instructor course (62 hours)

The next training activity plan includes a new course for trainers on police actions when dealing with people who are psychomotor agitated.

With regard to ongoing training for officers or **continuing education courses**, some of these deal with the use of force in the arrest and control of agitated or dangerous individuals:

- Extendable police baton workshop (6 hours)
- Workshop on safe interventions (15 hours)
- Workshop on reducing uncooperative individuals (10 hours)

Of particular note is the "Workshop on the restraint of uncooperative individuals", which has already been held nine times and includes the following objectives in its programme:

- To learn and use a set of techniques to stop or repel an offensive action, using one's own body and standard issue weapons.
- Develop confidence and safety during police action.



- Provide students with the resources to act impartially and thus respect the dignity and integrity of the detainee.
- Recognise the two main differences between the use of self-defence and police control techniques: when the police officer is attacked and the safety distance is broken, and when it is the police officer who must take action to stop and/or control someone who is actively resisting.
- Automate basic responses to basic aggression.
- Systematically apply working in pairs.

Beyond training, the Directorate-General of the Police (DGP) is firmly committed to defending human rights and ensuring control systems for their defence and enforcement, as demonstrated continuously and in various ways, as detailed below:

➤ Throughout its activities, **the PG-ME has incorporated ex officio mechanisms to strengthen the supervision, auditing and control of its interventions and functions, and of the instruments and mechanisms at its disposal:**

- The implementation of the internal system regulating the process of arrest and custody of persons is included in the **DGP's Quality Management System (QMS) in the Arrest Process**. This process is organised in several documents, including the Procedures (PRO), which regulate the most general aspects of the process, the Operational Instructions (IO), which complement the procedures by developing the working instructions in greater detail, and the Operational Guidelines (PO), which also describe specific aspects that exclusively affect a police service or territory.

The functions of the arrest process are:

- To comply with the mandate of the Criminal Procedure Act, depriving persons of their liberty only in the cases provided for by law and bringing them before a court within the maximum time limits stipulated by law.
- To strictly comply with the legal system governing the arrest process.
- To guarantee the physical, psychological and legal safety of the police officers involved in the arrest.
- To prevent, in the exercise of their professional duties, any abusive or discriminatory practice involving physical or moral violence.
- Ensure the life and physical integrity of persons who are detained or in custody, respecting and guaranteeing their rights, honour and dignity.

The system for charging and monitoring arrests is procedurally guaranteed by the quality management system for the arrest process. This system allows for the supervision and traceability of the arrest process, which is carried out on a regular basis by the chain of command of the services and, on an extraordinary basis, by audits carried out by the General Inspectorate and Evaluation Office (CGIA). The Incident and Critical Processes Area (AIPC) monitors relevant developments in the PG-ME on a daily basis. Based on this analysis, incidents that have or may have some kind of impact on the procedures governing the ACDs are detected.

- The PG-ME has various **recording systems that guarantee the traceability of actions in all Custody and Detention Areas**. The image recording systems of



the ACD in the PG-ME facilities have a recording capacity of between 3 and 5 months. These cameras also act as a guarantee of the rights of detainees and of the entire detention process that takes place in the custody areas of police facilities.

The installation of CCTV cameras in all interview rooms has already been approved and is being installed in different facilities throughout the territory. Video surveillance cameras have also been installed in interview rooms, thus ensuring that the entire circuit followed by the detainee is recorded.

There are also vehicles equipped with video surveillance cameras to monitor the transport of detainees. With a view to continuing to make progress in this area, a tender was awarded in 2024, on the basis of which the PG-ME has increased by 97 the number of vehicles bearing its logo and equipped with an interior partition for the transport of detainees, with a recording and surveillance system, to which must be added 25 vans equipped with a recording and surveillance system.

New personal recording devices (DPG), model AXON Body 3, have been implemented to replace the current models used by the PG-ME. This deployment will allow the DPG to be used by officers who use the energy-conducting device (DCE) and also by other authorised users. This will enable increased use of PGDs in citizen security patrols and teams from the regional operational resource areas. The PGD implementation plan is accompanied by a training plan. To use the PGD, it is necessary to have completed the PGD use course at the Catalonia Police Academy.

- In order to carry out **internal controls, both with regard to actions and the evaluation of the efficiency of police services**, in the new Decree 57/2023, of 21 March, on the restructuring of the Directorate General of the Police, the Mossos d'Esquadra has strengthened its control mechanisms with two specialised units with the rank of General Police Station: the General Police Station for Internal Investigation and Disciplinary Affairs (CGIID), responsible for ensuring the proper conduct of all officers, and the General Inspectorate and Evaluation Office (CGIA), responsible for evaluating services, without prejudice to the obligations and responsibilities of the hierarchical structure, in order to detect, among other things, possible organisational dysfunctions, training deficiencies or structural shortcomings. For reasons of democratic propriety, both commissions do not report to the Chief of Police, but to the Directorate-General of the Police. The detection of malpractice and malfunctions or areas for improvement in procedures is not the exclusive task of the two aforementioned commissions, but also takes place in the review processes of the actions of the various units and their commanders.

The DGP has a **system for managing suggestions, acknowledgements and complaints (SAQ)**, which allows citizens to express their opinions on the service received. The purpose of this mechanism is to identify needs and improve the quality of the services provided.

The SAQ offers various ways of submitting documentation: in person at any PG-ME office, through the registers of the Generalitat de Catalunya, by email or by post. This ensures that citizens can communicate their contributions in the way that is most convenient for them, without any obstacles.



All communications received are analysed and reviewed. If any criminal, administrative or disciplinary offence is identified, the appropriate action is taken. The 2024 data from the SAQ system on the 939,723 incidents handled by the PG-ME are as follows:

- Number of suggestions 68
- Number of expressions of gratitude 1,557
- Number of complaints: 882

The DGP maintains a constant and constructive relationship with various human rights organisations, such as Iridia, Amnesty International and SOS Racisme, among others, with the aim of addressing both specific actions and general issues related to their concerns and recommendations in the field of law enforcement.

