



CATALAN  
AUTHORITY FOR  
THE PREVENTION  
OF TORTURE  
ANNUAL REPORT  
2012

SÍNDIC

EL DEFENSOR  
DE LES  
PERSONES



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# INDEX

<b>I. INTRODUCTION</b> .....	5
<b>II. VISITS MADE</b> .....	9
<b>2.1. VISIT SYSTEM AND WORK METHODS</b> .....	13
<b>2.2. BY TYPES OF CENTER</b> .....	14
<b>a. Police stations</b> .....	14
<b>b. Penitentiary centers</b> .....	36
<b>c. Educational juvenile justice centers</b> .....	44
<b>d. Shelters</b> .....	50
<b>e. Mental disability residential care centers</b> .....	51
<b>f. Geriatric centers</b> .....	53
<b>III. ALLEGATIONS OF ABUSE IN THE BRIANS 2 PENITENTIARY CENTER</b> .....	55
<b>IV. INSTITUTIONAL REALM</b> .....	63
<b>V. STATE OF COMPLIANCE WITH THE RECOMMENDATIONS MADE IN PRIOR YEAR</b> .....	67
<b>VI. CONCLUSIONS</b> .....	75
<b>VII. RECOMMENDATIONS</b> .....	79



## I. INTRODUCTION





## 1. Introduction

Pursuant to Article 74 of Law 24/2009, of December 23, on the Síndic de Greuges (Catalan Ombudsman), this is the third monographic report on the activity conducted by the Catalan Ombudsman as Catalan Authority for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, CAPT), presented for the year 2012.

The content of the report discusses the activity carried out by the Catalan Ombudsman as CAPT, and as in foregoing editions, informs on the visits made, classified by type of center, in addition to the recommendations and general conclusions reached. Additions include a specific institutional section, and another devoted to the outcomes of an investigation conducted jointly by the CAPT Task Force, and advisors from the Catalan Ombudsman Public Safety Department, following complaints received on alleged abuse in the Brians 2 Penitentiary Center.

The number of visits has doubled (a total of 36) the figure from last year, when 17 were made. Once again, the criteria for visits have been to arrive unannounced, usually in the morning. A new development has been to make a few afternoon or evening visits, especially to police stations.

Another innovation in our regular visits to detention sites has been an increase in the number of persons deprived of liberty interviewed during each visit.

Generally speaking, the authorities in charge of the centers visited have shown their willingness to cooperate. Nevertheless, the incidents that took place at the Zona Franca Foreign Citizen Holding Center, in which we were denied entry and access to the facilities, cannot be overlooked.

On another note, responses have been received from the Catalan Ministries of Home Affairs, Justice, and Social Welfare and Family, and

from the local councils of Barcelona and Santa Coloma, to the body of recommendations made within the 2011 CAPT Annual Report, conveyed to them for their knowledge, and in order for them to implement the steps necessary to improve treatment and conditions of the persons deprived of liberty in their respective facilities.

It must also be noted that the CAPT Advisory Council has received the evaluation that the Catalan Coordination Committee for the Prevention and Denunciation of Torture has prepared on the CAPT's second report, and the proposals on certain centers that could be visited due to reports they have received of possible rights violations.

As already noted in the 2011 Annual Report, Ignasi Garcia Clavel has resigned from his post at the Catalan Ombudsman's Office, and has also resigned from the Task Force. The Catalan Ombudsman appointed Jaume Saura Estapà, who already formed part of the Advisory Council, as a new member of the Task Force. This appointment has since been confirmed by the Parliament of Catalonia.

As this report is being written, the Parliament has yet to appoint the two new members of the Advisory Council for the Prevention of Torture who will occupy the openings that correspond to the professional organizations; health care and bar associations. The Parliament has stated that on June 6, 2012 the request was sent to the Presiding Committee and parliamentary groups.

In the institutional realm, the collaboration agreement between the Defensor del Pueblo (Spanish Ombudsman and National Mechanism for the Prevention of Torture at the Spanish state level) with the Catalan Authority is still pending. Furthermore, the Spanish government has not yet notified the Sub-committee for the Prevention of Torture and other Cruel, Inhuman and Degrading Treatment (SPT) that the Catalan Ombudsman is acting as Catalan Authority for the Prevention of Torture.



## II. VISITS MADE



## II. VISITS MADE

2.1. VISIT SYTEM AND WORK METHODS . . . . .	13
2.2. BY TYPES OF CENTER . . . . .	14
a. Police stations . . . . .	14
b. Penitentiary centers . . . . .	36
c. Educational juvenile justice centers . . . . .	44
d. Shelters . . . . .	50
e. Mental disability residential care centers. . . . .	51
f. Geriatric centers . . . . .	53



## 2.1. Visit system and work methods

A total of 36 visits were made to 33 centers (the Brians 2 Penitentiary Center and the Badalona Local Police were visited on three and two occasions, respectively) throughout 2012, with the following distribution:

- Police of the Autonomous Govt. of Catalonia (Generalitat)–Mossos d’Esquadra: 11 police stations
- Local police and/or Guàrdia Urbana: 10 police stations (11 visits)
- Penitentiary centers: 6 centers (8 visits)
- Educational juvenile justice centers: 3 centers
- Minor protection centers: 1 center
- Mental disability residential care centers: 1 center
- Geriatric centers: 1 center
- Foreign Citizen Holding Center: entry was denied

The Task Force regularly drew up a tentative work program, featuring the detention centers and sites that could be visited, as well as the goals of each of the visits. Efforts were made for the types of detention centers and sites visited to be wide-ranging and cover the entire Catalan geography.

Some of the visits were made at the proposal and with the advice of the Advisory Council. Others were attributable to the complaints or reports received by the Catalan Ombudsman, while others were the result of a request from a human rights organization, such as the Catalan Coordination Committee for the Prevention of Torture. Along such lines, and pursuant to point nine of its By-laws, the Catalan Authority for the Prevention of Torture is entitled to plan its visits using information provided to it by other organizations.

From a resource optimization point of view, it must be noted that on occasion, more than one facility was visited on the same trip. For example, in the cases of Catalan police stations, we often simultaneously visited Generalitat Police facilities and those of the local police and/or guàrdia urbana, which served the additional

goal of checking the coordination between the two police forces.

The visits made in the afternoon or evening were to the Mossos d’Esquadra (Sant Boi de Llobregat) and local police (Sant Boi de Llobregat, Sant Feliu de Llobregat and Badalona) premises. The visit to the Badalona Local Police should also be viewed as a follow-up visit resulting from certain irregularities reported by one of the prisoners who was interviewed on the first visit.

Making the visits in the afternoon was meant to meet a two-fold aim: to compare the operation of these facilities to how they are run during the morning shift, and to interview more prisoners, as most prisoner transfers from police stations to court premises take place in the morning, approximately from 8 am to 10 am.

In the area of penitentiary centers, visits have been made, in chronological order, to the Ponent, Figueres, Girona, Quatre Camins, Brians 2 and Tarragona penitentiaries. All facilities of the smaller penitentiaries were visited. At the larger sites, visit priority was given to the special departments, those of the closed system, disciplinary units, and in some cases, infirmary and psychiatry.

The three visits made to Brians 2 have resulted in interviews of inmates, following the Catalan Ombudsman’s reception of complaints regarding alleged abuse in the special area and disciplinary unit of that facility. The Task Force, in collaboration with two advisors of the Catalan Ombudsman’s Public Safety Department, took part in the interviews.

In light of the severity of the acts reported, it has been decided to devote a special section of this report to the matter. As will be seen, the interviews were extended to the penitentiary officers and administration.

The educational juvenile justice centers visited were Els Til·lers, Montilivi and Can Llupià. The visit to the first two took place at the time of the Autonomous Ministry of Justice’s announcement, in May 2012, of their closure. Nevertheless, the final decision was to reduce the number of beds at Montilivi, which has been left with a single unit, and keep the therapeutic unit of the Els Til·lers center open, doing away with the rest of this facility’s units.

In the area of minor protection centers, this year a care center for foreign minors was visited.

Last, regarding residential centers for the mentally disabled, the Riudeperes Center was visited following a complaint received by the Catalan Ombudsman on alleged abuse. Notwithstanding the visit made, the pertinent individual complaint has been processed through the Catalan Ombudsman's Social Services Department.

## 2.2. By types of center

### a. Police stations

#### POLICE OF THE AUTONOMOUS GOVT. OF CATALONIA (GENERALITAT) – MOSSOS D'ESQUADRA

##### Badalona (01/12/2012)

	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Badalona
<b>Date</b>	January 12, 2012

This police station reports to the Northern Metropolitan Police District, with its headquarters in Granollers. Along with the Sant Adrià del Besòs station, it is grouped within the Badalona District Police Station.

##### Prisoner custody area

- The custody area is located on the building's basement floor. Access for police vehicles transferring prisoners is made directly through the parking facility.
- The police vehicle that transfers the prisoner parks as close as possible to the security area. The prisoner is taken by the officers to the security area. Once inside, the preliminary formalities are concluded before the prisoner goes into the provision of the custody agents.
- In addition to the arrests made by the PG-ME (Generalitat Police - Mossos d'Esquadra), persons detained by the Badalona Guàrdia Urbana and Spanish National Police are taken to this facility. Prisoners from these police forces can be received there at any time of day. A procedure is in place to notify them in the excepti-

onal case that the police station is unable to take in any more prisoners.

- The prisoners are delivered with their statements taken. As the different police forces share the same computer system, they carry out the prisoner reception procedures and continue with the police proceedings so that everything is coordinated from the outset.
- The parking area has a video surveillance and recording system that is duly signposted.
- The gun cabinet is right next to the security area access. Entrance of handguns into this area is prohibited. There is a sign where the prohibition can be read.
- The existence of cameras and video recording equipment is also advertised on a sign at the entrance to the security area.
- The register of admissions and discharges is computerized.
- There is an unused visual reconnaissance room that now serves as a pat-down room. It has an easily identifiable video and audio surveillance and recording system. Prisoners are informed as to the existence of these devices when they are patted-down. Comprehensive pat-downs, or full body searches, are only performed in exceptional cases. Efforts are made to avoid full strip searches of the prisoner by having them remove only part of their clothing at a time.
- The prisoner's rights are read to them in the pat-down room. If the prisoner has been brought in by a different law enforcement agency, their rights are read to them again, and record of it is made in the statement.
- The police station receives an average of 7- 8 prisoners per day. The majority of the detentions are made during the afternoon or evening-night hours. Transfers are made in the morning, between 9:15 and 9:30, and efforts are made to expedite the transport of prisoners. Record of the transfer notification to the court is always made because, on occasion, the court asks that prisoners be brought at a specific time.
- In cases of mass detentions, plans call for the medical staff to come to the police station. However, this system has not yet been enacted.



### Cell area

- There is strict separation between male adults, and female adults and minors.
- There are a total of eight cells for men. All except one have a toilet which, despite the existence of a partition, neither ensures nor protects the prisoner's privacy.
- On the day of the visit, all of the cells were occupied by more than one prisoner, up to a maximum of three. Incidentally, on the day prior to the visit there had been a police operation with numerous detentions.
- The Task Force observed that the prisoners were laying directly atop concrete benches inside the cells, with no mats, covered with a blanket.
- The shower and washbasin are in a different room. Judging from the room's state of neglect and dirtiness, it appears that this facility is not habitually used by detainees.
- The odor of this area was very unpleasant, even unbearable in the context of the visits made up to the time.
- The blankets issued to the prisoners were not single-use only, and the cleaning system was not sufficiently clarified at the time of the visit. There is every indication that they are cleaned and replaced depending on the case and circumstances.
- The characteristics of the cells are: gray paint, grille gate, bench on which to sit or lay, artificial lighting and lack of natural ventilation.
- The custody area for women and minors is physically separated by a wall. There is only one cell for this purpose. The state of cleanliness was insufficient at the time of the visit. Dirtiness and floor stains were apparent.
- The restraint devices on hand are a helmet and a shield.
- The food provided to prisoners, as is common practice, comes from a vending machine in the police station. It consists of coffee with milk and a muffin for breakfast, and a sandwich and coffee with milk for lunch.

### Conclusions / recommendations

The odor in the male prisoner custody area was extremely unpleasant. The floor in the female and minor custody area was also dirty and stained. It is recommended that the conditions of hygiene and cleanliness be improved.

#### Vic (02/14/2012)

<b>Police station</b>	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Vic
<b>Date</b>	February 14, 2012

The Task Force was received by the chief and assistant chief of the police station, who informed them that they had recently spoken with the chief judge in Vic, to ask that the court custody facilities no longer be used to hold prisoners. Apparently, this was due to their not meeting minimum health and hygiene standards.

No prisoners were present at the time of the visit. The chiefs informed the Task Force that the commanding officers supervise the detention process.

#### Prisoner custody area

- The custody area is in the building's basement. It is accessed from inside the building, or through the parking garage. It is duly signposted.
- Police vehicles access the area by a ramp. If more than one is present at the same time, they must wait in a queue. The police vehicle cannot enter the custody area because it is very small, and there is not enough space to take the prisoner out of the car, and because the access conditions are difficult. Therefore, police vehicles park directly in front of the area.
- The gun cabinet is located at the other access door, in the custody area. This means that the officers in charge of transferring a prisoner must first deposit their handguns in the gun cabinet located at the other access door before taking the prisoner out of the vehicle. The officers take turns depositing their handguns in the gun cabinet, so that there is always a custody officer with the prisoner.

- There are video surveillance cameras throughout the custody area, except in the room where prisoners meet with their attorneys.
- The custody area features an interview room, a booking room and a pat-down room (it was previously used for line-ups). The pat-down room features a camera and an audio and video recording system. In the (exceptional) case of full body searches, they are viewed in one of the commanding officers' offices. The prisoner's personal effects are also taken from them in the pat-down room, and placed in deposit.
- The recordings are kept for 30 days.
- The bar association is notified of the detention after the prisoner's rights have been read to them.

*Cell area*

- The cell area is separated from all other adjacent areas by a door that is never closed.
- Minors are separated from the men and women. There are a total of six cells, one for minors, one for women and four for men.
- The cells are maintained in a condition that could be considered acceptable. They have artificial lighting, heating and were free from dirtiness and unpleasant odors.
- Cell characteristics: grille gates, concrete bench to sit or lay on and interior toilet separated by a masonry wall of 50 cm. There are also video surveillance cameras. It was found by viewing the monitors that the cell toilets are outside the security camera's angle of vision.
- Mats and blankets are present in each of the cells. It was found that the blankets are not kept separately or in plastic bags. They are not single-use only, except in cases in which, due to the conditions in which the prisoner enters the station, it is considered necessary to disinfect them.
- There is a washbasin and shower in another room, but station personnel stated that it is never used. The maintenance and hygiene conditions were considered to be satisfactory.
- As for restraining devices, the Task Force was shown handcuffs, puncture-resistant gloves for officers, a helmet and immobilization straps.

- Four meals are served per day at scheduled times. If a prisoner refuses a meal, they are made to sign a refusal form for there to be record of it. The system is based on vending services, and consists of a warm sandwich and beverage.
- Family members are allowed to communicate with prisoners. To do so, the authorization of the presiding magistrate is necessary. The communication must take place at scheduled times.
- The minors' cell is located outside the cell area. The maximum detention allowed is 24 hours. As opposed to the adult cells, the toilet is located outside the cell. In these cases, they follow the instructions of the Juvenile Affairs Prosecutor's Office.

*Conclusions / recommendations*

Women's cells are not separated from those of men. It is recommended that a space be conditioned to house female prisoners that is different from the one now used.

*L'Hospitalet de Llobregat (03/13/2012)*

<b>Police station</b>	Police Station of the Police of the Generalitat - Mossos d'Esquadra in L'Hospitalet de Llobregat
<b>Date</b>	March 13, 2012

The Task Force was accompanied by the intendant of the police station and other officers in charge of the custody area.

*Prisoner custody area*

- The custody area is located in the building's basement. It is accessed from one of the parking garages. It is duly signposted as such.
- The Task Force was informed that on average 7-8 prisoners enter the station each day.
- It has a pat-down room, booking room, two visiting areas and cells. The gun cabinet is located outside the access door.
- The pat-down room has an audio and video-recording camera. It is the only one equipped to record audio; the rest only record video footage. There are no cameras in the visiting areas or in the toilets.

### Cell area

- Minors and women are separated from the men. There is a cell for minors and women. A female prisoner was present at the time of the visit. There was a restroom with shower, wash basin and toilet in an adjoining room. The state of conservation and maintenance of this facility was acceptable.
- There are nine cells in the men's area. Of special interest was cell 9, used for prisoners carrying some sort of illicit drug in their bodies. As opposed to the rest of the cells, the toilet is inside the cell and is plainly visible to observers. Station officers' attention was called to this detail, but they were unaware of the reason for it. Given the location of the security camera, there is every indication that the toilet is not kept outside the camera's field of vision. But the officers denied that prisoners were subject to direct surveillance.
- The Task Force was shown a room (former line-up room) where blankets, mats and restraint devices (helmet) are kept. The mats are stacked and the blankets are kept on shelves, without any type of protection. The Task Force was informed that they were not single-use only. The administration staff is responsible for checking their condition, and therefore, they are changed according to their criteria, unless it is an exceptional case.
- The general condition of the cells was acceptable, although there were some signs of dirtiness on the floor, such as coffee stains in one of the cells. The Task Force was also surprised to see water bottles and cups outside the cells occupied by the prisoners.
- Prisoners are transferred at 9 am. Therefore, there is only one daily transfer. Theoretically, prisoners who enter after that hour will remain in the police station until the next day. In cases in which it is not considered necessary that they spend the night there, judicial authorization for a special transfer is sought.
- The meals given to the prisoner consist of a sandwich, beverage (water) and coffee.
- The prisoners brought by the local police enter with medical reports completed, and their rights already read to them.
- The bar association is notified once the initial procedures are complete.

