

# CPT

## EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT



## High security prisons – no one model

Physical security / environment

- ordinary / purpose built

Stricter regime

- contact with the outside world
- fewer activities
- CCTV monitoring / searches
- *de facto* solitary confinement



## CPT position

- Accept in each country some prisoners present a particularly high security risk
  - Special conditions of detention
    - Nature of offence
    - Involvement in further crime
    - Behaviour in prison
    - Psychological / psychiatric profile
- Perception of additional punishment



## Small proportion of overall prison population

Italy	c. 750 "41 bis" + c. 9 000	16%	60 units in 12 prisons
The Netherlands	c. 100	0.8%	units in 3 prisons
Portugal	c. 105	0.8%	one prison+2 units
Romania	c. 1 500	6.5%	13 prisons
Spain	556 (incl. 22 women)	1.3%	modelo prisons
Türkiye	c. 26 700	8.5%	46 prisons
UK (E&W)	c. 1 000	1%	8 prisons



## Is there a model high security prison?

Halden (Norway)

- secure detention and normalisation philosophy
- environment to minimise psychological impact of imprisonment
- rehabilitation and focus on return to community
- Key is staff:
  - both number and training
  - (conflict resolution / resocialisation skills / fostering a culture of respect and care)

➤ Cost intensive



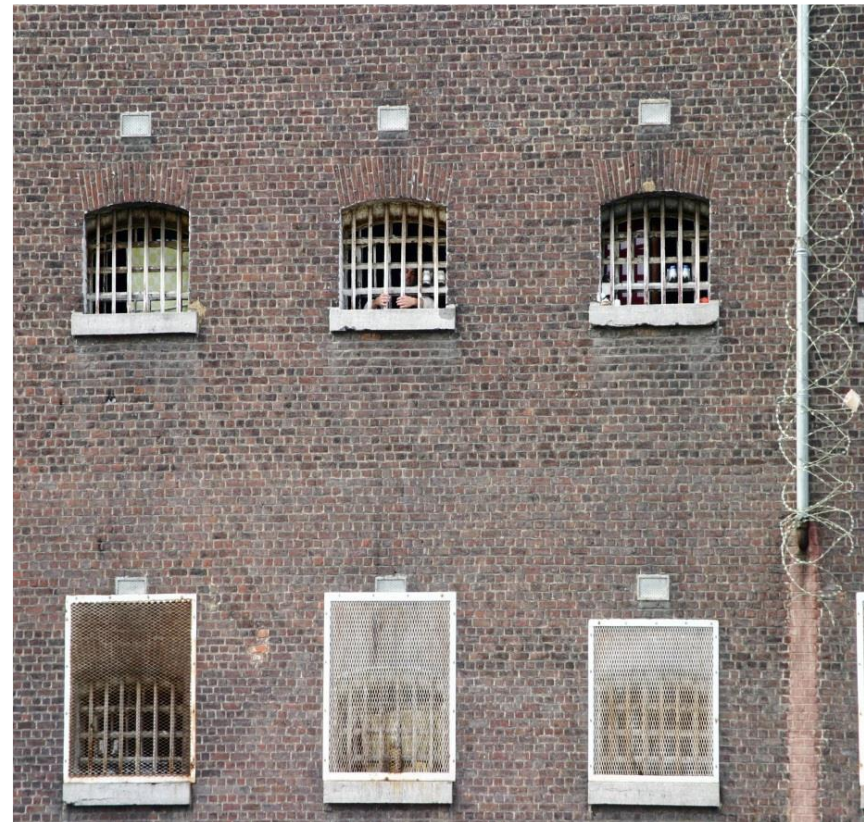
## **For CPT – high security regime brings greater risk of inhuman treatment**

- meet their fellow prisoners in the unit
- be granted a good deal of choice about activities
- satisfactory programme of activities is important  
    counter the deleterious effects upon a prisoner's personality of living in the  
    bubble-like atmosphere
- work – limited by security considerations but not only tedious
- aim should be to build positive relations between staff and prisoners
  - dynamic security approach.