This collaboration reflects a firm commitment to democratic integrity and institutional transparency. Our police organisation deeply recognises and values the active participation of civil society in the control and in r oversight of police action, considering it an essential tool for the protection of human rights and the continuous improvement of police practices.

➤ It should also be noted that **the policing model has been addressed and endorsed by various committees of the Parliament of Catalonia**, with which the PG-ME has collaborated and made itself available to fulfil its mandate. The most recent is the *Police Model Study Commission* (CEMP), which concluded with the CEMP Report and Conclusions (BOPC 460, 20 December 2022).

This commission has been an instrument that has enabled progress to be made in transparency and improvement of this important public service for all citizens. The PG-ME has taken on board the recommendations of this commission and has banned the use of SIRx ammunition in public order operations, the structure of the CGIID has been strengthened, with operational capacity to investigate any complaints or allegations relating to the actions or conduct of police officers, including local police. Some protocols on the use of force in the PG-ME have been made public so that citizens can be aware of and monitor their use, and the protocols for the use of Conductive Energy Devices (CEDs) and the recording of images of their use, among other issues, have been revised.

The possibility of creating an external oversight body was the subject of extensive debate in this committee of the Parliament of Catalonia, which ultimately concluded that such an external body was not necessary. Point 71 of *the CEMP Report and Conclusions*³ refers to the numerous controls to which both the Mossos d'Esquadra and all local police forces in Catalonia are subject by public bodies and specialised social initiative entities:

a) *The control exercised by the Síndic de Greuges (Ombudsman), which may be exercised ex officio or in response to complaints received, as reflected in the annual report on the activities of this institution.*

b) *The control of the Catalan Mechanism for the Prevention of Torture, a specialised body reporting to the Ombudsman's Office which, despite having a broader scope than strictly policing, actively ensures the guarantee of human rights in processes of arrest, detention, custody, transfer and others. This body also makes regular unannounced*

³ Report and conclusions of the CEMP <https://www.parlament.cat/document/bopc/316366043.pdf>



visits to the PG-ME's ACDs to monitor the situation of detainees. After each visit, the conclusions and recommendations are sent to the DGP with a view to improving any issues that need to be addressed. Each year, this body produces a report that includes a section on the visits made, with a file for each visit containing a brief description of the centre, the observations made and a photograph of some of the areas visited, particularly those located in police premises.

c) Parliamentary oversight, before which political or police officials appear to report on their actions, both to the Home Affairs Committee and to the Committee on Secret and Reserved Matters, to this study committee or also to the plenary.

d) Oversight of the media and national and international human rights organisations, bodies and associations, as clearly documented in the course of this study committee's work. Oversight, in this case more widespread, of public opinion as expressed periodically in its assessment of the police forces through surveys and opinion polls.

e) Specific control by bodies specialising in various areas: data protection (Catalan Data Protection Authority); the use of video surveillance cameras (Commission for the Control of Video Surveillance Devices in Catalonia); transparency (Commission for the Guarantee of the Right of Access to Public Information and Transparency Portal); fraud (Anti-Fraud Office of Catalonia), or economic aspects (Audit Office).

In addition to the Catalan Mechanism for the Prevention of Torture mentioned in point 71b), it is worth mentioning the National Mechanism for the Prevention of Torture, which reports to the Ombudsman, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

All of the above permeates the culture of our police organisation in its daily practice. With all these measures, implicitly and explicitly, every day, zero tolerance towards torture and ill-treatment of detainees is reinforced, which, beyond its obvious illegality and the associated punishment, is a fundamental ethical and professional value of the PG-ME.

Work will continue along these lines and decisive action will be taken to detect any cases of ill-treatment of detainees. Currently, the available data do not show an increase in cases and the number of complaints in relation to annual arrests is not significant and has not increased significantly, although, as already noted, there is zero tolerance in this regard.

IV. Study of alleged cases of ill-treatment reported by the CPT delegation

BACKGROUND

On 2 January 2025, the Director General of the Police initiated confidential investigation number 01/2025-IR upon learning of the preliminary report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) dated 5 December 2024 on the excessive use of force against persons detained by the police (specifically members of the Mossos d'Esquadra police force).

In the letter from the Director General of the Police, it was decided to order the General Commissariat for Internal Investigation and Disciplinary Affairs (hereinafter CGIID) to carry out the corresponding investigative procedures in order to clarify the facts set out



in this preliminary report and identify, where appropriate, the existence of possible disciplinary responsibilities and refer them to the judicial authorities on the grounds of their possible criminal relevance:

The Internal Investigation Division of the CGIID was tasked with resolving the Director General's decision to initiate the confidential investigation, attaching the following documentation related to the subject matter of the events:

- Report with preliminary observations submitted to the regional and state authorities by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), dated 5 December 2024 in Barcelona.
- Report responding to the preliminary observations of the CPT by the Director General of the Police, dated 7 January 2025.
- Audit carried out by the Incidents and Critical Processes Department, entitled Containment of a detainee at the ACD in Vilanova y la Geltrú (ABP Garraf) on 27/11/2024, with registration number 6/25-CGIA.

In response to the first report received from the European Committee for the Prevention of Torture, the CGIID carried out a study, in which the sample consisted of all persons who were in detention at the time of the European delegates' visit and which detailed: 18 detainees without medical reports or incidents; 7 detainees without incidents and with medical reports; 5 detainees with injuries prior to detention; 3 detainees with incidents during detention; 4 detainees with incidents in the custody area.

The study of all police actions and the custody of all detainees did not reveal any facts that could constitute a criminal offence.