### Conclusions / recommendations

With regard to Cell 9, meant to hold prisoners suspected of carrying illicit drugs in their bodies, the need to search for illegal substances and the prisoner's right to privacy must be reconciled.

#### Terrassa (05/22/2012)

<b>Police station</b>	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Terrassa
<b>Date</b>	May 22, 2012

The record will show that the Catalan Ombudsman was asked to identify himself; the other Task Force members were not. There was a wait of five minutes before a commanding officer met with the Task Force.

#### Prisoner custody area

- The custody area is located in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras. The gun cabinet is also there.
- The Task Force was informed that on average 4-5 prisoners enter the station each day. There were no prisoners present at the time of the visit because they had already gone to judicial provision, or had been released.
- The station features a pat-down room, booting and identification room, two visiting rooms and a cell area.
- The pat-down room has an audio and video-recording camera. It is the only camera equipped for audio recording, and duly advertised. The placement of the camera caught the Task Force's attention, as it is right at the entrance into the custody area. The Task Force was informed that it was for security reasons, and that strip searches are performed on an exceptional basis.
- The station chief and assistant chief are the only persons with access to the video recordings.
- The Task Force visited the room where the blankets, mats and restraint devices are stored.

The mats were in a pile, and the blankets were not single-use only.

- The restraint devices consist of helmets, immobilization straps and shields. The Task Force was informed that they were practically never used.
- The meals given to the prisoner consist of a sandwich, beverage (water) and coffee.

*Cell area*

- Adult men and women are separated from the minors. There is only one cell for minors, and the Task Force was informed that reform minors may be mixed with protection minors. They were also informed that the length of stay is the indispensable minimum.

- The cell is structured in the same way as an adult's: a concrete structure on which to sit or lay, grille gate and a security camera. The only difference is that the restroom is outside the cell. It features a toilet, shower and sink.

- The general condition of the cell is deficient, with abundant graffiti on the walls. The lighting is artificial, there is a lack of ventilation and an odor problem.

- The 11 adult cells are small, with a maximum capacity for two people. The structure is as follows: grille gate, concrete bench to sit or lay on, and a toilet separated by a concrete structure. The security camera is also inside the cell, and does not film the toilet.

- As there are no specific cells for women, to the extent possible, efforts are made to place them in cells separated from the men.

- The general condition of the cells is also deficient, especially in terms of cleanliness. The odor throughout the detention area is unpleasant, but it is even worse in the cell area. The odor is practically unbearable in some of the cells. The Task Force was informed that the toilet tanks were regularly activated to flush the toilets.

- Prisoners are transferred around 9 o'clock in the morning. Transfers after that time are infrequent, the only cases being exceptional situations with the prior authorization of the duty magistrate.

- The Task Force was informed that detentions can be prolonged because attorneys tend to take all the time available to appear.

- Local police prisoners that enter the station do so with their medical reports completed and rights already read.

- As for medical care, in case of emergency the SEM (Medical Emergency Service) is called. If it is not an emergency, prisoners are taken to Mutua de Terrassa Hospital.

- The register of admissions and discharges was checked. Admissions and discharges, and the reasons for them, are recorded here. Any incidents and other aspects of the detention are recorded in the computer program.

*Conclusions / recommendations*

There is no regulatory provision regarding the time at which prisoners can be transferred, but it appears that there is something of an internal instruction, a consensus between police and judges, by which only one daily transfer is made. Therefore, outside this time frame (9-9:30 am), prisoners who have not been released or placed in judicial provision spend the night in the police station until the next day, when often the inquiry procedures can be completed on the same day as the arrest. In the case of night-time detentions, the register of admissions and discharges shows that these prisoners do not go into judicial provision the next day, but rather are made to spend the night and remain in the police station for up to two days.

For health reasons, the presence of strong odors noted in the police station custody area is considered insufficient for prisoners and station officers. Corrective measures must be implemented in the aforementioned area that will make it possible to ensure sufficient hygiene conditions and eliminate the unpleasant odors.

*Cerdanyola (07/04/2012)*

<b>Police station</b>	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Cerdanyola
<b>Date</b>	July 4, 2012

The Cerdanyola District Police Station covers the municipalities of Badia del Vallès, Barberà



del Vallès, Cerdanyola del Vallès, Montcada i Reixac and Ripollet.

Several of the station’s commanding officers accompanied the Task Force on the visit.

*Prisoner custody area*

- The custody area is located in the building’s basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras. The gun cabinet is also there.
- At the time of the visit there were two prisoners present, a man and a woman, who were sound asleep.
- The station features a pat-down room, booking and identification room, two visiting rooms and a cell area.
- Pat-downs are performed in the booking and identification room. The room features a camera equipped for audio and video recording, advertised by a sign. The Task Force was informed that a request has been made to be able to perform pat-downs in another room previously conditioned for this purpose. The Task Force was also informed that full body searches were very exceptional.
- The Task Force was shown the room where the blankets, mats and restraint devices are stored. The mats were in a pile, and the blankets were not single-use only.
- The restraint devices consisted of helmets and immobilization straps.
- Food provided to prisoners comes from a vending service.

*Cell area*

- The men are separated from women and minors. The same cell is used for women and minors. If there are women and minors present at the same time, the woman is placed in one of the cells meant for men.
- The structure of the cell for women and minors is the same as that of an adult, but smaller: a concrete structure on which to sit or lay, grille gate and a security camera. The only difference is that the restroom is on the outside.

- The eight adult cells have grille gates, a concrete bench to sit or lay on, a mat and a toilet separated by a concrete structure. The security camera is also inside the cell, and does not film the toilet.
- The Task Force observed that there were blankets in a pile in one of the cells.
- The general condition of the cells is minimally acceptable, as there were no unpleasant odors, the ventilation system is sufficient and there was no dirtiness on the floor. Nevertheless, the walls were very dirty.
- Prisoners are transferred around 9 o’clock in the morning. Transfers after that time are infrequent, the only cases being exceptional situations with the prior authorization of the duty magistrate.
- Local police prisoners must enter the station with their medical reports completed, rights read to them and the incident report finished.
- Emergency medical care is provided by calling the SEM.
- The prisoner’s entire custody process (admission, discharge, incidents, etc.) is recorded on a computer program.
- The Task Force was informed that, pursuant to the ISO regulations, commanding officers perform five supervisions of detention performance every fifteen days.

*Conclusions / recommendations*

Maintenance of cell walls is considered inadequate. They must be disinfected and given a new coat of paint or retiled.

*Sabadell (08/28/2012)*

<b>Police station</b>	Police Station of the Police of the Generalitat - Mossos d’Esquadra in Sabadell
<b>Date</b>	August 28, 2012

The record will show that the officer at the station entrance asked the Catalan Ombudsman to identify himself; the other Task Force members were not asked to do so. To the contrary, when the intendant received the Task Force, all members were asked for their identi-

fiction documents. The intendant stated that these were the internal operating procedures, and that his actions were compliant with a protocol. The intendant was informed that identification had not been requested on any other occasion. Furthermore, the Catalan Ombudsman informed the intendant that he was responsible for all other Task Force members, who have been appointed by Parliament.

#### Prisoner custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by surveillance cameras. It has two cameras, one in the parking garage, which films the prisoner leaving the police vehicle, and the other, immediately before the entrance into the custody area, where the gun cabinet is located.

- The station features a pat-down room, booking and identification room, two visiting rooms and a cell area.

- The pat-down room has an audio and video-recording camera. It is the only camera equipped for audio recording, and duly advertised.

- The restraint devices consisted of helmets and immobilization straps.

- The food distributed to prisoners consists of a sandwich and a beverage (water) for lunch and dinner, and coffee with milk and a muffin for breakfast.

- Prisoners are transferred in the early morning, pursuant to directives given by the judicial authorities themselves.

- The station can receive incoming prisoners from the other local police forces that make up the Sabadell ABP at any time of day. As a rule, they are notified before a prisoner is brought to the station.

- A computer record of all incidents occurring during the time in which the prisoner is in the police facility is kept.

#### Cell area

- Adult men and women are separated from the minors. There are two cells for minors.

The structure is the same as that of adult cells: concrete structure to sit or lay on, interior toilet separated by a masonry wall, grille gate and security camera. The general condition of the cell and overall area is sufficient.

- The 12 adult cells are small, with capacity for two people.

- Given that there are no specific cells for women, to the extent possible, efforts are made to house them in the cells for minors, or in a cell separated from the men.

- The general condition of the cells is also sufficient.

#### Conclusions / recommendations

Given that there is not a specific detention space for women, the necessary measures must be implemented to ensure strict separation between men and women.

#### Sant Boi de Llobregat (09/13/2012)

<b>Police station</b>	Police Station of the Police of the Generalitat - Mossos d'Esquadra in L'Hospitalet de Llobregat
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<b>Date</b>	September 13, 2012
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The Task Force arrived at the Sant Boi de Llobregat Mossos d'Esquadra Police Station at 6:35 pm. The Catalan Ombudsman identified himself and asked to see the holding cells. The informative document on the persons making up the Task Force for the Prevention of Torture was delivered at this time. Next, the station captain received the Task Force and offered to show them the route followed for a standard arrest.

The Task Force was informed that 90% of the detentions come directly off the street. There are 42-48 monthly detentions. The detention time is usually from 24 to 36 hours, maximum.

The Task Force entered the office area where complaints are filed, and were told that the complaints for domestic or gender violence are processed in a separate area. Most detentions are for crimes of gender violence or theft.

### Prisoner custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by surveillance cameras. There is a camera in the parking garage, which films the prisoner leaving the police vehicle, and the other, immediately before the entrance into the custody area, where the gun cabinet is located.
- There are two visiting rooms, a booking and identification room, toilets, a cell for minors and an adult cell area.
- The Task Force was informed that the pat-downs are usually performed in one of the visiting rooms, and efforts are made to avoid strip searches. If a strip search is inevitable, they do not have gowns.
- There is a room to store the restraint devices, which consist of helmets and immobilization straps, in addition to gloves, new blankets, footwear, mats and cleaning products. The room also has lockers in which the prisoner's belongings are deposited individually, inside a plastic bag with a sheet listing all of their personal belongings, and signed by the prisoner. This bag is returned to them when they are transferred to court.
- The food dispensed to prisoners comes from a vending machine. It consists of a sandwich and beverage (water) for lunch and dinner; and coffee with milk and a muffin for breakfast.
- As a general rule, prisoner transfers are made at 10 in the morning. However, in special cases, the examining magistrate's courts accept prisoners at other times.
- The Task Force was informed that an average of one and a half arrests are made each day. Four prisoners were present at the time of the visit.
- The station takes prisoners from other local police forces at any time of day. As a general rule, they are notified before a prisoner is brought to the station. The prisoner must have had their medical exam.
- A computer record of all incidents occurring during the time in which the prisoner is in the police facility is kept.

### Cell area

- The male and female adult cell area is separated from that of minors. There is a single cell for minors, featuring a concrete structure on which to sit or lay, and the toilet is on the outside. The general condition of the cell and overall area was satisfactory. In these cases, they follow the instructions of the Juvenile Affairs Prosecutor's Office.
- There are eight adult cells, also featuring a concrete structure on which to sit or lay, and grille gates. The placement of the toilets is satisfactory. The Task Force observed that mats were available. The general condition of the cells was also sufficient.

### Conclusions / recommendations

Given that there is not a specific detention space for women, the necessary measures must be implemented to ensure strict separation between men and women.

### Vilanova i la Geltrú (10/11/2012)

**Police station** Police Station of the Police of the Generalitat - Mossos d'Esquadra in Vilanova i la Geltrú

**Date** October 11, 2012

The police officer in charge of citizen services asked the Task Force members for their identification documents. The officer was given the list of Task Force members visiting the facility. The officer was informed that the Task Force members wished to visit the custody area, and that they did not need to be accompanied by a captain. In the end, they were accompanied by one of the officers. A few minutes later, while the Task Force members were waiting to be granted access, the captain arrived in the company of another commanding officer.

The visit coincided with the arrival of a prisoner from a medical exam, and the discharge of another prisoner on the way to judicial provision. The Task Force asked permission to witness one phase of the transport process, in which the prisoner was about to leave the police station handcuffed.

Nothing anomalous was observed in the act of returning the prisoner's personal belongings, nor when he was handcuffed for transport. Nonethe-

less, the fact that the prisoner had marks on different parts of his body, especially his legs, arms and face, caught the Task Force's attention. One of the prisoner's hands was also bandaged, which led the Task Force to request information on his arrest and later custody.

In short, this prisoner had been arrested by the Vilanova i la Geltrú Local Police Force, for alleged gender violence. The Task Force was shown the computer application, which showed his admission on October 10, 2012 at 1:45 pm. The Task Force requested a copy of the police report, which had been sent to court first thing in the morning. They were told the court would see to their receiving a copy.

The discharge time was 10.47 am. The prisoner had remained nearly 24 hours in the Mossos police station, until going into judicial provision, without any statement being taken from him, as the police report and attorney's services had already been completed in the Local Police Station. This can be explained by the fact that he was admitted to the station at mid-day (1:45 pm) the previous day, when all the transfers had already been completed. The Task Force was informed that, in special cases and depending on the judge, prisoners could be transferred in the afternoon.

As there were five other prisoners present on the day of the visit, the Task Force asked to know the circumstances of their arrests. Specifically, details were sought on two of them, for whom the plans were for them to continue in detention.

One of the prisoners had turned himself in following a telephone call from the Investigation Unit that morning. The computer program showed that the attorney was notified of the arrest at the time it took place, that a family member or friend had been notified, and that the prisoner requested a medical exam.

The other case was a court-ordered arrest. The Task Force was informed that attorneys are not notified in these cases, because the reason behind the alert for the suspect's arrest is unknown, and therefore, they do not have to make a statement. The Task Force informed the station officers that in these cases, prisoners are equally entitled to legal aid. In other matters, the record showed that the prisoner had been informed of his right to a medical exam.

Lastly, the Task Force witnessed another prisoner's departure for court. The procedure was the same, and no incidents were observed. The data entry procedure for the program to conclude the custody process was shown in real time.

#### *Prisoner custody area*

- The custody area is in the basement of the building, and is duly identified and monitored by security cameras.
- Food provided to prisoners comes from a vending service.
- The station can receive incoming prisoners from the local police forces that make up the Garraf ABP at any time of day.
- There are an average of 80-100 prisoners per month. The number increases in the third quarter of the year and during the Carnival of Sitges.
- Incidents inside the cell area are practically non-existent.

#### *Cell area*

- The men are separated from women and minors. The structure of the cells is the same as in the rest of Mossos d'Esquadra police stations: concrete bench, grille gate, toilet separated by a partition and surveillance camera inside the cell.
- The cells for women and minors (two altogether) are in an adjoining room. The structure is the same as for men, but the toilet is on the outside.
- The general condition of the cells was sufficient, but there were unpleasant odors in the adult area. The Task Force was informed that the sewer system was cleaned five weeks ago, but that the unpleasant odor problem had reappeared.

#### *Conclusions / recommendations*

Even though they do not have to make a statement, prisoners should be informed of their right to legal aid, and if they desire, to be assisted by an attorney.

<sup>1</sup>. The Task Force would later learn that the prisoner alleged that the wounds had been inflicted by his wife (see report from the Vilanova i la Geltrú Local Police Visit).



Detentions should not be prolonged longer than is strictly necessary. Once the police reports are completed, every effort should be made to immediately transfer the prisoners to the judicial authorities.

It is essential that some corrective measure be taken in the men's custody area of the police station that will eliminate the problem of unhealthy odors that they suffer.

### Figueres (08/28/2012)

**Police station** Police Station of the Police of the Generalitat - Mossos d'Esquadra in Figueres

**Date** August 28, 2012

The station duty officer accompanied the Task Force, as none of the other commanding officers were present at the time. Later, the chief of the Citizen Services Unit joined the group.

There were three prisoners; two adults and one minor, at the time of the visit.

#### Prisoner custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by surveillance cameras. There is a camera in the parking garage, which films the prisoner leaving the police vehicle, and the other, immediately before the entrance into the custody area, where the gun cabinet is located.

- There is also video surveillance in the pat-down cell (with audio and video capacity), in the corridors and inside each of the cells.

- The visitors were taken directly to the cell area.

#### Cell area

- There is strict separation between men, women and minors.

- There are eight cells in the area devoted to male prisoners. They are all very small, with capacity for only one person. Only one of the cells is meant to hold more than one prisoner.