## Monitoring high secure prisons / units

- Treatment of prisoners by staff
- Inter-prisonerviolence/bullying
- Health care
- **Regime**+ material conditions
- **Staffing**
- Discipline and good order
- Contacts with outside world
- **Safeguards**: review and complaint mechanisms





# Safeguards

## Placement

Based on individualised assessment of the risks and not automatically linked to the sentence

## Reviews of placement (linked to sentence plan)

- objective and meaningful and regular
- clear criteria for progressing to mainstream
- involvement of the prisoner
- written reasoned decision
- appeal to outside independent authority

## Staffing = key

- Rigorous selection procedures
- Proper training (inter-personal skills and ongoing refresher courses notably in the use of control and restraints)
- Understanding cultural and religious context
- Staff need support mechanisms
- Sufficient numbers of staff to feel confident and safe

➤ **Dynamic security approach**



## Spain – closed regime and special departments

- Not adapted to ordinary regime and dangerous
- Standard – five wings with fourteen cells + five yards
- Cells – 10m<sup>2</sup> and suitably equipped / natural light
- 3 hours in groups of two and 4 hours in groups of five + 3 hours additional
- Multi-disciplinary team of staff assigned to department (security staff, a psychologist, jurist, educator, social worker, teacher, nurse, sports monitor and occupational monitor)
- Detailed programme of activities to support prisoner reintegrate ordinary regime or “respect” module



## Spain – closed regime and special departments

- The decision taken by the Head of the Prison Administration (SGIP)
  - Subject to a quarterly review
  - Can be appealed to a supervisory judge.
  - Placement should be exceptional and temporary
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- CPT noted more violence – use of mechanical restraint
  - insufficient efforts invested to develop a good internal atmosphere with positive relations between staff and prisoners – lack of staff
  - prisoners suffer from a mental illness and/or a personality disorder

## Italy – Article 41 bis of Prison Law

- offence in connection with mafia-type, terrorist or subversive organisations, and who are considered to maintain links with such organisations
- segregation in small groups of up to a maximum of four persons, who can associate together for two hours per day (generally one hour of outdoor exercise and one hour in a community room or a gym)
- No activities offered – distance learning
- contact with the outside world: one one-hour visit per month with a family member, under closed conditions and with audio surveillance and video-recording or, alternatively, a ten-minute telephone call per month

## Italy – Article 41 bis of Prison Law -area riservata (c.50)

- “absolute impossibility” for communicating with other “41-bis” prisoners
- one other person – who is appointed by the prison authorities
- material conditions are quite oppressive – CCTV / 4 metal grilles over window
- Placement for 4 years (by MoJ) and reviewed every 2 years
- Can be appealed to the Rome Supervisory Court
- Prisoner must prove severed all contacts with criminal organisation.

Decisions - *“...it does not appear that the inmate is not in a position to maintain contacts with the members of his criminal organisation who are still at large”.*



## Italy – other restrictive regimes

- regime of high-security (“alta sicurezza”) – three groups
- 8 hours out of cell and individual sentence plans
- court-imposed solitary confinement under Article 72 of the CC (“isolamento diurno”) of up to two years – c. 300 persons
- special surveillance regime (“sorveglianza particolare”) for good order
- six months with three-month extensions – c. 20 persons
- But conditions of de facto solitary confinement with no activities

## Romania – maximum security regime (RMS)

- RMS applies to prisoners serving life sentences or sentences of more than 13 years, as well as to prisoners posing a risk to the security of the establishment
- regime for life sentenced prisoners is re-assessed after 6.5 years, and for other prisoners after one fifth of their sentence has been served
- a revision of placement is thereafter carried out every 6 months
- confined to cell for 22 hours per day
- no vocational or educational activities (sewing shoes for some)
- Lack of staff and inadequate training notably on inter-personal skills
- High-risk persons even more restrictive regime + handcuffed when leave cell
- Poor infrastructure but due to overcrowding held 2 to a small cell

## Portugal

- Restrictive regime - 2 hours of outdoor exercise six days a week, alone or with up to two other prisoners in small concrete yard
  - one day a week, up to eight prisoners were permitted to associate together in a large outdoor area (to play football or volleyball).
  - in groups of up to 4, can visit library and attend gym ( 3 x 45 mins / week)
  - no multidisciplinary approach
  - no sentence plan to help evolve behaviour
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- Contacts consisted of 2 visits per week (but closed except once a year) and 2 x 10 min telephone calls + conjugal visit per month after 6 months (in principle)



## Conclusion

- CPT recognizes need for high security regime for certain prisoners
- Requires ensuring enough well-trained staff with a multi-disciplinary and dynamic security approach
- Avoid oppressive environment and solitary confinement – mental illness
- Range of purposeful activities
- Placement based upon an individual risk assessment and not court imposed
- Rigorous safeguards in place regarding placement and review
- Effective monitoring



**Thank you!**

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