CONCLUSIONS OF THE CONFIDENTIAL INFORMATION

From the analysis carried out in this confidential information on the 37 detainees who were present when the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the detention centres at the Les Corts and Ciutat Vella police stations in Barcelona and Vilanova i la Geltrú, it is concluded that there was no violence or excessive use of force and that the criteria of consistency, timeliness and proportionality were met during the arrests/transfers of the detainees.

In addition to analysing all the cases, consultations were held on the possibility of filing complaints with the courts or requesting judicial investigations into criminal offences committed against the detainees, but all efforts were unsuccessful.

However, in studying the lists of detainees in the various custody and detention centres during the visits of the delegates of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), this police station has identified two cases of restraint in the custody area in which the circumstances were not found to be legitimate and appropriate.

The General Inspection and Evaluation Police Station (CGIA) analyses all incidents involving the use of force resulting from the use of firearms, energy-dispersing devices (EDDs), restraints on detainees and other actions that have affected the fundamental rights of persons detained in custody areas.

Its conclusions are intended to supervise and improve procedures in the PG-ME and also to detect misconduct that may lead to disciplinary or criminal liability.



In both cases, procedural errors in communicating the restrictions prevented the CGIA from carrying out this analysis in the first instance and, for this reason, it has been recommended that the appropriate modifications be made to the internal regulations governing the detention process so that the mandatory communication regarding the use of restraints is sent directly to the CGIA, enabling the corresponding supervision to be carried out.

ANALYSIS OF THE REPORT OF THE VISIT BY THE CPT DELEGATION

The second report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, dated 11 March 2025, recounts, by way of example, the alleged ill-treatment of detainees by the Mossos d'Esquadra police force, four (4) incidents reported to members of the CPT by persons admitted to prisons who claimed to have suffered injuries or degrading treatment during police action. These incidents had not been reported to us and, if true, would constitute serious criminal and disciplinary offences.

It should be noted that this second report does not provide the personal details of the people interviewed who are in prison, nor does it provide any information to determine the nature of the incidents reported, but it does include the dates of the police actions or transfers.

In response to the allegations of acts that could constitute serious criminal offences and which the CGIID is obliged to investigate, a study of the databases of this police force has been carried out, which has revealed four (4) police actions that could correspond to those described in the second report.

After an exhaustive investigation of these four police actions, carried out through a Confidential Information (IR) procedure, and reported in detail to the CPT, it is considered that the actions of the officers, both during the arrest and during custody and transfer, were in accordance with the operational protocols established by this police force. The interventions were carried out in the context of the police response to aggressive and/or evasive behaviour by the detainees, and in all cases and at all times, their integrity was guaranteed and immediate access to medical care was provided. All these actions were reported at the time to the judicial authority, which did not detect any criminal offence in any case.

V. Review of the outcome of the six cases investigated by the CGIID

- **The Committee invites the senior management of the Mossos d'Esquadra to conduct a thorough review, in collaboration with the relevant experts from the Catalan Institute of Legal Medicine, of the primary data and trends associated with the phenomenon of police ill-treatment. This review should be carried out in conjunction with the full implementation of the recommendation in paragraph 90 concerning the adequate recording of injuries observed on persons detained upon admission to prison or during police custody, and the immediate communication to the judicial authorities of any information related to plausible allegations of police ill-treatment.**

- ***In addition, the CPT would like to receive information on the outcome of the six cases investigated by the aforementioned General Commissioner for Internal Investigations and Disciplinary Matters. It would also like to receive information on the number of cases investigated and prosecuted directly by the judiciary during the period 2022-2024.***

With regard to forensic reports describing injuries sustained by persons deprived of their liberty, it should be noted that, in accordance with Article 344 of the Criminal Procedure Act, the forensic doctor is a professional attached to the investigating courts whose mission is to assist the administration of justice and who, precisely because of this status, acts at the request of the courts and tribunals, as established in Articles 347 and 797 of the LECrim, at their discretion, under the terms provided for in Article 520 of the LECrim.

For its part, the Organic Law on the Judiciary (LOPJ) in Articles 470 et seq. describes the forensic doctor as a member of the Justice Administration whose mission is to assist the judicial authority, constituting a special body of the Administration that reports to the Ministry of Justice.

Therefore, with regard to the assertion that "specific complaints of ill-treatment" were submitted to forensic doctors, the preparation of any report would have led to the subsequent processing of legal proceedings, which is again the exclusive competence of the courts. In other words, if the CPT report refers to 34 forensic reports describing police ill-treatment in 2023 and 29 forensic reports describing police ill-treatment in 2024, in the City of Justice alone, the legal consequence should have been the initiation of at least 63 preliminary investigations in the Judicial District of Barcelona, in which the facts and the possible responsibilities of the police officers who acted should have been investigated.

Therefore, in this case, and due to the dependence of forensic doctors on the Justice Administration, the participation of the internal affairs services of the police forces in the investigation must be at the request of the judicial authority that has received the medical reports and that must decide whether the conditions for opening a criminal investigation are met.

With regard to the CPT's request for **information on the progress and outcome of the various investigations carried out by this police body into incidents or police actions in which detainees suffered injury or degrading treatment during the period from January 2022 to July 2024**, by the General Commissariat for Internal Investigation and Disciplinary Affairs (CGIID), it should be noted that the results of the investigations and the findings on the six cases have been reported in detail to the CPT.

All cases have been thoroughly investigated and it is important to note that the six cases were opened ex officio following complaints lodged by other members of the same police force. The Director General of the Police initiated the corresponding confidential investigation and, in some cases, this information was forwarded to the relevant court.