- The cells feature a concrete structure to sit or lay on, interior toilet separated by a masonry

wall, grille gate and security camera. Although it is protected from the view of the security camera, the toilet does not ensure privacy, as it is located right at the entrance to the cell.

- The showers are located outside the cell, in an adjoining room.

- The overall condition of cleanliness was deficient. The walls and floors were dirty.

- The two cells for women and minors occupy the same space. One of them is used for pat-downs, and is equipped with a video surveillance system with video and audio capacity.

- In one of the corridors of the cell area the Task Force observed a mat and certain restraint devices: a helmet and immobilization straps. When asked why these elements were there, station personnel responded that it was for ventilation reasons.

- The food distributed to prisoners consists of a sandwich and a beverage (water) for lunch and dinner, and coffee with milk and a double muffin for breakfast.

- There is an agreement in place with the Figueres Bar Association for the legal aid to prisoners to be given as of 8 am until 11 pm. There is no court-appointed attorney service the rest of the day, except for arrests of minors.

- Prisoner transfers can be made at any time of day, until 8 pm, by order of the judicial authority, and once they have received the relevant police report.

- The station can receive incoming prisoners from the other local police forces that make up the Figueres ABP at any time of day.

- A computer record of all incidents occurring during the time in which the prisoner is in the police facility is kept. The Task Force was shown the record of prisoners for the day of the visit, and those of another day chosen at random.

#### Conclusions / recommendations

The need to thoroughly clean and disinfect the cells must be emphasized.

**Sant Vicenç dels Horts (11/22/2012)**

<b>Police station</b>	District Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sant Vicenç dels Horts
<b>Date</b>	November 22, 2012

This police station was visited following a complaint received by the Catalan Ombudsman on the unhealthy conditions of the cells.

No prisoners were present at the time of the visit.

The Task Force was accompanied by two commanding officers of the station. The commanding officers' attention was directed to the fact that the officer on duty in the Citizen Services Office was not wearing an identification number.

**Custody area**

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras.
- There is a visiting room, a booking and identification room, a pat-down room and custody area. All of the premises, except for the booking room, are equipped with video surveillance equipment.
- The mats and blankets provided to prisoners are kept in the booking room. The mats were in a pile, and the blankets were stored haphazardly in a box. The Task Force was informed that they were not single-use only.

**Cell area**

- There are two cells for custody of male prisoners. The toilets are inside the cells, protected from the view of the surveillance cameras. There is also a shower outside the cells, which is practically unused. The Task Force was informed that, if the shower is used, the prisoner is provided with a towel. The general maintenance conditions of the cells were unsatisfactory, as there was a significant level of dirtiness. The walls were dirty, and there were unpleasant odors due to an insufficient ventilation system.
- Women and minors are kept under custody in the same area, although it is identified as the minors area. There is a single cell, notable for its large size. If there are minor and female prisoners at the same time, priority is given to the

minor. The maintenance and cleanliness conditions were sufficient.

- The restraint devices available consist of metal handcuffs, helmets, immobilization straps and a shield.
- The food dispensed to prisoners comes from a vending machine. It consists of a sandwich and a beverage (water) for lunch and dinner; and coffee with milk and a muffin for breakfast.

**Prisoner transfer process**

- This is the only district police station in the region with an operational prisoner area.
- It receives prisoners from seven municipalities that have local police forces, but do not have custody areas.
- The local police file the incident report at the police station. When an arrest is made, the detainee is read their rights at that time. Once they have been transferred to the police station, their rights are read to them again.
- On occasion, a local police officer has accompanied the prisoner to a medical facility, and the other officer goes to the police station to complete the report.
- They occasionally assist local police in prisoner transfers.
- Prisoner transfers to the courts are made in the morning, although some judges also allow them during the afternoon shift.

**Conclusions / recommendations**

The police station suffers from an unpleasant odor problem resulting from an insufficient ventilation system. The walls of the adult cells were very dirty. Therefore, corrective measures must be taken to reduce or eliminate the unpleasant odors and the walls of the adult cells must be painted.

**Sant Feliu de Llobregat (11/22/2012)**

<b>Police station</b>	Sant Feliu de Llobregat District Police Station
<b>Date</b>	November 22, 2012

In addition to being a District Police Station, this is also the regional headquarters.

The Task Force was accompanied by two of the commanding officers of the ABP. No prisoners were present at the time of the visit.

### Custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras.
- There is a visiting room, a booking and identification room, a pat-down room and custody area. It surprised the Task Force that none of these facilities was identified by signs or any informative indication. All rooms have video surveillance cameras, except the booking room.
- There are no informative signs inside the custody area advertising the existence of audio and video filming and recording equipment, except in the pat-down room, which has audio and video recording capacity.
- The mats and blankets provided to prisoners are kept in an adjoining room. The mats were in a pile, and the blankets were kept haphazardly in a box. The Task Force was informed that they are not single-use only, and are replaced discretionally depending on their degree of deterioration. Once it is agreed to stop using a blanket, it is destroyed.

### Cell area

- There are 12 cells for custody of male prisoners. The toilets are inside the cells, protected from the view of the surveillance cameras. There is also a shower outside the cells, which is practically unused. The Task Force was informed that, if the shower is used, the prisoner is provided with a towel.
- The facilities in this area showed a satisfactory state of maintenance and cleanliness. There were no signs of dirtiness or unpleasant odors. It was clear that the facility has a good ventilation system.
- There is a camera with audio and video recording capacity installed in the corridor. The audio capacity is activated by pressing one of three buttons. Nonetheless, there were no informative signs.

- Women and minors are kept under custody in the same area. There are a total of two cells, of the same characteristics as those for men. The maintenance and cleanliness conditions were sufficient. There was no sign to permit identification of this space.

- The restraint devices available consist of metal handcuffs, helmets, immobilization straps and a shield. They were stored in plain sight at the time of the visit.

- The food dispensed to prisoners comes from a vending machine. It consists of a sandwich and a beverage (water) for lunch and dinner; and coffee with milk and a muffin for breakfast.

### Conclusions / recommendations

The police station does not have any informative signs in the rooms or areas into which the custody area is divided. There are no signs in the cell area on the existence of video surveillance cameras. Therefore, the necessary signs must be posted.

## LOCAL POLICIES DEPARTMENTS

### Badalona Local Police (01/12/2012)

**Police station** Badalona Local Police

**Date** January 12, 2012

**Municipality** Badalona

### Prisoner custody area

- The custody area is in the building's basement. It can be accessed in two ways, from the parking garage or from inside the police station itself.

- The custody area shares the premises with other police facilities.

- Prisoner pat-downs are not performed in any room devoted to this purpose, but are done in the same space used as reception to the custody area. If it is considered necessary to carry out a full-body search of a prisoner, it is performed in the cell area. This space is the only one equipped with a video surveillance system. Nevertheless, there is no informative signage, and prisoners are not notified of its existence.

- There are six cells for custody of males. Two of them are not used as cells, but rather as store-

rooms. Minors never enter this space. They are kept in a room on the first floor, while their parents or the Juvenile Affairs Prosecutor's Office are being notified.

- Access to the cell area is through a grille gate that is always kept locked.
- The cells have capacity for one prisoner each. Two prisoners were present at the time of the visit. The Task Force was informed that the average prisoner stay ranges from two to three hours. Nevertheless, the register of admissions and discharges was checked, and it was observed that the stays were longer. In some cases, it was found that there was no record of the time of admission or discharge.
- The cell has a shower that also serves as a toilet.
- The beds have mattresses and prisoners are apparently given clean linens upon admission. Nevertheless, at the time of the visit, the Task Force observed that there were no linens on the beds. All they had was a blanket to cover themselves. Therefore, they rest directly on top of the mattress and pillow cases, which were visibly dirty.
- The cell features a satisfactory ventilation system, and has natural and artificial lighting. The walls, painted with acrylic paint, show signs of wear. The cleanliness and maintenance conditions can be considered sufficient, although they showed room for improvement.
- The local police protocol does not call for prisoners to receive legal aid from the beginning of their detention. Rather, as is common practice at local police stations, the legal aid is provided once the prisoner is transferred to a Mossos d'Esquadra facility. Therefore, when the prisoner's rights are being read to them, they are informed as to this right, and the Bar Association is notified for them to have record of the arrest.
- If the prisoner needs medical assistance, emergency services are notified through the emergency number (061).
- As for meal services, apparently the same catering company that serves the hospital also works for the police station. The police station has plastic plates, forks and cups if needed. The custody area also has a small kitchen.
- The only restraint devices available are helmets.

### *Badalona (11/06/2012) Follow-up report*

- The visit was made on November 6, 2012, at 5 pm.
- At first, the Task Force was informed that the duty officer was absent. After three or four minutes, a member of the Local Police arrived and identified himself as inspector-in-chief. He accompanied the Task Force to the custody area, where there were no prisoners. Later, up to three other police officers joined the visit.
- The condition of the cells was appropriate. There were no signs of dirtiness or unpleasant odors. The mattress cases were clean.
- Two of the six cells were still unused because they were being used as storerooms. On this visit, the Task Force observed two kick-boxing helmets hanging in one of the unused cells. The Task Force was informed that they were put on the prisoners in case they needed protection from self-harm. Their use is not described in the protocols they work under, as they have only recently been added. They are conceived as substitutes for helmets to prevent self-harm.
- The cell area still lacked video surveillance cameras. The entrance through the parking garage does not have them either. There is only one in the entire facility, providing coverage to the prisoner reception area. The recorded footage is kept for 15 days, and then it is destroyed.
- Superficial pat-downs are still performed in the prisoner reception area. If a full-body search is necessary, it is carried out in the cell. If the prisoner is female, a partition is placed in front of the door. The police station does not have gowns available.
- On this visit, the Task Force was informed that the cells were also used for prisoners under adult age, whereas on the previous visit they were told that minors never came down to this floor, and were kept in a separate room.
- The police station works as a municipal lockup facility for prisoners that have already been in judicial provision. In other words, they receive prisoners by court order, usually on weekends and holidays. There are a few such cases each month, on average. Nevertheless, transfer of prisoners back into judicial provision is done by the Mossos d'Esquadra. The Task Force expressed its surprise at this procedure, which it had not seen on any other visit, and which is tantamount to



the courts of Badalona considering the municipal facilities an extension of their own holding cells. The Task Force asked to see a judicial order for extension of detention in the municipal facility, but it was not possible to have access to them as the visit took place outside office hours.

- Although they have competencies in traffic safety violations, the duties of prisoner custody correspond to the Mossos d'Esquadra. The local police's role is limited to performing the relevant police procedures and report. This procedure appears to be specified in the agreements signed between the two police forces.
- They work with a manual register book in which there is a record of all prisoners processed through the custody area. This book contains information on the day of admission, the name, reason for admission and authority ordering the detention. The time in which the prisoner enters the facility is recorded in a separate book. Furthermore, there are police proceedings which convey the information on the time procedures were begun, the actions carried out, the time at which the police complete their duties and the time at which the prisoner is delivered to the Mossos d'Esquadra.
- The Task Force was informed that the Mossos d'Esquadra have no time limit as regards the reception of prisoners from other police forces. Nonetheless, the main difficulty they face has to do with the time frames that coincide with shift changes. In such cases, even if they have finished their proceedings, they have to wait for an hour or hour and a half before transferring the prisoner to the Mossos. In any event, the Task Force examined several police proceedings chosen at random, and found that stays in the municipal facilities do not tend to exceed one or two hours.
- The custody area still lacked a gun cabinet. Handguns are deposited in one of the drawers in the reception area, and the drawer is locked with a key.
- On the last visit, the Task Force was informed that station personnel dialed the Emergency Medical Service number (061) if a prisoner needed medical care. On this visit, the Task Force was informed that all prisoners are taken to the hospital immediately following their arrest, before being transferred to the police station, and if any incident occurred during their stay, they were taken back through the medical service before being transferred to the Mossos d'Esquadra.

### Conclusions / recommendations

The use of the Local Police station as a municipal lock-up facility, even if by court order, is a severe irregularity. It was decided years ago to close these lock-up facilities due to insufficient security conditions. The renewal of this practice does not seem appropriate, because the municipal authorities have only a subsidiary responsibility with regard to the judiciary authorities.

Although the conditions of maintenance, cleanliness and upkeep of the custody area were satisfactory, the Task Force detected several structural defects that must be corrected.

Therefore, the recommendations are: (1) that the police station equip itself with a single register containing all of the information on prisoner custody, from the time they enter the custody area until they go into judicial provision, or are transferred to a Mossos d'Esquadra facility, in addition to the computerization of the data on their custody. (2) That a room adjoining or near the cells be outfitted to carry out pat-downs; (3) that a gun cabinet be installed at an access point before the entrance into the security area; (4) that appropriately differentiated and separated areas be conditioned for the custody of women and minors and last, (5) that the cells be equipped with a toilet separate from the shower that preserves prisoners' privacy.

### Guàrdia Urbana de Vic (02/14/2012)

**Police station** Guàrdia Urbana de Vic

**Date** February 14, 2012

**Municipality** Vic

The Guàrdia Urbana does not have public safety competencies. Therefore, any prisoners they hold are only in temporary custody until they go into judicial provision or are transferred to a Mossos d'Esquadra facility.

The visit was made by part of the Task Force accompanied by a Guàrdia Urbana sergeant. There were no prisoners on the day of the visit.

### Prisoner custody area

- The custody area is in the building's basement. It can be accessed in two ways, from the parking garage or from inside the police station itself. In any case, the access of police vehicles

containing transferred prisoners is made directly from the parking garage.

- The parking garage features different video surveillance cameras. Nevertheless, the Task Force did not see any signs advertising the existence of these recording systems.
- The access to the custody area is not properly identified, either. The custody area is accessed directly, without any security area. The gun cabinet is inside this area, in an office. In practice, many of the officers who enter do so without their service handgun, which they previously deposit in a gun cabinet on the first floor of the police station.
- The Custody Area includes a small supervision office for the police officer on duty. Here there is a register of admissions and discharges, a computer and a gun cabinet. There is a corridor-shaped common area, monitored by security cameras, that is not properly signposted.
- The information on the time of custody and storage of recorded footage was not sufficiently clear. The sergeant was unable to specify the exact time during the visit. In any case, video feeds are viewed on a television installed on the first floor of the police station.
- The custody area also has a multi-use office used to take prisoners' statements and read them their rights. It is also used to perform pat-downs. There is a protocol by which all pat-downs are performed as strip searches. This was the justification given for the absence of cameras in this room.
- It surprised the Task Force that strip searches were performed on a regular basis, and not exceptionally, depending on the case and the circumstances. Strip searches are carried out in the presence of three officers, one of whom is a commanding officer who supervises them.

#### Cell area

- There are five cells in this area. Three are meant to hold male prisoners; the rest are for female prisoners. The general condition was considered sufficient.
- The men's cells are painted gray, with a concrete bench to sit or lay on, and a grille gate. There is a toilet inside, separated by a masonry wall beyond the view of persons outside the

cell. The toilet flush mechanism is activated from outside the cell.

- Women's cells are the same, though they do not have toilets inside. At first, these cells were apparently used for pat-downs. Ironically, there is no women's toilet. Therefore, if they need to use the restroom, female prisoners have to exit the custody area.
- The Task Force was informed that minors never enter the custody area. When one is arrested, they have them wait in a room on the first floor of the police station until instructions are received from the Juvenile Affairs Prosecutor's Office.
- With respect to ventilation, this area does not have central heating. This means that temperatures in the area can get very low, especially in the winter and at night. The Task Force noted that it was quite cold at the time of the visit.
- The mats were piled atop a wardrobe in the pat-down room. The blankets were inside the wardrobe. The Task Force was told that they were single-use only, but they are not sealed or protected by plastic or any other material.
- As for the meals dispensed to prisoners, the protocol is to give them a sandwich and water.
- The Task Force was informed that the average prisoner stay was approximately seven hours. The register of admissions and discharges was checked and this was shown to be true. It was also found that many discharges are made at night-time.
- The register also mentions whether the prisoner is taking any medication.
- La Guàrdia Urbana conducts the initial police procedures (pat-down, reading of rights, and transfer for medical exam) before the prisoner is transferred to the Mossos d'Esquadra. They notify each other for coordination purposes before the transfer.
- No prisoner is admitted until they have been given the necessary medical exam in the Vic General Hospital.

- The Task Force was informed that the bar association is notified of the arrest when the prisoner enters the police station, not when the arrest takes place. Furthermore, when they are being read their rights, prisoners are infor-

med that the legal aid will be provided in the Mossos d'Esquadra police station, not beforehand.

- The Task Force was also told that on some rare occasions the Guàrdia Urbana takes responsibility for a prisoner's entire detention process.
- They share their computer system with the Mossos d'Esquadra.

### Conclusions / recommendations

The police station of the Vic Guàrdia Urbana has severe structural and resource shortcomings, in addition to gaps in the prisoner custody process that make it advisable for the prisoners be transferred directly to the Mossos d'Esquadra police station in Vic. In light of the proximity to that facility, the transfer of prisoners to it, or directly to judicial provision for the crimes for which they have competencies, must be expedited.

### Guàrdia Urbana de l'Hospitalet de Llobregat (03/13/2012)

<b>Police station</b>	Guàrdia Urbana de L'Hospitalet de Llobregat
<b>Date</b>	March 13, 2012
<b>Municipality</b>	L'Hospitalet de Llobregat

The Task Force was accompanied by the chief of Local Police and the Public Safety Councilor from the municipal government.

### Prisoner custody area

- The custody area is very small: it only has two cells. There are no pat-down rooms, booking rooms, visiting rooms, etc. There is no signposting on the entrance door.
- The cells are painted white. They have grille gates and a toilet separated by a masonry wall half a meter high. There is a concrete bench on which to sit or lay. The mat is also inside the cell. It is a mattress that is more comfortable than those of the Mossos d'Esquadra. The general cleanliness of the facility, especially the cells, was noteworthy. There were no signs of dirtiness or unpleasant odors.

▪ When asked why there was no pat-down room, the Task Force was told that pat-downs took place at the time of the arrest.

▪ There are surveillance cameras inside the cells, and in a small corridor outside. Nevertheless, they are not duly signposted.

▪ The Task Force was informed that the prisoners were taken directly to the Mossos d'Esquadra police station, except for prisoners arrested for traffic safety violations, an area in which they have competencies. In these cases, they are only admitted when detention is considered necessary. If not, they go directly to judicial provision.

▪ They also distribute food through a vending system (sandwich and a beverage).

▪ They have no restraint devices. The Task Force was told that, if the need arises, they try to redirect the situation.

### Conclusions / recommendations

The Task Force takes a positive view of the fact that they transfer prisoners directly to the Mossos d'Esquadra police station, pursuant to the recommendations of the 2011 CAPT Report.

The conditions of cleanliness and hygiene found in the cell area are noteworthy.

The installation of informative signs advertising the existence of video surveillance cameras in the custody area is recommended.

### Terrassa Municipal Police (5/22/2012)

<b>Police station</b>	Terrassa Municipal Police
<b>Date</b>	May 22, 2012
<b>Municipality</b>	Terrassa

### Prisoner custody area

▪ The custody area is in the basement of the building, and prisoners enter directly from the parking garage.

▪ It has a pat-down room monitored by a security camera, and a room in which statements are taken.

- Adult cells are in the same area, separated by a grille gate. First, there are two cells for women, and following those, five more cells for men. There were no prisoners at the time of the visit.
- The mats and blankets are inside each cell, and the Task Force was told that they are single-use only.

#### Cell area

- The men's and women's cells share an identical structure: concrete bench on which to sit or lay, grille gate, and toilet on the outside. It caught the Task Force's attention that the alarm mechanisms are placed high up on the cell wall. According to police sources, they are placed there for safety reasons, and to keep prisoners from constantly using them.
- The restrooms have showers, toilets and sinks. They do not have doors. There is one for men and another for women.
- The security cameras are installed outside the cells.
- The custody area has natural and artificial lighting, and the general condition and maintenance of the cells is sufficient. There were no signs of unpleasant odors or dirtiness.
- The Task Force was informed that meal distribution is performed through the hospital catering service.
- The Task Force was informed that the restraint devices the police station has consist of a helmet and handcuffs.
- The minors' cell is in an area adjoining that of the adults. It is accessed through a different door. The cell structure is the same as that of adult cells, and the maintenance condition was acceptable. The station personnel were advised as to the presence of a broken plastic chair at the entrance, with the risks that this could imply.
- The Task Force was informed that attorneys take statements in cases of arrests for gender violence, undermining the authority of law, traffic violations and crimes against municipal property. In all other cases, prisoners are taken directly to the Mossos d'Esquadra with their rights read to them, and having been examined by a doctor. In any event, prisoners' stays in the municipal facilities do not exceed 12-15 hours.

- The Task Force was shown the area housing the cameras from which footage is viewed and recorded, outside the custody area. The Task Force was also given examples of a police report and a service sheet that is completed every time there is an intervention.

- The Task Force was informed that if any incident takes place in the custody process, the footage is kept in case an injunction for it is received.

#### Conclusions / recommendations

- In cases in which the case proceedings are the competency of the autonomous police, once again, the Task Force found a situation in which legal aid to prisoners is not guaranteed until they are transferred to the Mossos d'Esquadra, and the hours of detention with one police force are added to those of another.
- The Task Force takes a positive view of the fact that the blankets are single-use only, that there are numerous cameras in the custody area, and the general state of cleanliness throughout the facility.

#### Montcada i Reixac Local Police (07/04/2012)

**Police station** Montcada i Reixac Local Police

**Date** July 4, 2012

**Municipality** Montcada i Reixac

The Task Force was accompanied on its visit by the chief of the Local Police.

#### Custody area

- As opposed to other local police forces, Montcada i Reixac does not have an area specifically devoted to prisoner custody. The only area equipped for this purpose is a room of approximately 4 m<sup>2</sup>, located in the same area in which the local police have their changing rooms, canteen and bulletin boards.
- The Task Force was informed that the area was in use. It consists of two wooden chairs fastened to the floor, that have been broken repeatedly, and two rings fastened to the wall, fixed on the other side by bolts. The Task Force inquired as to the purpose of these rings, and the Chief of Local Police responded that they



were to affix the gun cabinet located in the adjoining room. Nonetheless, the Task Force confirmed that this was not the case, and therefore, it is supposed that the rings have been expressly installed to handcuff and immobilize prisoners.

- The Task Force was informed that whenever there were prisoners (a maximum of two) in this room, there would be one or two officers guarding them. In exceptional cases, prisoners are transferred directly to the Mossos d'Esquadra facility.
- There were no prisoners at the time of the visit.
- When he was advised as to the unsatisfactory condition of this detention area, the chief informed the Task Force that there were plans to remodel the station in the near future. Specifically, this would include a grille gate (there is no door at this time), construction of a masonry wall where prisoners can lay or sit, and the installation of a security camera.
- There is no video surveillance system in the police station.

*Detention process*

- The prisoner transfer process to the Cerdanyola ABP is made once the following documents and steps have been completed: medical report, police report on the intervention and reading of rights to the prisoner. This means that the prisoner is kept in custody by the local police in their facility while these steps are completed. The Task Force was informed that this took approximately 20-30 minutes.
- The Task Force was also informed that, depending on the prisoner, they could be handcuffed or not.
- They do not have restraint devices to subdue a prisoner in the hypothetical case of violent behavior.
- The bar association is not notified of the arrest until the prisoner is admitted to the Mossos d'Esquadra facility.
- The Task Force was informed that in some traffic violation cases, the prisoners never go down into the custody area, and the police procedures are performed on the upper floors of the police station.

- In cases of arrests of minors, the Task Force was informed that they are made to wait in the corporal's office until instructions are received from the Juvenile Affairs Prosecutor's Office. The detention process is the same for women as for men.

- The information on the prisoner custody process is not taken up in any book or official incident registry. The chief informed the Task Force that this information was included in the police proceedings. He showed them the software they worked with, and the Task Force observed relevant gaps, such as the time of prisoner discharge, or prisoner names.

- The custody process is not protocolized. They were informed that a provisional document has been drawn up, on which work was being done to reach consensus with the Mossos d'Esquadra.

*Conclusions / recommendations*

The Montcada i Reixac Local Police facilities meant to hold prisoners do not meet the minimum conditions, neither as a facility nor for working resources, to operate as a police station with judiciary police duties for the custody of prisoners.

Given the circumstances, it would be most recommendable to transfer prisoners directly to the Mossos d'Esquadra facility in Cerdanyola, or to the Montcada i Reixac district police station, which would later transfer them to the ABP.

**Sabadell Municipal Police (08/28/2012)**

<b>Police station</b>	Sabadell Municipal Police
<b>Date</b>	August 28, 2012
<b>Municipality</b>	Sabadell

*Prisoner custody area*

- The custody area is in the basement of the building, and prisoners enter directly from the parking garage. It is duly identified with an informative sign.
- It features a pat-down room, without a security camera, a common area that works as a canteen, with a security camera, and three cells: two for adults and one for minors. The minors' cell is physically separated from the adult area by a door that always remains loc-

ked. There is not a specific cell for women in the adult cell area. The police tend to hold them in the minors' cell when it is vacant.

- There were no prisoners at the time of the visit. The Task Force was informed that the last one had been transferred to the Mossos d'Esquadra.

- The mats and blankets are inside each cell, and the Task Force was told that they are single-use only.

- The adults' and minors' cells share an identical structure: two concrete benches on which to sit or lay, and a grille gate. The toilet and shower are outside the cell. They are air-conditioned.

- The custody area has natural and artificial lighting, and the general condition and maintenance of the cells was sufficient. The minors' cell does not seem to have been used much. There were no unpleasant odors or signs of dirtiness, except for the adults' toilet, which contained dirty water.

- The meal distribution system consists of a tray that comes prepared from police headquarters, and is warmed in a microwave oven in the custody area. Two types of food were shown to the Task Force, one that could be given at lunch and the other for breakfast. The breakfast consists of juice, toast and jam, while lunch is a dish with a few pieces of toast. Prisoners are also given water.

- The Task Force was informed that restraint devices are not commonly used. They have had to use a helmet on rare occasions, but they stated that restraint is done physically, in bodily contact with the prisoner. When deemed necessary, prisoners are transferred to a medical center.

- This police station completes police procedures for gender violence and traffic violation arrests. In such cases, once the police proceedings are complete, they take the prisoners to judicial provision or the Mossos d'Esquadra, who complete the investigation.

- When the prisoner is delivered to the Mossos, they are also given a copy of the statement, the record of constitutional rights, the objects confiscated, and medical report, if one exists. The Mossos then stamp the document to attest to the prisoner's being admitted. Nevertheless, the time at which this delivery has been made is not recorded.

- The Task Force was told that the Mossos d'Esquadra do not take prisoners until 7-7:30 am. Apparently, the shift change takes place around 6 am. This information contradicts that given by the Mossos, who claimed that there was no time limit for the delivery of prisoners.

#### Conclusions / recommendations

In light of the fact that there is no specific space to hold women, the necessary measures must be taken to guarantee their strict separation from men.

It is also recommended to install a security camera in the pat-down area.

#### Sant Boi de Llobregat Local Police (09/13/2012)

**Police station** Sant Boi de Llobregat Local Police

**Date** September 13, 2012

**Municipality** Sant Boi de Llobregat

The Task Force was informed that there is no prisoner custody area, as they go directly to the Mossos d'Esquadra facility. Nonetheless, prior to that they are taken to the hospital to receive a medical exam, an indispensable requirement to be able to transfer them to the Mossos d'Esquadra. This medical exam is normally made at the Sant Boi Hospital.

Later, the Task Force was attended to by the Sant Boi Municipal Police duty officer. The information previously provided was reiterated. The duty officer stated that, when a person is handcuffed, they are not made to wait even a moment in the police station, as they are placed directly in provision of the Mossos d'Esquadra. Transfers are made to the Mossos d'Esquadra at any time, 24 hours a day.

Despite this, the Task Force was informed that they had built two rooms for prisoners, which are not used because they are not properly conditioned. In cases of drunkenness, if a prisoner is extremely intoxicated, they are left seated in the waiting room/entrance into the police station with a police officer guarding them. In some cases they are taken inside the police station, but never into the custody room.

### Prisoner custody area

- The custody area is made up of two small rooms with a toilet. There are no chairs or benches to sit on, as they are not conditioned, and have obviously never been used. According to the duty officer, they are not in use. Therefore, he did not have the keys, nor did he know where they were to be able to properly show them to us. Nonetheless, it was observed that bottles were stored in one of the cells. The duty officer said that someone from the morning shift had probably put them there. He said that these rooms were mostly used for storage. There were beer bottles and key chains from a street seller.
- There was a small area outside the two cells with two chairs, one of which was broken, with sharp plastic edges, constituting a safety hazard. The duty officer was informed of this. He confirmed the potential hazard and removed the chair. He stated that there was usually only one chair.
- The Task Force was informed that the last arrest had been in the early morning of the previous day, in cooperation with the Mossos d'Esquadra. The prisoner is in the Mossos d'Esquadra facility. The information at the local police station shows that the detention began at 1:30 am and ended at 4:22 am.
- Although they stated that a hard copy record of all actions is kept, they were unable to find it, and consequently, unable to show a copy of the incident report written following the arrest of this citizen.
- They told the Task Force that there is no record of the arrest. It is only recorded in a police station database, which is a computer log of incidents, called the "Police Blotter", which they showed the Task Force. This log can be used to access the personal details of the affected person and description of the incident, but the program does not make it possible to discriminate arrests from mere incidents or citizen queries. It is not a good investigative instrument; users have to assume the encoding has been done correctly. Otherwise, searches are ineffective. Usually, the summary or description made in the Police Blotter is the basis for the record of appearance provided to the Mossos d'Esquadra.
- They stated that the access to the detailed arrest information is made through the prisoner's statement, which they open and complete, and of which they always keep a copy.

- They were unable to state the average number of arrests they make.

- The Task Force recommends that the police keep a register of all of the actions they carry out. The duty officer stated that they work with the Mossos d'Esquadra computer system, which is the resource they have been provided with.

### Conclusions / recommendations

The Custody Area is not in use, although the space exists. It is indispensable to ensure that this space is not used, because it does not meet the minimum conditions to house prisoners with all of the guarantees.

It is recommendable that they equip themselves with a computer registry fit for the arrests they make, and the incidents that may occur in the prisoner custody process.

### Sant Feliu de Llobregat Municipal Police (09/13/2012)

**Police station** Sant Feliu de Llobregat Municipal Police

**Date** September 13, 2012

**Municipality** Sant Feliu de Llobregat

The Task Force was accompanied by the sergeant on duty and a corporal.

### Prisoner custody area

- The custody area is not currently used as lock-up for prisoners, as prisoners are taken directly to the Mossos d'Esquadra. It is only used for very short stays while the statement is being written. Nevertheless, the custody area is made up of a room for police line-ups, four cells, and a restroom area with a sink, two toilets separated by a wall and a shower. There are no pat-down rooms, booking rooms, visiting rooms, etc.
- Police line-ups are carried out when expressly requested by a judge. This is done for reasons of closeness. They only provide the facilities, and the "fillers" are provided by the Mossos d'Esquadra.
- The Task Force observed several cages that the police use for lost animals.
- At the time of the visit, they informed the Task Force that a citizen who had been doing

community service had painted part of the cells. There are four cells: three doubles and one individual. It was observed that only one of the double cells is operative. It had a mattress and blanket. The gates to the cells are grilles, and they have a concrete bench on which to sit or lay. The police told the Task Force that on the previous day there had been a prisoner there for a few hours.

- There is a video surveillance camera in the common area, outside the cells.
- Bloodstains were detected on the walls and on the access door to the cells. When asked as to their origin, one of the officers replied that a prisoner had thrown themselves against the wall, while the other denied it was a bloodstain.
- They stated that the prisoners are taken directly to the Mossos d'Esquadra facility, but that first they must be taken through the medical services. If it is before 12 midnight, they take them to the Sant Feliu de Llobregat primary care clinic. If it is after midnight, they take them to the Moisès Broggi Hospital. This medical transfer is done with or without the prisoner's consent.
- They showed the Task Force their software ("Police Blotter") and explained that searches can be performed by date, name, vehicle, crime scene, acting officer, etc., but that the program does not discriminate between arrests and citizen incidents. Entries into the blotter feature a summary of the case, and log of all the actions taken in it.
- They have an identification register book, and an arrest book, that is now out of date.
- The last arrest had been made the previous day at 1:16 am, and at 5:10 am the prisoner was delivered to the Mossos d'Esquadra, after being taken to the hospital, and once their statement had been taken.
- The Task Force was informed that they had restraint devices in the police station, but not in the prisoners' cells.

#### Conclusions / recommendations

Steps must be taken to improve the conditions and general maintenance state of the prisoner custody area.

#### Vilanova y la Geltrú Local Police(10/11/2012)

**Police station** Local Police

**Date** October 11, 2012

**Municipality** Vilanova i la Geltrú

The Chief of Local Police accompanied the Task Force on its visit.

#### Custody area

- The custody area is in the basement of the building. There is no signposting to this effect. The prisoners access this area from the parking garage, but the Task Force did so from the inside, descending a deficient stairway.
- It consists of two areas: one where the pat-downs are done, and rights are read, and another featuring the two cells. There is no separation between men, women and minors. The cells are small, with maximum capacity for one or two people, respectively.
- The health conditions are practically negligible: there is no natural ventilation, the spaces are small and old, the mattresses are not fire-resistant and the walls are dirty. The toilet/shower is in another room, but there is no door. The facilities' general state of neglect is patently obvious.
- The stairs that provide access to this area also caught the Task Force's attention. They are very narrow and steep. There is no handrail, with the consequent falling risk for officers and prisoners, especially if they are handcuffed.
- There is only one security camera in the hallway, which does not provide any view of the inside of the cells.
- If it is necessary to distribute any meals to the prisoner, a sandwich is bought and charged to the local council.
- The Task Force inquired about the person arrested for gender violence, and who had been transferred to the Mossos d'Esquadra the day before. He was arrested October 9 at 2 am. The Barcelona Bar Association (ICAB) was notified 28 minutes after the arrest. Nonetheless, the attorney did not arrive until 10 in the morning. The Task Force was informed that the ICAB delegation in Vilanova does not have an on-call attorney service at night. Due to the injuries he had upon entrance into the station (which,



according to him were inflicted by his partner) was given a medical exam. At the suggestion of the police officer, he was examined by the doctor the next day when the attorney arrived. They showed the Task Force copies of the two medical reports. It surprised the Task Force that neither of the two reports contained a clear and complete diagnosis on the injuries suffered by the prisoner, despite the station officers' assertion that this was due to restrictions imposed by the Personal Data Protection Act. In any event, it was found that from the time of his arrest by the Vilanova Local Police at 2 am on October 9, until his transport by the Mossos d'Esquadra to the courts, at 10:30 am on October 11, 60 hours had elapsed. In regulatory terms, this time period is within the law, which sets a maximum of 72 hours, but has no justification whatsoever due to the lack of complexity of the investigation performed.