VI. Ensuring the systematic and prompt investigation of all allegations of ill-treatment

- **The CPT also indicates in its report that *the Catalan regional authorities must ensure that all allegations of ill-treatment are systematically and promptly investigated and that senior officers are held accountable for their hierarchical responsibilities. Finally, the CPT reiterates its recommendation to the Catalan regional authorities that, when it is considered necessary to handcuff a person at the time of arrest or during the period of custody, the handcuffs should not under any circumstances be excessively tight and should be applied only for as long as strictly necessary on the basis of an individual risk assessment.***

Taking into account all the internal and external control mechanisms that enable the detection of possible malpractice committed within the PG-ME, the Disciplinary Affairs Division of the CGIID is responsible for investigating and conducting disciplinary proceedings in accordance with the disciplinary regime provided for in Law 10/94 and the disciplinary regulations provided for in Decree 183/1995.

The following improvements have recently been made in this area:

- A new procedure has been established for taking samples from police officers to detect drug use. This procedure has incorporated healthcare personnel into the operation to improve the quality and guarantees of the procedure.
- A new, more direct communication system has been established between police units in the CGIID for conduct that may be disciplinary and also criminal. Its aim is to facilitate the reporting of incidents and the processing of proceedings.
- An educational project has been developed at the Catalan Institute of Public Safety (ISPC) on the prevention of disciplinary conduct, incorporating specific training into the course for entry into the Catalan police force.
- In line with this preventive approach, training in promotion courses for senior officers has been updated.
- At the request of the Director General of the Police, a proposal has been made to update the disciplinary regime of the PG-ME.
- A second qualified lawyer has been appointed and there are plans to gradually recruit up to a total of four qualified lawyers, as provided for in the List of Job Positions, to cope with the new increases in the PG-ME's staff and improve the legal quality of disciplinary administrative procedures.

The Internal Investigation Division of the CGIID is responsible for investigating criminal offences committed by police officers.

The following improvements have been made in this area:

- The most significant development is the improvement in coordination with the Catalan Public Prosecutor's Office, through the provincial public prosecutor's offices, so that it is aware from the outset of any criminal investigations opened by the CGIID. This is an important aspect because it allows for the supervision of all investigations from the initial stages until they are brought to the attention of the judicial authorities.
- Instructions have been given that criminal matters affecting local police forces in Catalonia that do not have an internal investigation unit should be reported to the CGIID so that it can act as the specialised unit and point of reference for these investigations.



- A training and improvement plan has been implemented to analyse information that enables the investigation and handling of possible corrupt conduct.
- For the first time, as part of the promotion course to the rank of sergeant, training has been provided at the ISPC on police corruption and crimes that may be committed by police officers, such as torture, crimes against moral integrity, document falsification, disclosure of secrets, bribery, embezzlement of public funds, illegal detention and fraud.
- Training and recruitment of personnel with experience in asset investigation and money laundering has been carried out.
- Training and capacity building has been provided to officers to improve the analysis of incidents involving the use of force.
- Several police officers have been trained to specialise in investigating and assisting victims of crimes against sexual freedom.

VII. Ensuring the prevention of ill-treatment in detention and custody areas (ACD)

- **The CPT reiterates its recommendation that *measures be taken to ensure that medical staff at Les Corts Police Station fully perform their role in preventing ill-treatment, ensuring that, upon admission to prison, every person undergoes a thorough medical examination, followed by the compilation of a detailed medical record. This record should include the need to redouble efforts to ensure that detainees are informed of their legal rights under Article 520 of the Criminal Procedure Act.***

Firstly, healthcare professionals working in public medical centres in Spain, such as primary care centres or hospitals, have the status of public officials under the terms of Article 24.2 of the Criminal Code.

In this capacity, they are obliged to inform the judicial authorities or the Public Prosecutor's Office, or even the police, "immediately" in the event of a flagrant offence, if healthcare professionals have witnessed or noticed signs of the commission of a criminal offence, as provided for in Article 262 of the Criminal Procedure Act (LECrim).⁴

Secondly, in the event of failure to comply with this obligation to report to the authorities, healthcare professionals could even be guilty of the offence of failure to report a crime, as provided for in Article 408 of the Criminal Code. For these reasons, and in order to ensure the immediacy and speed required by the seriousness of the facts, medical reports containing descriptions of injuries related to a possible criminal origin are sent by

⁴ Article 262 of the Criminal Procedure Act states that: "Those who, by reason of their position, profession or occupation, have knowledge of a public offence, shall be obliged to report it immediately to the Public Prosecutor's Office, the competent court, the investigating judge and, failing that, to the municipal authority or police officer nearest to the place where the offence was committed, if it is a flagrant offence.

Those who fail to comply with this obligation shall be liable to the fine specified in Article 259, which shall be imposed as a disciplinary measure.

If the failure to report is by a professor of medicine, surgery or pharmacy and is related to the exercise of their professional activities, the fine shall not be less than 125 pesetas or more than 250 pesetas.

If the person who has committed the omission is a public employee, the matter shall also be brought to the attention of their immediate superior for the appropriate administrative action.

The provisions of this article shall apply when the omission does not give rise to liability under the law.



medical centres and hospitals to the Duty Court of the Judicial District where the medical centre is located.

Thirdly, in cases such as that described in the CPT report, law enforcement officers do not have control over the facts because the decision to refer reports of injuries of criminal origin attributable to an identified or identifiable person lies exclusively with the professional assigned to the relevant health centre. Furthermore, this duty to provide medical care is not only part of their professional duty, but is also backed by a formal obligation set out in Common Standard 3 (EC3) and in the recommendations of the Istanbul Protocol, which establishes international guidelines for the investigation and documentation of torture and other cruel, inhuman or degrading treatment. Specifically, these standards require that injuries and their possible cause (aetiology) be accurately described.

Therefore, the medical report on injuries provided by the doctor acquires the value of a qualified procedural complaint based on the professional knowledge of the complainant, in compliance with their legal obligation under Article 262 of the Criminal Procedure Act.