### Conclusions / recommendations

The space devoted to the Vilanova i la Geltrú Local Police custody area is deficient because it does not meet the minimum health and safety standards required to house prisoners with all of the guarantees, and safeguard the rights that they are entitled to.

Therefore, it is recommended that the custody area of the Vilanova i la Geltrú Local Police station be closed, as it does not have the necessary and appropriate resources or spaces to operate as such.

### Figueres Local Police (10/25/2012)

**Police station** Figueres Local Police

**Date** October 25, 2012

**Municipality** Figueres

The Figueres Local Police Station does not have a custody area. The construction of a detention area has been budgeted.

The inspector-in-chief and assistant inspector accompanied the Task Force on their visit.

### Ordinary prisoner handling procedure

- Most detainees arrested by the Figueres Local Police are taken to the Mossos d'Esquadra Police Station.

- Those detained for traffic violations, as the Local Police has competencies in this area, are released with a summons to a fast-track court date, or are transferred to the local Police or Mossos d'Esquadra facilities.

- If the transfer is made to the Local Police facilities, the examining officer prepares the necessary police proceedings, prepares the prisoner's record of Constitutional rights and if necessary, the prisoner is taken to a medical facility for an examination.

- Although they do not have a facility in which to hold prisoners in custody, the proceedings are completed in one of the three visiting rooms used to take citizens' complaints, ensuring at all times that prisoners never coincide in the visiting room with a citizen visiting the police station for this purpose.

- These visiting rooms do not have security cameras. If any incident occurs, all that can be done is to contrast the police officer's version with that of the prisoner.

- Once their statement has been taken, the prisoner is transferred to the Mossos d'Esquadra police station. The Police gives the prisoner their record of constitutional rights and, when available, the medical report. In some cases the prisoner arrives before the incident report. In cases of traffic violations, if the transfer is made directly to the Mossos d'Esquadra facility, one of the officers also goes to the facility to oversee the police proceedings.

- The arrest information is contained in the database, which they share with the Mossos d'Esquadra, and is the same information found in the police report. The officers showed the Task Force different police report models, with and without prisoners.

- The video surveillance cameras are in common areas, corridors and the parking garage.

- Transfers of prisoners are made in police vehicles equipped with partition cages. The prisoners are handcuffed behind the back.

- Transferring a prisoner to a medical or hospital center is not mandatory. It is only done in three cases: (1) if the person expressly requests it, (2) if the person is self-injured and (3) if they have some type of wound. The detainee is patted down on the street, and before entering the squad car.

*Conclusion / recommendation*

It is advisable to equip the Figueres Local Police Station with a prisoner custody area.

*Most relevant observations from interviews with prisoners in police stations*

Several interviews have been conducted with persons in custody in police stations of the Catalan Police, as well as in local police/guàrdia urbana stations when possible. To ensure the anonymity of the persons interviewed, reference is made in a generalized manner to the items that the CAPT considers most relevant.

Generally, prisoners confirmed that they had been read their rights, but that during their stay in municipal police facilities no attorney had come to provide legal aid.

Some of them stated that they had suffered contusions as a result of the immobilization they were subjected to at the time of arrest. Small contusions and handcuff marks were detected on more than one occasion.

Many prisoners interviewed stated that they had not been provided with food or water during the time that they had spent in municipal police facilities.

One of the persons arrested by the Mossos d'Esquadra complained about the treatment dispensed to one of his companions at the time of the arrest, and being threatened by one of the custody officers. According to his testimony, when he asked to see the medical service, he was threatened that this would prolong his detention.

Some of the persons arrested by the Mossos d'Esquadra also complained about the time it took the court-appointed attorney to arrive.

**b. Penitentiary centers***Ponent Penitentiary Center (01/23/2012)*

<b>Center</b>	Ponent Penitentiary Center
<b>Date</b>	January 23, 2012
<b>Municipality</b>	Lleida

The Assistant Warden and Legal Secretary of the Ponent Penitentiary Center accompanied the Task Force on the visit. This center now holds approximately 900 inmates. From the

outset, it was observed that the prison officers wearing sweaters did have identification numbers, but those wearing jackets did not. Some duty chiefs can be identified by the post they hold.

*Special Closed System Department (DERT)*

- This department is made up of 44 inmates who live under the Article 93 or 94 system, and inmates in punishment. It is divided into two sections: phase 1 and phase 2. They provided a list of inmates.

- The ground floor features the restraint area with four cells, an infirmary and an admissions room. These cells are not usually occupied, but one inmate was present on the day of the visit.

- The mattresses are made of foam and their condition is deficient.

- Three inmates were interviewed: one classified under Article 93 and two classified under Article 94.

- Life for inmates classified under Article 93 is more restricted. They have three hours of time in the exercise yard, an interview with an attorney once a week, and a teacher, once a week, if they need one.

- The Task Force was informed that 60 people work in this department as internal staff (security).

- The only security camera system is in the restraint cells.

*Admissions unit (module 9)*

- There are three admissions cells used as restraint cells, and they are situated in between the admissions cells. There are video surveillance cameras constantly filming. The feed is viewed by the duty chief. The Task Force confirmed that the cameras worked correctly.

- The last time the cells had been used was three or four weeks prior to the visit.

- There is no camera in the pat-down room.

- These cells are also used for the transport periods.

- There are no cameras in the common areas. All of the cells and spaces are notably clean.

*Infirmary*

- The Task Force was informed that it had been recently remodeled. At the time of the visit, it had just been cleaned.
- There were 29 inmates hospitalized there. The Task Force was informed that there were approximately 30 beds. If inmates require hospitalization, they are referred to the Terrassa Hospital or the Arnau de Vilanova Hospital in Lleida.
- The psychiatric restraint room has a surveillance camera. A broken window was observed, and the Task Force was told that it had been broken by a recent troublesome inmate. It was suggested that the windows be reinforced for the inmates to not be able to open them. Prison representatives underscored the need to ventilate the cell, and the lack of any other system.
- The Infirmery consists of two areas clearly separated by a door, although it was open during the visit. One area is for the organic disease patients and the other, for psychiatric patients. In theory, there is no contact between the two patient types, though they were mixed at the time of the visit.
- The dining hall and rooms of the organic disease patients were visited. The Task Force was informed that they are generally occupied by elderly inmates.
- The Infirmery Chief informed the Task Force that there were nine nurses, a doctor and a biologist, eight nursing assistants and a psychiatrist from Santa Maria Hospital who work in the center six hours a day. They have a urologist and an otorhinolaryngologist every 15 days, and the rest of the specialties once a week. They collaborate with the Arnau de Vilanova University Hospital, the Terrassa Hospital and the Santa Maria Hospital. There is also a bed set aside for the penitentiary center at the Arnau de Vilanova Hospital hospitalization unit.
- The center psychiatrist monitors the application of restraint. In cases of mechanical restraint, they check if the inmate has any underlying pathology (epilepsy, etc.). Restrained inmates are checked every two hours. A doctor and nurse are on duty 24 hours a day, 365 days a year.
- The prison supervision court is notified of the application of any coercive device the day after it is applied.

*Women's Department*

- The women's Module 7, which holds 43 inmates, was visited. The ground floor houses a sewing workshop, school, hairdresser's, kitchen, dining hall, exercise yard, store, laundry and left-luggage room.
- The Special Women's Department, which has four cells, was visited. There are no security cameras, and the Task Force observed that the toilet was separated from the rest of the space by a door. Restraint measures are applied in the admissions unit.
- The latest punishment had occurred the weekend of the visit.
- The activity rooms and showers were in a state of optimum cleanliness.
- In the infirmery, the Task Force observed that the toilet flush chain was longer than those found in the cells, which could make it easier for the inmates to inflict self-harm.
- The Task Force was shown the cell for persons with mobility impairments, which is not usually assigned to any inmate who does not need it, to avoid causing grievances among them.

*Other information provided*

- Only a small number of inmates can take part in workshops. The Task Force was told that the workshops were small, as they do not have large premises for them like other penitentiary centers do.

*Figueres Penitentiary Center (02/01/2012)*

<b>Center</b>	Figueres Penitentiary Center
<b>Date</b>	February 1, 2012

This center is occupied by approximately 210 inmates.

It was opened in 1911, and is within the Figueres urban center, which facilitates family members' visits to inmates.

*Pat-down room*

- The pat-down room is at the entrance to the center, in front of a prison officer's control booth. The Task Force was surprised that it per-

mitted visual access to the inside. In the case of strip searches, inmates have to stand to one side of the door to keep from being seen by others. The Task Force observed a gown hanging in the room.

*Standard-system Unit*

- The inmates live in a T-shaped unit. There is a first floor, and two wings with more cells on an upper floor.
- The cells are closed manually. They have two bunk beds with capacity for four inmates. There are four cells that are larger than the rest, that can hold up to six inmates. As opposed to the others, in addition to the toilet and sink, the shower is also inside the cell. One of the four is occupied by inmates that occupy destinations. The other three are distributed at random among the rest of the inmate population.
- The ventilation is sufficient because the cells have a window that can be opened. Lighting is artificial and natural. There is also central heating throughout the center.
- The cleanliness of the cells was also deemed sufficient, considering the small area and number of people occupying them, although it is obviously insufficient to meet inmates’ needs.

*Others*

- As opposed to other penitentiary centers visited, there is no special department, per se. Rather, there are cells mixed with the rest of those for the standard system where inmates being punished are housed. It is inferred that they do not have first degree prisoners, and if needed, inmates are transferred to another center.
- There is a cell for immobilizations on the first floor. It has a bed bolted to the floor and an inner security grille. It is the only monitored cell. It also has a toilet. Its state of conservation is appropriate. The Task Force was informed that it is only occasionally used.
- There are three cells adjacent to this one used by inmates serving out punishment measures. They do not have security cameras. They do have sinks and toilets. Cigarette butts were observed on the floor of one of the cells at the time of the visit. The prison representatives informed the Task Force that when inmates do

not go to the exercise yard in cold weather, it is used as a space where they are allowed to smoke.

- It was clear that these cells are seldom used, as they looked neglected and dirty. They have sinks and toilets inside, and no other elements.
- The same is true for the cells used for admissions. They are not located in a specific department. Rather, they are mixed with the rest. There are a total of two cells which, as opposed to the rest, have showers. The Task Force was informed that the time spent there is usually 24 hours. The general cleanliness was not sufficient at the time of the visit.
- In this gallery there are video surveillance cameras in the corridors, but only for prison officers’ monitoring duties.

*Infirmary Department*

- Its smallness surprised the Task Force. It consists of only one cell, with three bunk beds with two beds each.
- The restroom (located outside the cell) is conditioned for persons with impaired immobility.

*Conclusions / recommendations*

The center’s overcrowding, especially of its cells, makes it recommendable to open the Puig de les Basses Penitentiary Center as soon as possible.

The room used for pat-downs is insufficient due to its size and location, but especially because it is not protected from the view of outside parties. Another space should be conditioned that would guarantee respect for the person’s right to privacy.

*Girona Penitentiary Center (02/01/2012)*

<b>Center</b>	Girona Penitentiary Center
<b>Date</b>	February 1, 2012

The occupation of this center ranges from 180 to 190 inmates. There is also an open system with capacity for approximately 70 inmates. The Women’s Department was holding nine inmates at the time of the visit.



The penitentiary was opened in 1967, and is within the urban center of Girona. This facilitates family members' visits.

### *Special department*

- The Special Department is on the first floor of the center. It is accessed through a manually-opened grille gate.
- It is meant to hold first-degree inmates, inmates being punished and those who are temporarily isolated. There were no inmates in this department at the time of the visit.
- It is very small. There are only three cells, and there is no common area for activities, except for a courtyard.
- The cells have a bed, shelves, sink and toilet. The showers are outside the cells. Overall, the maintenance condition is sufficient. It surprised the Task Force to see that the cells featured various elements, such as marble shelves, that inmates could use to inflict self-harm. The prison officials' attention was called to this, but they stated that nothing like that had ever happened, and that it was difficult to combine inmate safety and inmate rehabilitation.
- There is also an intercom inside the cells to notify prison officers of any incident.
- The cell doors are opened manually, and have an inner security grille as a protective measure.
- Regarding video surveillance, there are only security cameras in the exercise yard, in the department corridor and in one of the cells, mainly used to hold inmates to whom some sort of immobilization must be applied. The Warden or director must activate it for it to film. Therefore, the camera does not record any footage unless it is expressly activated. It was covered at the time of the visit. The prison representatives informed the Task Force that the inmates themselves cover it because they think they are being watched through the camera.
- Ventilation in the Department in general, and in cells, is sufficient. The windows in each of the cells allow this natural ventilation. There is natural and artificial lighting. The Department has central heating.
- During the visit, the Task Force observed that one of the cells had not been cleaned and had a very dirty floor (cups, cutlery, waste paper, fruit,

food, etc). The prison officials stated that it was awaiting cleaning by the assigned inmate cleaning crew.

### *Standard-system modules*

- The inmates living under the standard system are housed in one of three modules used for the system applicable to those classified under the second degree of treatment. Specifically, module I, with a total of eight cells, was visited, as the other two have the same characteristics.
- Each cell is designed to hold two inmates, but the most frequent occupation is six inmates per cell, with two bunk beds of three beds each. Therefore, the space and furnishings that inmates have is totally insufficient. The cells have a chair, sink, table, wardrobe with different separators and compartments, and a toilet, separated from the rest of the cell by a door.
- The lighting system is natural and artificial. The ventilation is also natural because the cells have a window, which makes it possible to dissipate, to the degree possible, unpleasant odors that are inevitable due to the presence of so many persons in a small space.
- The Task Force observed that the cleanliness of the cells was sufficient, even though they were occupied by so many inmates. In terms of temperature, it was clear that the central heat was working.

### *Infirmery Department*

- There are two doctors, one on the morning shift, one on the afternoon shift. They work from 9 am to 7 pm. There is nursing staff until 9 pm. On weekends, no doctors are physically present, only on call.
- The physician present at the time of the visit constantly expressed a special sensitivity toward the care given to inmates.
- The Department is very small. It has a doctor's office, a small treatment room, two cells and a biological isolation cell which has never been necessary to use, according to prison representatives.
- The cells have two bunk beds for a total of four beds, a table and four chairs, in addition to a small wardrobe. The toilet, sink and shower are outside the cell. Again, the Task Force found the space completely insufficient.

### Women's Department

- The Women's Department was made up of a multi-use room, exercise yard, medical clinic and four cells, three of them with capacity to house up to four women and the fourth with capacity for six.
- Women's stay in this department is short. As soon as they acquire sentenced status they are transferred to the Brians 1 Penitentiary Center. In certain cases, if it appears that pre-trial detention may be prolonged, the court is also asked for authorization to make the transfer.
- There are few differences between their cells and men's cells. The entire Department was in notably clean condition.

### Pat-down room

- The pat-down room is surprisingly small. It does not have a security camera. No gown is seen hanging on the wall, and prison officials stated that it is in the headquarters because inmates do not usually ask for it.

### Conclusions / recommendations

This center suffers from overcrowding, especially in the cells. This makes it recommendable to open the Puig de les Basses center as soon as possible.

It is not considered appropriate that the video surveillance in the restraint room is covered, although the inmates themselves cover it, as was explained on the day of the visit. For this reason, it is necessary to ensure that the camera is always visible and allows footage to be recorded.

### Quatre Camins Penitentiary Center (02/08/2012)

Center	Quatre Camins Penitentiary Center
Date	February 28, 2012
Municipality	La Roca del Vallès

The Task Force split into two groups. Some of the members visited the Special Department, and others, the Disciplinary Unit.

### Disciplinary Unit (Residential Module V)

- The Task Force was accompanied by the Head of Services, the Department Module Chief and the Internal System Assistant Director.

- The Disciplinary Unit is the former closed-system module of Quatre Camins Penitentiary Center. This unit holds the inmates serving disciplinary measures of in-cell isolation, pursuant to Article 243 of the Penitentiary Regulations, and inmates living under Article 75 of the Penitentiary Regulations.

- The Unit is accessed through an entry hall in which there is a room where strip searches are performed, a clinic and a visiting room. No video surveillance equipment is installed in this area.

- The room where the strip searches are performed does not have a video surveillance camera. The Task Force observed gowns hanging, ready to be given to inmates in the event they request them. The Task Force was informed that inmates entering this unit are strip-searched. They are also seen by the physician on call at that time. There are always a physician and nurse on call, 24 hours a day, weekends included.

- The Unit is made up of two floors, with 18 cells each. The first floor houses inmates being punished and those to whom coercive measures are being applied. The second floor houses inmates living under Article 75 of the Penitentiary Regulations. One of the first floor cells is conditioned for the trustees who work in this unit.

- On the day of the visit, there were a total of 33 inmates incarcerated there: 19 being punished and 14 complying with Article 75 of the Penitentiary Regulations.

- The Unit has duly signposted video surveillance cameras in the corridor area and in the two cells used to house inmates in situations of temporary isolation and/or those subjected to mechanical immobilization measures.

- One of the temporary isolation cells was visited, and the Task Force observed that the bed was bolted to the floor, and that it featured a toilet on the inside, a security grille, sink, video surveillance camera and an alarm button. The mattress of the bed where immobilization is carried out is covered by a protective case which, according to prison representatives, is single-use only. Their attention was called to the presence of stains on the case, to which they replied that some stains persist despite the washings.

- They were asked about the procedure followed when an immobilized person asks to use the restroom. They replied that the case is assessed, and

the inmate is “de-immobilized”, with the application of the necessary security measures.

- They were also asked how long an inmate may spend in a situation of mechanical immobilization. They replied that the time spent was that necessary for the inmate to recover normality. Throughout the duration of this situation, the inmate is seen by the medical staff and a prison officer personally checks on the inmate every 30 minutes.
- Immobilization is carried out with wrist, feet and body restraint straps. They showed the Task Force that these are kept in a closet located in the prison officer control booth.
- Video footage recordings are kept for 30 days, at the warden’s discretion.
- The rest of the cells are identical: security grille, toilet separated by a wall protecting it from view of other inmates, but not prison officers, alarm button, sink, plastic chair and concrete table and shelves. The cells are conditioned to house two inmates. The Task Force was informed that inmates serve disciplinary measures individually, and would only share a cell with another inmate for medical reasons. They were shown a vacant cell and an occupied cell at the time of the visit. The Task Force observed that the center’s operating regulations are posted on the doors, in Spanish. They are also in Catalan, but not any other languages. The prison representatives stated that the foreign population understands the regulations, and that, in any event, it was not considered necessary to have them in other languages because most inmates disciplined were Spanish, and they understood them.
- All cells, including isolation cells, have natural and artificial lighting and central heat. The cleanliness and ventilation of the vacant cells was considered sufficient.
- The Task Force also visited one of the unit’s exercise yards, the largest one, where inmates go outside for their exercise time (two hours per day). There is no toilet, nor sheltered area in the event of rain or extreme heat. Supervision of the three exercise yards is performed by prison guard personnel, visually and directly from above.

*Closed System Department*

- The Department has four modules with 20 beds each. Inmates there are classified according to the terms of Articles 93 and 94 of the

penitentiary regulations. There were 46 inmates incarcerated there on the day of the visit.

- There are two cells used for isolation with immobilization. One of them has a video surveillance camera (with video, but not audio recording capacity). Video footage is only kept in case of incident. There is no sign advertising the presence of cameras. The other cell is not equipped with a camera.
- Prison representatives informed the Task Force that if the acts filmed could constitute a crime, the police court is notified.
- The use of restraint devices is recorded in the incident log, and in the file of the restrained inmate. The Task Force was informed that the cloth straps they use as restraints are easily torn.

*Conclusions / recommendations*

It is necessary to translate the informative sheet on the Center’s living conditions, especially as regards the modules visited, into the mother tongues represented by significant numbers of inmates, especially Arab. According to information from the Directorate General of Penitentiary Services, nearly half the inmate population of Catalonia is of foreign origin. Of them, 32% are from Maghreb and another 12% from Sub-Saharan Africa.

*Tarragona Penitentiary Center (04/24/2012)*

<b>Center</b>	Tarragona Penitentiary Center
<b>Date</b>	April 24, 2012
<b>Municipality</b>	Tarragona

This center was opened in 1952. It is located within the Tarragona urban center.

The center held 420 inmates on the day of the visit. The Systems Assistant Director accompanied the Task Force. Later, they were joined by the Administrator.

*Admissions Department (men)*

- The Admissions Department has three cells with capacity for up to three inmates each.
- The cells have a bunk bed with three beds, a plastic table and a chair. The toilet is integrated

into the cell itself and consists of a sink, a “Turkish water closet” toilet and a shower. The cleanliness observed at the time of the visit was insufficient, because according to penitentiary representatives, there had been eight admissions the day before.

- The Task Force was shown the hygiene kits given to the men and women when they are admitted as inmates from states of liberty.
- Strip searches are performed in the Admissions Department, in a multi-use room that is not designed for this purpose, but that has been made to serve as such due to the Department’s lack of space. It is separated from the rest of the area by a sliding door.
- The Task Force observed two gowns hanging in the room, which are given to the inmates when they are to be searched. They were informed that inmates do not usually request them. The Task Force also observed that on one of the walls there was posted a copy of Circular 1/2008, on pat-downs and the application of proper control measures, which establishes how pat-downs are to be performed.
- The Department was not holding any inmates at the time of the visit.

#### *Admissions Department (women)*

- Women’s stay in this department is very short (1-2 days).
- The department is made up of a cell, a multi-use room, a restroom and exercise yard. The cell has a bunk bed with two beds, a concrete table and stool, shelves and a bathroom inside the cell. It has good ventilation, and natural and artificial lighting.
- The multi-use room is very small. It has a television and a sofa-bed.
- The separate bathroom is roomy and complete: shower, sink, toilet and bidet.
- The exercise yard is small, and has various pieces of plastic furniture (table and chairs) which show a general state of neglect.

#### *Special department*

- It is accessed through a courtyard that serves as a transit area from which the inmates enter. Those entering must climb some steps. This does not facilitate the transfer of inmates from

other modules who may be in altered or aggressive states that are difficult to control. There is no video surveillance camera on this route.

- At the time of the visit, there were a total of 14 inmates incarcerated in compliance with Article 75 of the Penitentiary Regulations, precautionary measures, first degrees and Article 10 of the General Organic Penitentiary Law.
- The department is distributed into various closed, separated areas. This makes it easier to isolate and control any incident.
- There are a total of nine active video surveillance cameras, except for those of the isolation / immobilization and observation cells, which are monitored.
- The Task Force was informed that the footage is kept for 15 days, and that the Systems Assistant Director has access to it from his office. This office also has feeds from two cameras showing what is being recorded in the immobilization and observation rooms.
- The Task Force was also informed that if any immobilization measure has been applied with mechanical restraints, the Directorate General of Penitentiary Services is notified and sent the information, both at the beginning and the end of the measure, pursuant to the terms of Circular 2/2007 on mechanical immobilization procedures. They keep a copy of the recording.
- The department has two exercise yards, and there is a direct view of them from the prison officers’ control booth. They also have a video surveillance camera.
- The department has 12 cells. There are three shared cells, one with four beds, one with three and another with two. The rest are individual. The Department’s philosophy is for inmates to be held alone, to the greatest extent possible.
- The Task Force was shown a vacant cell. There is a security grille, bed, concrete bench and table, shelves and bathroom with a shower, sink and toilet. They also have a smoke detector and alarm mechanism. The department’s operating rules are not posted on the cell door; they are given to the inmate in hand. They provide the Task Force with a copy in Catalan and state that they do not have translations into other languages.
- The doors are manually opened and closed. Outside each cell there is an informative card



with the name of the inmate and other information of interest (types of diet, living system, etc.).

- There are security cameras in the corridor, as well as in the immobilization and observation cells. The footage can be viewed from the prison officer control booth and the Systems Assistant Director's office.
- The cell used for isolation has the following characteristics: bed bolted to the floor, concrete table and bench, and restroom with a sink, toilet and button. The Task Force observed various elements that could represent safety risks: glass windows, wall tiles and light fixture in the cell. The cleanliness was insufficient: the toilet was clogged, and the sink and mattress case were dirty.
- The department also has a multi-use room equipped with a security camera. In an adjacent room, there is a space conditioned to hold inmates suspected of carrying illicit substances in their bodies. The area is supervised directly by a prison guard. It also has a security camera for occasions when it is used for immobilizations.

#### *Infirmary Department*

- It is accessed through the Module 1 and 2 courtyard. It is accessed by a stairway, which means it is not adapted to inmates with impaired mobility. In such cases, it is agreed to transfer the inmate to the Infirmary Department of a large center, mainly in Barcelona Province. In practice, based on the profile of the inmates held there, it now operates as a geriatric center.
- It has a day room, a bathroom with adapted toilet, shower and bathtub, and a room with 10 beds separated by a masonry wall 1.8 m high.
- The overall state of cleanliness was noteworthy. There was good ventilation, and artificial and natural lighting.
- The center also has a cell for inmates requiring medical observation. This cell is in the area where the center's medical services are based.

#### *Other relevant information*

- The coercive devices (straps) and individual intervention equipment are kept in a room, at the entrance to the center. The Task Force was informed that they have never been used. In fact, there is no specific group designated to use them.

- They were shown the gloves that form part of the prison officers' uniform, but they were not wearing them hanging from their belts. The penitentiary personnel stated that they always used dialog to redirect any possible difficult situations that could arise.

- The Task Force observed prison officers who were not wearing identification.

- A cell in the standard-system module was also visited. It was small, and contained a bunk bed with four beds. The Task Force was informed that all cells were the same. Therefore, the center is significantly overcrowded. Despite this, penitentiary representatives said that inmates prefer to stay in Tarragona, because of the weather and because the food is made in the center itself.

#### *Conclusions / recommendations*

The main shortcomings are structural, attributable to the age of the facility. Although it has adjusted to maintain compliance with successive regulatory requirements (cameras, etc.), the facility has elements that impede the task of monitoring inmates, and that may be hazardous for inmates and officers, in addition to the obvious overcrowding of the standard modules.

The small size of the facility engenders warm, friendly contact between officers and inmates, something both sides appreciate. Nevertheless, this could imply problems in terms of relaxation of certain regulatory obligations, such as wearing visible identification at all times, or not being cautious enough in application of security measures in case of incident.

#### *Most relevant observations from interviews with inmates*

Throughout the interviews, inmates generally judged the operation of the centers to be sufficient. They also stated that the treatment received from prison officers was satisfactory. At one center they highlighted the warm treatment received from prison officers and medical staff, and the good medical care provided.

Other inmates complained about the menu, which they described as very repetitive, and the difficulty to communicate with family members due to the distance and limitations inherent to the living system they were serving under.

An inmate stated that they had suffered abuse at Quatre Camins Penitentiary Center.

In some of the interviews the disorganization of the center in managing communications, and in another, the fact that certain irregular activities among inmates were allowed or tolerated by prison officers, were made apparent.

As for situations of abuse, one of the inmates interviewed claimed to have been assaulted in their center, but they did not want to file a formal complaint. Other interviewed inmates stated that they had not suffered any abuse at their center, but that they had had difficulties with prison officers in the module where they resided. Several interviewed inmates claimed to have suffered abuse at Brians 2, a center they defined as the worst of all those in which they had been. A complaint was also clearly made regarding the psychologist of a center for allegedly humiliating treatment.

It is significant that inmates from different penitentiary centers coincide in describing abuse suffered or known about in Brians 2. The reiteration and coincidence in the description of these episodes fuel the fear that at the Brians 2 Penitentiary Center this practice is neither sporadic nor isolated.

### c. Educational Juvenile Justice Centers

#### Els Til·lers Educational Center (05/08/2012)

Center	Els Til·lers Educational Center
Date	May 8, 2012
Municipality	Girona

▪ Els Til·lers is a closed-system center for male and female juvenile offenders, from 14 to 23 years of age, attached to the Catalan Ministry of Justice.

▪ The young people held there are serving judicial measures or are in preventive judicial custody.

▪ It is the only educational juvenile justice center that has a specific women's unit, with capacity for 18 persons. There were 11 young women incarcerated there at the time of the visit.

▪ The center has capacity for 60 persons, in addition to a flat that serves as a halfway

house. There were 62 young people admitted to the center at the time of the visit.

▪ The Til·lers Juvenile Justice Therapeutic Unit was opened in 2006 and is managed by the Saint John of God Foundation.

▪ It now has a capacity of 12 beds. It provides care to adolescents and other young people from 14 to 23 years of age suffering various problems (mental health and addictions) within the Juvenile Justice Network of Catalonia. It has an out-patient program and another program to provide care for patients in the center's therapeutic community system.

#### Facilities and procedures

▪ The Director and Managing Director of the center accompanied the Task Force on its visit. The Medical Coordinator also joined them as they visited the Therapeutic Unit.

▪ The center is protected with video surveillance cameras in the common living areas and corridors, except in the Therapeutic Unit, where there are also security cameras inside the rooms. The video feed is recorded and viewed from a control room by a private security officer working at the center. The camera films and records footage 24 hours a day. The video recordings are kept for 30 days. If there is a serious incident, this recording is kept in case of trial proceedings or if an injunction for it is received from another body.

▪ The restraint rooms of the (male and female) residential units do not have security cameras, either. The Task Force was informed that an educator is always present in the event coercive devices (straps) are applied.

▪ The security guards are from a private company. The Task Force was informed that even if the security company is changed, the security personnel are maintained. One of the prerequisites for the hiring of the guards, and it is stated in the general job specifications, is that they be trained in juvenile justice affairs.

▪ The security guards stay outside the youths' residential units, only entering if they have to intervene to subdue someone. The Task Force was informed that center administrators are free to propose that one of them be replaced if deemed necessary.

- When they are admitted to the center, the youths are superficially patted-down. Pat-downs are always performed in the presence of an educator and security guard of the same gender as the young person. Strip searches are exceptional; they require authorization of the Director and are only done in cases of suspicion that an illicit substance is being introduced into the center.
- The Task Force was shown an area with three rooms that had previously been used for restraint measures. It has fallen into disuse, and serves as a storeroom. Each of the residential units has a restraint room.
- The application of restraint measures is competency of the security staff, and is done under the instructions and supervision of a center educator. When physical restraint is impossible by other means, the youth is immobilized with straps. The Task Force was informed that these devices are only used when strictly necessary. The court, the Juvenile Affairs Prosecutor's Office and the Ministry of Justice are notified.
- Among the applicable punishments, the most severe is separation from the group, which is served by the youth in their own room.
- In addition to the residential units (three for males and one for females), the center also has educational classrooms, vocational training workshops, a library, visiting rooms, interview rooms, multi-use sport courts, a football pitch and a swimming pool. These facilities were visited, and the Task Force observed several workshops (cooking, painting, ICT, etc.) that were underway with a maximum of five males and females per educator.
- The young women's unit was visited. It is physically separated from the young men's. The rooms (a total of 10) are double rooms, except for the restraint room. The rooms are approximately 10 m<sup>2</sup>, and feature a bunk bed, table, two chairs, concrete shelves and an alarm button. The doors are metal and are manually locked with a key.
- They have good ventilation, cleanliness, temperature and lighting conditions. Aside from the cleaning done by the young women themselves, there is an external cleaning service.
- The Therapeutic Unit is different from the rest of the center's units because there is no disciplinary system. The center offers support in judicial affairs, and the health care is the res-

ponsibility of the Saint John of God Foundation.

- The model in place is that of a therapeutic community, and the most pathological aspects are managed individually.
- There are 12 beds, and the center is always at full capacity. The professional-to-youth ratio is noteworthy; there are a total of 24 educators, psychologists, nurses and doctors.
- The rooms are doubles of a size similar to the rest, with two beds, two tables, two chairs, locking wardrobes and an alarm button. They also have sinks, toilets and showers. The individual rooms are smaller. The rooms also have security cameras. The doors are metal and are manually locked with a key. The unit also has an exercise yard and recreation area with a vegetable garden.
- The ventilation, cleanliness, temperature and lighting conditions are considered sufficient.
- The bed in the restraint room is affixed to the floor and has straps built into it. The room also has a security camera.

*Conclusions / recommendations*

It would be advisable to install security cameras in the rooms used for temporary isolation, and those where coercive devices are applied. They are already present in the Therapeutic Unit, but this is not the case in the rest of the residential units.

**Montilivi Educational Center (06/19/2012)**

<b>Center</b>	Montilivi Educational Center
<b>Date</b>	June 19, 2012
<b>Municipality</b>	Girona

- This is a center attached to the Catalan Ministry of Justice, with a semi-open system, for minors and other young offenders.
- The young people held there are serving a judicial measure or are in preventive judicial custody. The center also takes minors serving an open-system sentence, though there were no such cases at the time of the visit.

- It has capacity for 30 people. There were 25 minors at the time of the visit, and three more admissions were planned for the coming week.
- The center also has a flat that serves as a halfway house in the center of Girona, which is in operation 24 hours a day, Monday to Friday, with an educator always present (three 8-hour shifts).
- Opened in 1990, it has three units that can operate independently. Between 1998 and 2002, one of these units built a center attached to the Directorate General for Child and Adolescent Services, to care for minors in situations of vulnerability.
- The center is now working with two units. The facilities of the third are partially occupied with classrooms and workshops. In the beginning, one of these units was mixed, and was used for the youngest girls and boys. Currently, there are no girls in the center.