In any case, it should be noted at this point that police officers do not have access to sensitive data, such as medical reports, pursuant to Law 41/2002 of 14 November, which regulates patient autonomy and rights and obligations in relation to clinical information and documentation.

Fourthly, when a medical report reaches the court, the judge may issue a ruling that may be a dismissal (Article 641 of the Criminal Procedure Act) if the injuries are not of criminal origin or are reckless in the case of minor injuries. However, in cases where the medical report indicates that a criminal offence has been committed, the investigating judge may issue an order agreeing to investigate the facts described in the medical report and shall make the necessary requests for investigation to the specialised police units.

This power to decide whether to initiate criminal proceedings and the steps to be taken is exclusive to the investigating court, and police officers have no greater involvement than that ordered by the judge.

It should be noted that within the Mossos d'Esquadra, the investigation of criminal acts involving police officers is the responsibility of the Internal Investigation and Disciplinary Affairs Department (r CGIID), which acts in criminal cases under the guidance and authority of judges and prosecutors.

The CGIID, in addition to being informed by any means of criminal acts that may be committed by police officers, **always** initiates an investigation and brings it to the attention of the Public Prosecutor's Office.

The healthcare personnel on duty at the ACD in Les Corts, which is part of the Catalan Health Institute (ICS), consists of a coordinating doctor, a chief operating doctor, nursing staff and auxiliary care personnel, who carry out their work in coordination with the police personnel, but independently in terms of their competences. For this reason, the protocols and guidelines governing their activity fall exclusively within the health field, with the corresponding professional obligations.

Currently, among others, the main healthcare functions of the healthcare personnel on duty at the ACD are:

- Health monitoring of detainees/patients who need or request assistance.



- Visits for acute and chronic illnesses when necessary.
- Referral to healthcare centres when assistance cannot be provided with the available resources or due to the severity of the condition.
- Action in life-threatening emergencies.
- Management, preparation and distribution of necessary medication for detainees.
- Visits (injury reports).

In the case of this recommendation, given its scope, it is considered appropriate to forward it to the Barcelona Management of the ICS so that they can provide a more appropriate response based on medical and legal criteria.

Once a reasoned response has been received, it will be forwarded to supplement the response to this recommendation.

- **The CPT recommends that *the competent ARIACD of the Mossos d'Esquadra, in collaboration with the ICS, take effective measures to strengthen health supervision at the Les Corts Police Station, in particular by: ensuring the presence of nursing staff on duty 24 hours a day, 7 days a week; establishing a specific register of injuries recorded on detainees.***

On 28/05/2024, a follow-up meeting was held on the Agreement between the Directorate-General of the Police (DGP) and the Catalan Health Institute (ICS) regarding the health service provided in the Detention Centre (ACD) of Les Corts (IB 58/2024 ARIC BCN).

At this meeting, the ICS put forward various proposals and budgets for the service currently provided and other alternatives. The first alternative included increasing the number of staff with a doctor on the afternoon shift and a nursing assistant on the night shift, which would allow 24-hour coverage with healthcare personnel on duty at the ACD in Les Corts.

At the beginning of 2025, specifically on 08/01/2025, a meeting was held to follow up and renew the agreement regulating the provision of healthcare services in the Les Corts ACD (IB006/2025 ARIC BCN).

The DGP was represented by the Deputy Director General of Administration and Services, the Head of the Economic Management and Procurement Service, the Head of the Material Resources Section of the RPMB and the Chief Sergeant of the URCD.

The ICS was represented by the manager of Primary and Community Care for Barcelona Litoral-Esquerre of the ICS, the head of Legal Technical Support to Management, the operational director of the GAPICBLE, the head of the Financial Management Department of the GAPIBLE, the coordinating doctor of the health service provided at the ACD and the doctor responsible for the health service at the ACD in Les Corts.

In point 2 of this meeting, the ICS proposed increasing the staffing levels of its service with the following objectives:

- To improve the care service provided and increase the safety of its operations.
- 24/7 coverage by reinforcing staff between 10 p.m. and 8:30 a.m., a period that would be covered by at least one TCAI (auxiliary nursing technician) + DUE (university-qualified nurse).



They explained that this proposal would be accompanied by an increase in the agreement's budget, due to the following factors:

-Increase in healthcare team personnel.
-Adjustment of the financial conditions of staff working in the ACD, who currently receive remuneration equivalent to that of a CAP, to that of healthcare personnel in prisons.
The ICS did not specify what the financial increase resulting from this increase in staff would be, and undertook to submit the new proposal to the Sub-Directorate General for Administration and Services for assessment on Monday 13 January 2025.

It should be noted that this proposal would be the one that most closely follows the recommendation made by the CPT.

Despite this, the ICS continues to provide service in the ACD with coverage from approximately 8:30 a.m. to 3:00 a.m. Monday through Friday and from 9:00 a.m. to 3:00 a.m. on weekends and holidays. Currently, there is no information on the status of the negotiations for the regulatory agreement.

- ***The CPT recommends that the use of restraints (such as Velcro straps, boxing helmets, handcuffs and ankle cuffs) on detainees in Mossos d'Esquadra police stations be kept to a minimum and that they be transferred immediately to a health centre. Ideally, according to the CPT, it would be preferable for a detainee who is very agitated or at risk of self-harm to be placed in a higher security cell under the direct supervision of Les Corts health personnel, or until a doctor or ambulance arrives to attend to them. In addition, Mossos d'Esquadra officers should receive specific training and guidance on verbal de-escalation techniques, with a view to reducing the use of restraints to very exceptional cases.***
- ***The CPT indicates that it must be ensured that health professionals supervise the use of restraints on detainees who are susceptible to psychomotor agitation and self-harming behaviour, as determined by the custodial staff.***
- ***The CPT urges that all movements of detainees to hospital be accurately documented.***

Internal regulations relating to the restraint of detainees (PD) in a state of agitation and/or at risk of self-harm are set out in the following documents:

Generic documents:

- IO 002 Reduction and restraint of persons during the arrest process.
- Instruction 16/2013 on the use of weapons and tools for police use (currently being updated).
- PRO 006 Stay of the detained person in the custody and detention area.