#### *Facilities and procedures*

- On this visit, the Task Force split into two groups: one to interview the youths, with the aid of the assistant director, and the other to visit the center's facilities, accompanied by the Managing Director and a coordinator.
- The center does not have surveillance cameras in any of its facilities. It is one of the pending improvements. Mention was made of the high cost involved due to the circular configuration of the center.
- Each of the functional units has two restraint rooms, with a bed affixed to the floor. These rooms do not have security cameras either, and the Task Force is informed that if they are used, an educator and security guard are always present.
- When physical restraint is impossible by other means, minors are immobilized with straps. The Task Force was informed that straps are used only for the time strictly necessary. The bed in the restraint room did not have the straps attached to it at the time of the visit.
- The security guards are from a private company. The Task Force was informed that one of the prerequisites for the hiring of the guards is that they be trained in juvenile justice affairs and if the center deems it necessary, the company can be made to replace any guard immediately.
- The security guards work inside the center, but only intervene when required to do so by educators.
- When entering from outside the center, the youths are subjected to superficial pat-downs. The youths enter their unit and room from the time of their arrival.
- The punishment usually applied is separation from the group, which is served by the youth in their own room. The Task Force was informed that youths are able to come out to common areas for one hour in the morning and another in the afternoon while under this punishment. Over the course of the visit, the Task Force was also informed of other minor punishments, such as deprivation of certain privileges.
- If the youth is enrolled in school, they are provided with working materials in the room since, if they participate in workshops, they are unable to attend them for these days.
- In addition to classrooms, the center has vocational training workshops, a gymnasium, and two outdoor areas used as multi-use, multi-sport courts. The Task Force visited these facilities and observed a number of workshops underway (painting, metal shop, electrical shop, gardening).
- They have good ventilation, cleanliness, temperature and lighting conditions. Aside from the cleaning done by the young men themselves, there is an external cleaning service.
- There are double and individual rooms. The former have two beds, two tables, two chairs and wardrobes.
- The doors are metal and are manually locked with a key. They have a viewing window that makes it possible to see inside from the exterior.
- The youths profusely decorate their rooms in a personalized manner.
- The ventilation, cleanliness, temperature and lighting conditions are considered sufficient.
- Over the course of the visit, the Task Force was shown the center's material shortcomings that have been put forward as reasons, among others, for the plans to close it:



- Rainwater filters in (the center is located in a forested area) and accumulates in the basement of one of the units, making it necessary to remove the water.
- Furthermore, these filtrations have caused a progressive sinking of the land, causing some of the exterior walls to incline and require reinforcement.
- Dampness was also observed in the area used as a dressing room by the security guards.
- During the visit, mention was made of the impact that a possible increase of center population would have on their educational work, even if the ratio of professionals could be maintained.
- Emphasis was placed on the fact that, as opposed to the penitentiary realm, minors' serving of judicial sentences involves a very intensive educational activity, which is of mandatory compliance for the minors.
- Furthermore, a higher concentration of youths of this age, in this context, in the same space could make necessary a greater use of coercive devices.

*Conclusions / recommendations*

The size and model of this center are the best-suited to the role of reinsertion to be carried out by a facility of its characteristics. Nevertheless, it would be advisable to install security cameras in the rooms used for temporary isolation, and those where coercive devices are applied.

**Can Lluçà Educational Center (09/05/2012)**

<b>Center</b>	Can Lluçà Educational Center
<b>Date</b>	September 5, 2012

- This is a center attached to the Catalan Ministry of Justice, with a semi-open and closed system, for adolescent and other young offenders, from 14 to 20 years of age.
- Generally speaking, it holds young people serving short-term preventive detention measures and minors in the final stage of their detention measures.

- The center currently has capacity for 60 persons, though at the time of the visit the inmate population numbered 66. The highest number of youths ever held in the center was 78, but the average is 68. The center has from 120 to 140 employees, 63 of which are educators.
- The center was opened in 2007, in the building of the former psychiatric hospital on Hermanos Desvalls Street. It has four functional units, distributed over two floors: ground floor (adolescents from 14 to 16 years of age), and first floor (youths from 16 to 20 years). Both floors are divided by system (semi-open or closed).
- With the plans to close the Els Tilers and Montilivi educational centers, a significant increase is foreseen in the number of youths in this center. This will bring about a new restructuring, and a mixing of youths and adolescents serving sentences under different systems. The Task Force was informed that an independent young women's module would be created, for the relocation of the current unit at the Els Tilers Educational Center.

*Facilities and procedures*

- The Task Force was accompanied by the center director on its visit.
- The center has been remodeled. It is surrounded by a perimeter fence 6 meters high, internal and external video motion detectors, special glass panes and exterior security locks. Thus, it is equipped with a state-of-the-art electronic security system, allowing it to offer a friendlier image as a facility, with no need for bars. It has surveillance cameras distributed around the open spaces or common rooms. Mobile security is the responsibility of personnel hired through a private company.
- The building is made up of two blocks: one, of rectangular plan, made up of a ground floor plus two more floors, and an annex, of square plan, with a ground floor plus a basement that is shared by the two buildings.
- There are three different areas on the ground floor:
  1. Administration Area
  2. Communication Area: with three rooms for family visits and interviews. The visiting rooms

are not usually used. They are reserved for cases of violence among family members or very tense relationships. Before they enter the visiting rooms, families have lockers in which to deposit their belongings, and are screened with a security wand. There is a reconnaissance room used after the visits. The Task Force was informed that after the visit, the young person, accompanied by an educator and a security guard, goes through this room and is patted down. Although the Task Force saw a gown in the room, they were told that strip searches are never performed. They are only possible with the authorization of a judge. There are also two conjugal visit rooms for the intimate visits of inmates' partners, and a video-conference room for communications with the courts. Visiting hours are from Monday to Sunday, from 9 am to 9 pm. Appointments must be made.

3. Treatment and Training Area The center has four educational workshops (maintenance, gardening, cooking and hospitality service) and a production workshop where youths over 16 work with companies to develop their job market integration. There are two classroom areas. In the first area, the Task Force observed three classrooms, a multi-use room, a library and a faculty room. At the time of the visit, center representatives stated that the teachers were already at work, but that classes would not begin until the following week. The ratio is one teacher to every six minors. There are a total of six teachers, in addition to the physical education instructor. With the closure of Els Til·lers and Montilivi, it is planned to increase the faculty to 12 teachers.

In the outdoor area, there is a grass football pitch, a court to play basketball and volleyball and a swimming pool. The entire area has been landscaped by the youths themselves, as it is the space used for the activities of the maintenance and gardening training workshops. The Task Force observed a group of young people playing a game of volleyball with two educators. Four security guards were present.

In the annex building there are three more classrooms featuring electronic whiteboards and a gymnasium. It also houses the health area, clinic and infirmary. The Task Force was informed that the center now has a nurse, two psychologists, two social workers and an attorney. With the increase in capacity, plans call for the inclusion of another nurse, two psychologists and two social workers.

The attorney is not a criminologist. He evaluates the judicial sentences and takes part in the minor's admission process.

- The youths' tutors are assigned and begin to work with them from the time of their admission into the center until they are discharged, unless there is any sort of incompatibility.

- The first and second floors are used as the youths' residential quarters. Each floor has two residential modules that are isolated and independent from each other. Each has 15 beds, distributed over three individual and six double rooms, with a community dining hall and auxiliary facilities: visiting room and library, which has never actually been used as such due to a lack of books; plans call for it to be used as a classroom. With the increase in capacity, plans are to double the number of youths per unit up to 30. The individual rooms will become doubles, and double rooms will become quadruples. Bunk beds were added to the rooms in January 2012, but they did not yet have mattresses.

- The double rooms have three shelves for clothing, but there are no wardrobes or lockers. Despite the addition of new inmates, there are no plans to provide more space to the youths for them to store their belongings. The idea of installing lockers in the corridors was being considered.

- The doors are metal and are manually locked with a key. They have a viewing window that makes it possible to see inside from the exterior.

- The module visited is being considered as the future site of the young women's unit to be relocated from Els Til·lers. The Task Force observed that the center's rules of conduct were posted in the corridor, only in Catalan (a copy was provided). The Task Force was informed that the vehicular languages of the center were Catalan and Spanish, because it is meant to avoid conversations incomprehensible to the educators. They were informed that the rules of conduct were available in Catalan, Spanish, English, French and perhaps Arab. One of the center's problems is that it does not have a cultural mediator, a figure done away with due to budget cuts. The center director said that he had claimed their reinstatement on several occasions, as not having one meant having to hire translators, making for even more expense and the added disadvantage of them not knowing the center or the minors.

- The rooms are remarkably clean, and appear somewhat impersonal. The youths themselves are responsible for cleaning. There is only a cork bulletin board where minors can put up the decoration they desire, except for obscene materials (i.e. photographs of nude models). According to the director, 450 youths pass through these rooms each year, most of them for very short stays. The longest time anyone has spent there is eight months, but the average is around six months. Furthermore, the rooms are only used for sleeping or when they are being punished. The rest of the activities are conducted outside their rooms.
- The ventilation, temperature and lighting conditions are considered sufficient.
- When an incident occurs, the coordinator writes a report for the director, who decides, along with the board, whether it is a punishable offense. The instructor analyzes it and makes a proposal for punishment. Later, it is considered by the board. The board decides whether the isolation should be applied in the inmate's room or in a special area, for example in cases in which there has been extreme aggressiveness.
- The Task Force visited the admissions area, where the control room is located. The building only has video surveillance cameras in open or common areas. It surprised the Task Force that there were none in the restraint rooms. The recordings are guaranteed for thirty days.
- When physical restraint is impossible by other means, and only on orders of the director, minors are immobilized with straps. The straps are the same as those used in psychiatric wards, of the "button-hole" variety. The Task Force was informed that straps are used only for the time strictly necessary. The Task Force observed that the bed in the restraint room did not have the straps attached to it at the time of the visit. They are kept in the security personnel dressing room. Center representatives said that they did not have helmets for restraint of minors, but they did have equipment for the security personnel (helmet, truncheon, shield and special clothing). The director assured the Task Force that they had never had to use them.
- The security guards are from a private company. The Task Force was informed that there are security protocols (copies were provided) and they hold training courses twice a year.
- There are security guards throughout the center who intervene when asked to do so by educators. 100% of their physical interventions are performed in the presence of a service coordinator. There are currently two shifts: one from 9 am to 10 pm, on which ten security guards work, and a night shift, covered by six guards.
- The admissions area is made up of three rooms: two restraint rooms and an identification room. These admissions rooms are conceived for very short stays, from two to ten hours, with a maximum of 24. Later, the minors are assigned a room. When entering from outside the center, the youths are subjected to superficial pat-downs. The youths enter their unit and room from the beginning. The coordinator is always present throughout the admissions process.
- The center offers a wide array of dishes; the dining room always offers a plate of salad and another dish to choose from two different first courses and two second courses. There is also a Muslim menu and a special menu for health or medical reasons.

#### Conclusions / recommendations

In terms of torture prevention, the overall evaluation of the center is positive. The size and model of the center are appropriate for the capacity of the young people it now holds, but apparently, with the upcoming expansion of capacity following the closure of the Montilivi and Els Tilers centers, the facility may be insufficient for space reasons. Furthermore, it would be advisable to install security cameras in the rooms used for temporary isolation, and those where coercive devices are applied.

As regards the lack of a cultural mediator, it is advised to fill this post, as it could be very useful to have a person with linguistic and cultural knowledge to attend to the needs of the minors.

#### Most relevant observations from interviews with minors from each of the juvenile justice educational centers

The overall impression of the minors at the Els Tilers Center is positive in comparison to others where they have been in custody. This is the case of Can Llupià, which they define as a more restraining, regulatory center. Some of the minors interviewed complained about certain educators of the center, and others

about the use of restraints, which they thought excessive.

The minors at the Montilivi Center also held a positive view of the center, especially in comparison with others such as Can Llupià.

In general terms, interviewed minors in custody at Can Llupià assessed the center in satisfactory terms. Some interviewees stated that they had witnessed irregular conduct on the part of faculty or security staff members. Some of the complaints reflect aspects that they dislike that have to do with the center's operating regulations (free time, schedules, complaint procedures).

#### d. Shelters

##### Mas Pins Shelter (11/29/2012)

Center	Unaccompanied foreign minor center
Date	November 29, 2012

▪ Mas Pins is a center for unaccompanied foreign minors under the custody of the Directorate General for Child and Adolescent Services. Its management is the responsibility of the Ciutat i Valors Foundation.

▪ It takes in young people ages 12 to 18 who are admitted from their countries of origin, mainly from Maghreb.

▪ The center has 30 beds. There were 31 young people on the day of the visit. The Task Force was informed that this was an exceptional situation, as there are always vacancies through the rest of the year.

▪ It is a facility designed for limited stays, though there are some youths who have been there over a year. The average stay is eight or nine months, basically due to the difficulty in finding a place for the youths in an Educational Activity Residential Center (EARC).

▪ The youths are admitted with a ruling for immediate care from the Directorate General for Child and Adolescent Services. After 72 hours, the order of cautionary vulnerability is issued. Two months later, the center writes up a case study and diagnosis.

▪ They face great difficulty finding a place for them in the Initial Professional Qualification Programs (IPQP).

▪ The youths take language courses, but it is difficult for them to enter training courses.

▪ Once they are enrolled in schools, they attempt to distribute them throughout Barcelona.

▪ They have to help out in the kitchen. There are no strict meal schedules; every youth eats according to their own schedule. Efforts are made to get them to use silverware, although it is also sought to respect their culture of origin.

▪ The youths admitted to the shelter mostly come directly from their countries of origin, though some come from other autonomous communities of Spain.

▪ They are given a bag of clothing upon admission, and work is done to develop their sense of responsibility.

▪ The number of sub-Saharan youths has diminished.

▪ Moroccan youths who do not have passports are also age-tested.

▪ The youths are often reluctant to receive psychological treatment. The center has a psychologist on staff who conducts an initial diagnosis, and can then refer them to a specialized unit of Vall d'Hebron Hospital.

▪ The Task Force was informed that there were no coexistence problems between sub-Saharans and Maghrebis.

▪ Their approach to conflictive situations between youths is based on immediately separating the parties involved. The center has a good deal of outdoor space, and they attempt to separate the youths involved in the conflict. Later, when the conflict has subsided, they resort to dialog. They work to maintain bonds with, and among, the youths. Therefore, following an incident, they attempt to repair the relationships between group members. Isolation of minors is only implemented in very exceptional cases, and for very short periods.

##### Facilities

▪ The center is structured over three floors (ground floor, first floor, second floor). The ground floor houses a game room, the workshops, the kitchen, dining room and offices of the various professionals.



- The first floor is divided into two areas, which correspond to the first and second phase. The first phase is where the young foreigners are admitted on arrival to the center. It is also called the “shelter” phase. As they adapt, they move on to the second phase.

- Each of the areas has a lounge, bedrooms and restrooms. The rooms can have two, three or a maximum of four beds. They are locked during the day and kept open at night. The furniture around the facility is old and very worn. Only one of the rooms has four recently-purchased beds.

- The maintenance condition of the restrooms and showers in the first phase is somewhat insufficient. There are signs of dirtiness and unpleasant odors.

- The first floor also houses the center’s infirmary. The medical staff is made up of a doctor who sees patients twice a week and a nurse, present five days a week. There is also a psychologist who works up the youths’ diagnoses and later referral.

- Last, the restraint room is also on this floor. It is a small space stripped of all furniture. It does not have any video filming or recording equipment. The monitoring is done by an educator from the outside, through a viewing window in the door.

- The restraint room is only used exceptionally to serve out a punishment or to temporarily isolate someone when it is necessary to separate youths in conflict. There was insistence on the idea that they attempt to resolve conflicts among young people through dialog and bonds with the professionals.

- The dirty condition of the walls surprised the Task Force. They called attention to the presence of stains, presumably of blood.

- They have private security from 8 pm until 4 am. The security guard was wearing street clothes, not a uniform.

- The most autonomous youths are housed on the second floor. They have a multi-use lounge, bedrooms and restrooms.

### Conclusions / recommendations

The maintenance condition of the restrooms and showers on the first floor (first phase) is considered insufficient due to the presence of dirtiness and unpleasant odors. The room used for punishment or temporary isolation

was also dirty. Therefore, the cleaning service must improve the conditions of cleanliness and hygiene in the spaces determined to be insufficient.

## e. Mental Disability Residential Care Centers

### Riudeperes Center (02/14/2012)

Date	February 14, 2012
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Municipality	Vic
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The Task Force was accompanied on the visit by the center’s Technical Director.

The Riudeperes Center is an establishment of the Catalan Social Services and Assistance Institute (CSSAI) attached to the Catalan Ministry of Social Welfare and Family, managed and administered by the Santo Tomás Association. It has a day center, with capacity for seven people, and a residential center, with capacity for 56, which was where the visit was made. It now holds 55 resident users, all of them adults between 21 and 74 years of age. The average age is 40 years.