Documents from the Regional Instruction and Custody Area (ARIC) / Regional Detention Custody Unit (URCD):

- PO 002 ARIC BCN (ACD) Operational police management of the custody and detention area (ACD).
- Briefing sheet on the restraint of detained persons.
- CI 71/2019 Action in the event of incidents with detainees in the ACD.



- CI 52/2020 New procedure for handling incidents and/or restraints.
- Manual for incident management in the ACD

The URCD fully agrees with the CPT's recommendation regarding the importance of ensuring medical supervision and minimising the number of restraints used on PDs in custody at the Les Corts ACD.

One of the main objectives of the URCD is to minimise this practice, which is why it attempts to exhaust all avenues of dialogue and medical assistance before resorting to restraint. It can be said that, in most cases, this action is reactive to an episode of sudden self-harm with a real risk of serious injury.

It should be noted that practically all restraints in the Les Corts ACD (immobilisation using a helmet + straps/handcuffs, leaving the detainee completely immobilised) are supervised by healthcare personnel on duty. In the absence of this medical service, the detainee is transferred to an external centre or the SEM is activated.

According to the statistical data used in the last follow-up meeting of the Agreement between the DGP and the ICS on the health service at the Les Corts ACD (IB 58/2024 ARIC BCN), it can be seen that the current guidelines applied at the Les Corts ACD have led to a decrease in both the total number of restraints and the relative incidence in relation to the total number of persons in custody. It has also been found that the operational measures and criteria for carrying out restraints, together with the assistance of the prison's own medical service, have kept the rate of relevant incidents stable, with restraint being used as a last resort after all other means of assistance have been exhausted and only to prevent serious injury or risk to life.

IO 002 on the restraint of persons during detention, on page 2, suggests that medical supervision after restraint is not mandatory, leaving it to the discretion of the ACD commanders/officers in charge to activate it or not, depending on the assessment of the personnel involved. However, at the Les Corts ACD, **internal or external medical assistance is always activated, depending on the medical service schedule.**

This means that in the various internal communications from the ARIC in Barcelona, this medical assistance after restraint is regulated more strictly and is mandatory.

With regard to **training**, the URCD and the Regional Custody Unit of the City of Justice (URCCJ) try, during each rotation, to carry out joint training with the Regional Operational Resources Area (ARRO) of Barcelona on how to deal with agitated individuals. However, this training is not regulated and depends on the availability of both ARRO staff and new police personnel.

In the absence of this training, the coordination group of the custody unit tries to provide it during the first weeks of service for new recruits, although without the presence of ARRO trainers.

There is also regulated training related to restraint, aggressive individuals and de-escalation at the ISPC, with courses and workshops such as those mentioned at the beginning of this report:

- Workshop on reducing uncooperative individuals
- Course for trainers in police techniques for the use of force
- Workshop on self-defence techniques in the transfer and custody of persons
- Course on police work with people with mental disorders



- Course on safety in the use of techniques and tools in situations of resistance

It should also be noted that, for specific training in police actions with psychomotor agitation, four editions of a specific training course in this area have been held, aimed at members of the police force and the Emergency Medical Service (SEM). New training sessions are currently being organised to cover the new internal procedures and to update and adapt them to the new developments that have been approved.

With regard to the **regulation of restraint and actions with violent persons**, the UCUS (URCD) is currently part of a Working Group on violent persons and ACD led by the CSUTEC, in which police personnel address various issues directly related to PD restraint.

At the first meeting, held on 10/04/2025, the following topics were discussed:

- Identifying common problems with violent individuals in ACDs
- Obtaining statistical data for at least the last two years on this type of incident
- Reviewing protocols, instructions, PNTs or other documents related to these situations
- Find out what resources are available in the ACDs to deal with these types of situations

At the second and final meeting, on 14/05/2025, work continued on these points. The Working Group is now in its final phase and is drawing up provisional conclusions aimed at:

- Defining the concept of restraint more clearly
- Establish two levels of restraint (low and high)
- Mandatory activation of health services in high-level containment situations
- Include training on this area in the Basic Training Course
- Developing a course on patients with psychomotor agitation (part of verbal restraint/de-escalation) by UCCEP in the future
- Training by ARRO for Les Corts ACD staff at the beginning of each rotation
- Evaluate the creation of cells adapted for aggressive individuals in future construction of custody areas
- Adapt internal regulations to the accepted conclusions of the Working Group, if approved by the Prefecture

In this regard, the PG-ME is developing a Standard Operating Procedure (SOP) to establish guidelines for interventions with people with psychomotor agitation and suicidal behaviour, as there is a clear need to work on both areas specifically.

For this reason, two procedures are being developed: one focused on actions with people with suicidal behaviour, which is currently being drafted, and a second document establishing the emergency response circuit for police interventions involving people with psychomotor agitation, which is currently being validated and awaiting final ratification.

It should be noted that since the CPT report was issued, internal regulations have been amended to include Operational Instruction *IO 002 on the reduction and restraint of persons during the arrest process*, which expressly prohibits tying detainees to any fixed element of the cell (amendment in force since 7 February 2025).

- **The CPT recommends that the Catalan regional authorities take the necessary measures, including amending the relevant regulations, to**



ensure the full implementation in practice of the above-mentioned provisions. In particular, according to the CPT, as a general rule, all medical examinations or consultations of persons in police custody should be carried out out of sight and earshot of police officers, in conditions that fully guarantee medical confidentiality.

- ***The CPT recommends that persons detained and escorted by the Mossos d'Esquadra to hospitals or health centres be physically examined in an appropriate medical setting and in complete confidentiality, and that medical staff carry out medical visits and checks on detained persons while they are handcuffed in the absence of an individual risk assessment or in police vehicles or police station car parks.***

Firstly, with regard to guaranteeing the right of detained persons to receive medical visits in the PG-ME's ABPs, if a detained person requests the right to be visited by a doctor, they shall be attended to by the ABP's medical service, if available, and, if necessary, transferred to another health centre. If the ABP does not have a medical service, the officer in charge of custody shall inform the investigating officer so that they can arrange for the transfer to a health centre.

Even if the detainee does not wish to undergo a medical examination, the arresting officer or the investigating officer may decide that the detainee should be seen by a doctor, bearing in mind that they may have previous injuries. If the detained person does not wish to be examined, the doctor will be asked to note this in the medical report; however, if the detained person requests at any other time to be examined by a doctor, the necessary steps will be taken to ensure that this right is exercised.

With regard to the recommendation to facilitate private medical visits for detainees in order to guarantee the patient's right to privacy, in accordance with the Istanbul Protocol, this service is subject to the space where the visit takes place and the degree of danger posed by the detainee, with the aim of complying with the Protocol's recommendations as a general rule.

However, it should be emphasised that, in accordance with Article 5.3 b) of Organic Law 2/1986 of 13 March on Security Forces and Bodies, and Article 11.1 4º b) of Law 10/1994, of 11 July, on the Police of the Generalitat-Mossos d'Esquadra, the police must guarantee the safety, physical integrity, honour and dignity of the detained person during their deprivation of liberty. Therefore, given that police officers are responsible for the custody of the detained person, appropriate measures must be taken during a medical visit to ensure the safety of the person deprived of liberty, the medical staff and the officers themselves.

It cannot be ignored that the visiting rooms of hospitals and primary care emergency centres (CUAP) do not meet the necessary security conditions for carrying out medical examinations without the physical supervision of police officers, as these areas contain medical instruments and objects that may be dangerous. However, this does not preclude officers from acting at all times with the utmost respect and care required in this type of intervention.

Therefore, the PG-ME remains firmly committed to complying with the Protocol and, at the same time, maintaining a balance between the right to privacy and the guarantee of



safety for all those involved in assisting the detained person, as well as all users of health centres.

- **The Committee considers that *the senior management of the Mossos d'Esquadra should regularly remind their staff that arrested persons have the legal right to notify a third party of their arrest and to make an additional telephone call under the supervision of police personnel.***

With regard to the implementation of the right to a personal call guaranteed by Article 520 of the Criminal Procedure Act (LECrim) in the custody areas of the Basic Police Areas (ABP) of the Police of the Generalitat - Mossos d'Esquadra, this communication is made in the presence of a police officer. The detained person is informed that the call will be made from an official telephone, which identifies the caller and their place of residence, and is asked to provide their telephone number. The call is made by the police officer, who must inform the caller of the location from which the call is being made and the identity of the person who wishes to be contacted. The officer must also ask the caller if they wish to take the call.

In order to implement this right, the Instructions on the handling of detained persons are also taken into account and the identity of the person being called and their telephone number are recorded in the statement of rights. Other measures taken into account include checking that there is no express order from a judge or court contrary to such communication.

- **The CPT indicates *the need to redouble efforts to ensure that detained persons are informed of their legal rights under Article 520 of the Criminal Procedure Act.***
- **The CPT recommends *that the Catalan regional authorities make the necessary efforts to ensure that police officers take special care at the time of arrest and in the subsequent stages of detention to ensure that detainees fully understand their rights. It is the responsibility of police officers to ensure that this is the case. In addition, all persons deprived of their liberty must be provided with information on their procedural rights in an accessible format, according to their specific needs, for example, according to the CPT, in larger print, written in understandable and accessible language, or orally.***

As already communicated in the CPT's pre-sitting report, with regard to the **rights of detained persons and the conditions of their detention**, and to ensure that these are understandable to persons unfamiliar with legal language, in April 2021, form PD-07 "Information for detained persons on the conditions of detention in the detention area" came into force in the PG-ME (see Annex 3). This document, in accordance with the recommendations made by the Ombudsman, informs detainees when they enter the custody and detention area about the functioning of police facilities and the circumstances in which they will be held. This form is currently available in 16 languages, precisely to ensure that detainees are informed and to remove any language barriers.

In any case, internal documents and procedures will be reviewed to assess greater accessibility and mechanisms will be strengthened to ensure that officers ensure that detainees understand both their legal rights and the conditions of their detention.



- The CPT reiterates its recommendation *that the Catalan regional authorities, in cooperation with the relevant bar associations, continue their efforts to ensure that the right of access to a lawyer is effectively applied from the very outset of deprivation of liberty by the police and is implemented in practice.* The CPT recommends that *the Regional Areas for the Investigation of Testimony and Custody of Detainees (ARIACDs) of the Mossos d', ensure that detained persons are always able to meet with their lawyer in a confidential setting, in accordance with the relevant provision of Article 520 of the LECrim.*
- The CPT indicates that *it is essential for the lawyer to be in the direct physical presence of the detained person*

As reported in the report prior to the CPT visit, legal assistance by lawyers in police and judicial statements by detained and investigated persons was provided in person at the police station.

This changed exceptionally following the declaration of the state of emergency on 14 March 2020, based on Royal Decree 463/20, which managed the health crisis caused by COVID-19. The declaration of the state of emergency and its evolution led to a change in the way the PG-ME and the Regional Area for the Investigation of Reports and Custody of Detainees (ARIC) acted in relation to how police and judicial statements were taken from detainees, which from that moment on were to be taken preferably by telematic means using the videoconferencing system.

This preference for the use of telematic means in the city of Barcelona changed at the beginning of May 2022 following the publication in the DOGC on 1 April 2022 of Resolution SLT/915/2022, of 31 March, of the Department of Health, establishing public health measures to contain the outbreak of the Covid-19 pandemic in the territory of Catalonia.

On the same day, 1 April, an internal communication was issued, addressed to all PG-ME personnel, setting out the implications in different areas of activity. Consequently, police statements with persons under investigation or under arrest and legal assistance from a lawyer during the statement, as a matter of routine, must be carried out in person in order to fully and effectively comply with the procedural guarantees set out in criminal legislation (Article 520 of the Criminal Procedure Act).

One of the issues most frequently raised by human rights organisations is the arrival of **legal aid within three hours**, given that this assistance often arrives after this time limit. The police officers on duty call the Bar Association and document the call, but the lawyers sometimes group together the statements of the detained persons in order to optimise travel.

Although the PG-ME does not consider the failure to comply to be directly attributable to the police, this police force has also established a working system to ensure that the rights of detainees are fully respected.

This procedural system provides that, if immediate assistance from a lawyer is not possible due to geographical distance, the detained person has the right to communicate with them by telephone or videoconference, unless this communication is impossible. The appointed lawyer must go to the centre where the detained person is being held as soon as possible, and always within a maximum of three hours from the time the request



is received by the relevant bar association. If this time has elapsed without the lawyer arriving at the police station, the bar association must be contacted to appoint a new duty lawyer.

It should also be noted that statements must always be taken from detained persons in the presence of a lawyer, with the following exceptions: in the case of offences against traffic safety, given that the arrested person may waive the mandatory assistance of a lawyer, provided that they are of legal age; and also when three hours have elapsed since the request for legal assistance was made, the appointed lawyer has not appeared at the police station without justification or it has not been possible to find another lawyer and the arrested person gives their consent. In both cases, the above circumstances must be recorded in the statement made by the arrested person and reflected in the police report.

In police operations, the PG-ME immediately notifies the legal assistance service provided by the bar associations or, where appropriate, the lawyers designated by the arrested person of the arrests; However, in practice, on certain occasions, such as in the case of the ACD in Les Corts, Barcelona, lawyers group together the statements of the persons arrested in order to optimise their travel, and this can sometimes lead to a breach of this right.

- ***The CPT recommends that, whenever a strip search is considered necessary, it should be carried out in such a way as to minimise feelings of shame and preserve the dignity of the person; furthermore, police officers should never carry out cavity searches. In the CPT's view, such examinations should only be carried out by a doctor, other than the detainee's doctor, and in conditions that respect physical safety and human dignity.***

During the body search, detainees are offered a gown or, in the case of a thorough search, the search is carried out in stages in order to safeguard the dignity of the person.

VIII. Structural conditions of premises used for the custody of detained persons

- ***The CPT reiterates its recommendation that the new main police detention centre of the Mossos d'Esquadra in Barcelona, as well as any future cells of other law enforcement agencies to be built in the Autonomous Community of Catalonia, address and completely eliminate the main structural deficiencies identified by the Committee in relation to the lack of access to natural light, a poor ventilation system, the absence of outdoor sports facilities and call bells, and the lack of access to drinking water in the cells.***

Lack of natural light:

The availability or lack of natural light depends on the type of building and the planned location of the detention areas. Traditionally, these detention areas were located in basements, which made it difficult to provide natural light.



The current trend among police forces is for new police buildings to have custody areas on the ground floor (as planned for the new police station in Mollerussa), thus ensuring natural light. However, if for functional reasons this location on the ground floor is not possible and the cells have to be located in the basement, interior courtyards will be provided to allow natural light to enter (a solution that has already been adopted in the new police station in La Jonquera).

With regard to existing police stations, with a view to improving lighting conditions, improvements have been made, such as the installation of a lighting system with dimmers to adjust the light during the day and at night. This solution has already been incorporated into the custody area of Les Corts and will be incorporated into all custody areas that need to be renovated.

Poor ventilation:

The custody area of each police station has a ventilation system that is independent from the rest of the building. Each cell has a primary air supply at the front and a stale air extraction system at the back, where the toilet is located. This extraction goes directly to the outside through an independent duct with two fans, one that operates constantly to compensate for the inflow of air and the other that operates for five minutes every half hour with a flow rate of twice 50 l/person with 9/10 renewals/hour.

In the case of the L'Hospitalet detention centre, despite having this ventilation system, there are problems with unpleasant odours. For this reason, air fresheners have been installed to minimise this problem.

Lack of access to water inside the cells:

The cells, both for adults and minors, have a shared washbasin that can be used by people who request to shower. There are no water points inside the cells, firstly to ensure safety, as this could be used for self-harm, and secondly to prevent flooding of the custody area due to deliberate misuse by detainees.

In any case, drinking water is always provided by the custody officer.

Lack of maintenance of cells:

The maintenance service in each police region guarantees the regular maintenance of the custody areas. The maintenance services are responsible for progressively implementing the improvements that are incorporated. Currently, security improvements are being progressively incorporated into the cell doors, which are being fitted with double locks.

Toilet flushing:

There must be no toilet flush buttons inside the cells to prevent possible flooding caused by misuse by detainees. The toilet flushes inside the cells are centralised at the custody officer's workstation so that the officer can activate them manually when necessary.

Call bells:

The installation of call bells inside the cells has not been considered or planned. The installation of any type of equipment inside a cell requires a prior study to assess possible risks and prevent malfunctioning that could alter its functionality.

mossos d'esquadra



The new PG-ME detention centre, provided for in the Infrastructure Plan, will implement the CPT's recommendations and suggestions, with the planned improvements to structural conditions. The maximum timeframe for implementation is 2026-2030.

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