It is a residential center for persons with mental disabilities, providing general support.

Users of the center are persons with severe mental disabilities, many of whom also have mobility, and physical and mental health problems. In some cases they are unable to use verbal language, and often use pictograms to communicate.

The center has 75 employees, most of whom are educational caretakers (counselors) who have obtained the necessary professional technical certification through the “Califica’t” (Qualify Yourself) and “Acredita’t” (Accredit Yourself) Programs. They also have a pedagogue, a social worker, a nurse, a psychologist, a physical therapist and a social educator. The nurse and social educator work as coordinators. The general practitioner sees patients at the center eight hours a week; the psychiatrist, 12 hours a month, and the neurologist, two hours per week. They also have an odontologist. They have volunteers.

The center belongs to the Santa Eugenia Primary Care Area.

### Facilities

- The center is in a one-story building with a broad central corridor that leads to the bedro-

oms on one side, and on the other, the classrooms, dining hall and kitchen. It also has two small inner courtyards and a larger outdoor yard.

- The daily activities are planned for groups of 5-6 users per professional, grouped according to their capacities. There are morning, afternoon/evening and weekend shifts, all with the same ratios. Professionals are kept in the assigned group for one year. They may have the option to rotate biannually if they request to do so.
- Three employees work on the night shift: one for cleaning and two officers. The latter make the rounds through the bedroom area every two hours.
- The classrooms have different elements to carry out activities and they all have bathrooms. The doors are always locked to prevent any risk of escape.
- The visit took place during a recess period. Some users were in the outdoor yard, in two groups separated by a grille. As the temperature was low, other users were inside the dining hall. The Task Force was informed that the group in the dining hall at that time, of 20 persons, had more severe disability and less mobility, although there were users outside who had these same characteristics. The Task Force observed that one member of the Dining Hall group was laying on the floor. There is a small corridor between the dining hall and the kitchen. At the time of the visit, a user had exited the dining hall, the door to which was open, and appeared to be disoriented in this intermediate area. Neither in the yard nor in the dining hall did the ratio of one professional to 5-6 users apply at the time of the visit.
- There are two modules with rooms that have capacity for three users, which the administrators group according to their personal affinities. There is a third module with eight individual rooms, for users who have greater difficulties living with others. The beds in the former rooms have wheels and those of the latter rooms are affixed to the floor.
- All of the rooms are very austere, having hardly any decorative elements, as the users themselves take them apart, remove or destroy them. There are no tables or chairs, and the wardrobes are shared by three users. They are built into the corridor wall.
- Before visiting the bedroom module, the director informed the Task Force that no restraint mechanisms are never applied to patients while

sleeping, although they have used a “special sleeping bag” on occasion to prevent falls, as patients can be unaware that they are in bed. They have a daily log of falls, and they have individualized protocols for high-risk cases.

- The individual bedroom module has a completely padded room for the application of restraints. It was occupied by a user during the Task Force’s visit. According to the director, he was unable to tolerate the recess times. He was alone, and striking the walls.
- There is no alarm mechanism in the rooms.
- Bathrooms are shared and they are located outside the bedrooms, in the corridor. They appear to be adapted, but none of them have elements to protect privacy.
- The center has prepared a restraint protocol and an action protocol for cases of psychomotor agitation and falls (copies were provided), among others. There can also be specific protocols for each individual. According to the director, these actions are not usually resorted to at the present time, although it was not infrequent in the past.
- The kitchen and laundry area were also visited.

### Conclusions

The night shift is a period of special vulnerability for center users. Given the health conditions of the users, it would be foreseeable for nights to be marked by work of a special intensity, especially considering that most of the rooms are triples. The staffing of personnel on this shift is therefore quite insufficient.

The dedication of professionals to a single task over a year’s time, extendible to two, seems disproportionate. It is a very intense and stressful job. For the sake of preserving the personal balance of the professional, and more indirectly, for the health and treatment of users, it would be better for the rotation to be more frequent.

The Technical Director admitted that they occasionally receive complaints from patients’ families, many of a minor nature, attributable to the behavior of the users themselves in their mutual relationships. The center’s policy dictates that complaints be resolved internally. This principle is not negative per se, as long as it does not involve minimizing or covering up complaints on abuses of users who are very vulnerable, and who would



have a difficult time notifying anyone of any injury they may suffer.

## f. Geriatric Centers

### Poblenou Nursing Home and Day Center (02/14/2012)

Date July 11, 2012

Municipality Barcelona

The Poblenou assisted nursing home and elderly citizen day center is a public organization owned by the Catalan Social Services and Assistance Institute (CSSAI) and managed by it in conjunction with the Mutua Terrassa Foundation - Vallparadís Foundation.

Mutua Terrassa is a mutual social security society that in 1990 began work to create the Vallparadís Foundation with the aim of improving the quality of life of persons living in underprivileged situations. They work in the public as well as the private sectors. They work with the Administration in the management of geriatric centers, long-term stay centers, etc. and also work to develop scientific, technical and management studies.

This establishment is located in the Poblenou District, in Barcelona, and has capacity for 90 residents and 30 day center users.

Admission to the center is managed directly by the CSSAI, and the center offers a range of services that could be expected in an assisted facility, prepared to offer a high level of care.

The structural staff is made up of 60 people.

#### Material conditions

- The center is located in a building with a ground floor and five additional floors. The ground floor houses the day center, and the bedrooms, living areas and lounges for the residents are distributed over the rest of the floors.

- All of the floors are alike. They have facilities such as a lounge-dining hall, a terrace (not in use at that time as they were awaiting installation of an awning) a utility room and a mediation area. The residents are assigned to different floors according to their degree of dependence. There are 18 residents living on each floor.

- The rooms are individual and double. The center management stated that they try not to move

residents to different rooms, but that individual rooms are conceived for users who can enjoy them the most, such as those who receive frequent family visits.

- All of the beds have safety rails and come equipped with built-in bed-belts. The Task Force observed that the rooms are equipped with different furnishings: wardrobe, night stand, desk, chair, shelves, adapted bathroom, alarm button and night light. There is ventilation, natural light and a high level of cleanliness.

- Center representatives said that a recent development had been for some residents to keep a small refrigerator with food inside in their rooms. Although these refrigerators are not mentioned in the regulations, following a visit from the Inspections Department, they were allowed to keep them under terms of strict supervision and follow-up.

- Behind the building, at the level of the first floor, there is a landscaped outdoor area. One of the areas is equipped with tables, chairs and an awning. They have hired a company that works with mentally disabled employees to maintain the landscaped area.

- The day center lounge was visited. Several users entered from the hairdresser's at that time.

#### Functional conditions

- The third floor was visited, and residents were observed in the lounge-dining hall having breakfast with the assistance of two caretakers. The Task Force observed several residents wearing some type of restraint: abdominal belts, perineal belts or bibs. Some were using wheelchairs, and had significant degrees of dependence.

- In the same room, the Task Force also saw a person observing the group of residents and taking notes. The director informed them that it was a psychologist making a map within the framework of an instrument they are working with, the DCM (Dementia Care Mapping), which has been provided to them by the Vallparadís Foundation. It is a useful approach to assisting the well-being of residents who have dementia or a significant degree of cognitive impairment. It consists of direct observation of the individual for four hours, to determine their emotional state, how they conduct their daily activities, the difficulties they have, etc. It renders graphs, the results of which are

correlated with the resident's ICP (Individual Care Program).

- The director informed the Task Force that at that time there were about 20 people who had been prescribed some type of mechanical restraint. She also stated that families request the use of these measures. Center administrators prefer to put restraint mechanisms to limited use, but if family members request their application, they do not oppose them. They express their concern about the possible consequences that could arise if a resident falls while restrained.
- The Task Force attended a cognitive therapy session for a group of patients with moderate impairment.
- The basic and multisensorial stimulation room was shown as something innovative. Here residents with more advanced cognitive impairment are worked with, and the sessions are directed by one of the physical therapists.
- The day center users and residential users share their activities.
- The Task Force visited the fifth floor, where users with the highest degree of dependence reside. They were seen in the dining hall. They were not doing anything at that time. The Task Force saw that some of them were wearing different types of restraints.
- The Task Force also observed one of the therapies done with dogs.
- As for staff, the Task Force was informed that for the first time there was no rotation. It is significant that during the night shift there is one orderly per 18 residents (one person per floor), a ratio clearly within the terms of the regulations (3/90).
- The Task Force decided not to conduct any personal interviews, in light of the residents' cognitive impairment, relevant even for those in less-advanced stages.

### *Meeting with center administration*

The Director and Infirmary Coordinator attended the meeting. In response to the Task Force's questions, they informed as follows:

- Users are not obligatorily admitted. In any event, some are resigned when they enter the center. There are people who want to be there, and others who have given up.
- There have been cases of persons escaping because they became disoriented. They agree on residents' leave times from the center with their families.
- They showed the Task Force the different protocols they work with, provided by the Vallparadís Foundation, among which was fall prevention and the use of physical and pharmacological restraints.
- They also provided the list with the number of users who had some type of restraint mechanism prescribed at that time.
- They showed the computer record made containing the falls of each of the residents. They also showed the model of record that they use and the document for authorization of physical restraints.
- They were not aware of any complaints of alleged abuse. In any event, they did know of complaints expressing disagreement with some point of center operations. They showed the Task Force the complaint log. They have created a conflict resolution protocol, but it is still in an initial phase.
- Families are involved in drawing up the ICP's.

### *Conclusions / recommendations*

The Task Force's assessment of the material and functional conditions of the center, and the treatment received by residents, is positive.

### **III. ALLEGATIONS OF ABUSE IN THE BRIANS 2 PENITENTIARY CENTER**



### III. ALLEGATIONS OF ABUSE IN THE BRIANS 2 PENITENTIARY CENTER

#### Background

In early 2012, the Catalan Ombudsman's Office detected a rise in the complaints filed by inmates claiming to have suffered physical and psychological abuse in the Closed-System Department (DERT) and Disciplinary Unit (DS) of the Brians 2 Penitentiary Center.

These complaints centered on certain prison officers, and they also referred to a number of irregularities in the operations of these departments.

Each of these complaints filed has led to the opening of a case with the relevant request for information from the Directorate General of Penitentiary Services.

#### Objectives

The investigation includes the results of the interviews with inmates, prison officers and members of the Brians 2 PC administration staff, without overlooking the individual analysis of the complaints presented, and the Catalan Ombudsman's corrective proposals following this intervention.

The objectives of the analysis are:

- Regarding inmates:
  - Know the events that are the grounds for the complaint
  - Analyze the indications of veracity
  - Know the bodies that have been addressed
  - Discover whether the complaint is centered on a specific prison officer
- Regarding prison officers
  - Know their opinion on the risks involved in their work, the specific skills required and the factors influencing their development
  - Evaluate the training they receive

- Know the use of preventive measures and coercive devices, and their application of them

- Know the system used for resolution of conflicts among inmates

- Know whether complaints have been filed about them by other inmates

- Regarding administration staff:

- Know the measures taken in cases of complaints of alleged abuse

- Know the selection criteria for officers assigned to the Closed-System Department

- Discover whether they are aware of a prison officer being punished due to improper use of force

- Know how often the Warden visits the Closed-System Department

- Know whether instructions have been given to intensify the training given on the use and application of coercive devices.

#### Interview outcomes

The interviews were conducted separately by four groups of two people. Three of the groups interviewed inmates from the DERT, and the other, the inmate from the Disciplinary Unit.

The inmates were thoroughly instructed on the reason for the interview, the duties of the Catalan Ombudsman and the CAPT, the confidential nature of the conversations, and for those wishing to do so, the possibility to file a complaint.

The interviews were conducted in private, in rooms prepared for this purpose.

The interviews were not scripted. But although no forms or questionnaires were filled out, the various pairs of interviewers had previously agreed on the most relevant aspects that should be discussed in the course of the interviews.

In light of some of the statements made, and the fact that one of the groups did not have enough time to complete the task, a second visit was made to the center on April 3, 2012. This time, only one pair of two professionals visited the center. Five new inmates were inter-

viewed, in addition to two others already met with on the prior visit.

## Inmates

The 19 inmates interviewed stated the following:

- 14 inmates claimed that they had suffered physical abuse (punches, kicks, slaps).
- Four claimed that they had suffered psychological abuse (insults, threats, humiliations).
- Seven found that the duration of application of cautionary measures, and coercive devices was excessive.
- Four stated that they were not allowed to change clothes over the course of the cautionary measure.
- Four said that the prison officers did not wear identification.
- Three believed that there was no objectivity in the drafting of the reports which were the basis of disciplinary proceedings brought against them.
- Five claimed that the letters they write were not registered, and therefore never left the department.
- Four said that the prison officers had provocative, menacing attitudes.
- Three claimed that their cells are searched in their absence.

Furthermore, in general, they also stated:

- There is a lack of trust in the figure of the prison supervision judge.
- They do not trust the center's medical staff.
- The prison officers use gloves to avoid leaving marks.
- There are blows that leave no external marks.
- That they are never untied while immobilized, and they relieve themselves in their clothes.

Of the 19, five stated that they had no complaints regarding the conduct of prison officers. Nonethe-

less, of these five, two claimed to be aware of assaults suffered by other DERT inmates which, in their own words, "tend to be the weakest".

Many of the interviewees gave the name of prison officers working in the standard-system modules and said that they have accumulated a number of reports and/or complaints of alleged abuse.

Three of the inmates showed their interviewers the marks from the allegedly suffered assaults.

Overall, the inmates were seen to be uneasy and frightened. They said they were afraid of potential acts of revenge.

The Task Force did detect on its visits that some prison officers in the DERT and Disciplinary Unit were not wearing identification.

The third and final visit to the center was made on June 3, with the purpose of interviewing prison officers and members of the center's administration staff.

## Prison officers

The prison officers were chosen from the service list provided. The Task Force aimed for all of the center's modules to be represented. A total of 12 were interviewed. They were from different areas; mainly unit heads, rank and file officers and others from interior services.

As opposed to what was done with inmates, a questionnaire serving as a script for the interview was used with prison officers. One of the interviewers directed the interview while the other took notes.

The prison officers interviewed stated:

- The training they receive is generally sufficient, both that received from the Specialized Judicial Studies and Training Center and from trade unions. One stated that they found lacking specific training on how to intervene in conflict situations, and another claimed that the training is too general and is not suited to the job itself.
- The risk involved in their work was determined by the fact that they worked in a prison, which varies depending on the profile of the inmate and finally, that the risk also varied depending on the type of module in which they worked. There was a difference of opinion among them as to whether



working in a DERT is more or less dangerous than working in a standard-system module.

- In general terms, the most determinant factors for the proper conduct of their daily work were a good workplace atmosphere and good relations among co-workers. One of them also stated that the trust that Management placed in prison officers also influenced their work. Another said that the lack of personal resources was influential.
- They were unaware of the protocol for application of coercive devices, especially as regarded the way to proceed for inmates to eat or use the restroom while immobilized. It must be noted that half of the officers interviewed work in standard-system modules in which no mechanical restraint mechanisms are used.
- There were divergent opinions among the group that did apply them. Thus, while some said that it was the head of services who decided how and when to untie the inmate, another said the doctor was referred to; another, that he untied them; and lastly, another said that inmates were given a bedpan.
- They do not have specific instruments or programs to work with the inmates on conflict resolution. In any event, some of them mentioned dialog or the record of appearance as an appropriate instrument.
- One of them had been reported by an inmate.
- They were unaware of whether inmates had filed complaints on alleged abuse. Nonetheless, they were aware that this had happened at other penitentiary centers.

### Administration staff

The meeting with the administration staff was attended at first by the Managing Director, and Inner System Assistant Director. The Warden joined the meeting later. For the Catalan Ombudsman, the meeting was attended by the Ombudsman himself and two members of his staff.

The administration staff was told the meaning and aim of the visit. Specifically, a summary of the main matters complained about by the DERT and DS inmates was conveyed to them. Next they were asked for their opinion on a number of items related with the operation of this department and

the actions carried out in case of reports or complaints of alleged abuse.

The administration staff stated:

- That they were not aware of the complaints or reports filed by inmates with institutions and organizations such as the Catalan Ombudsman, the Prison Supervision Court or the Directorate General of Penitentiary Services.
- If they are made aware of any such complaints, the protocol followed would be to open an internal investigation as long as there is written record of the events that had transpired. In such case, a report would be requested from the prison officer who was involved in the incident, in addition to the Module Chief and Head of Services. A medical report would be added to the file, and if any recorded footage existed, it would be viewed.
- The Warden visits the DERT twice a week. The Inner System Assistant Director, in his role as chief of the center's interior security, visited the DERT more frequently. Further, the coordinator of this department is a person accredited by a long professional career in the field, with solid training and a disciplined approach.
- DERT prison officers receive special training in the use of coercive devices. They do not receive specific training in the use of alternative resources for conflict management and resolution.
- At the center, there has been a case of disciplinary proceedings being brought against two prison officers for disproportionate use of force.
- They were not aware of any prison officers being accused in any criminal court case.
- The last inspection performed by the Directorate General of Penitentiary Services was made for occupational issues. These are more recurrent than inmate complaints.
- They were unaware if there are any instructions that regulate video surveillance recordings during the application of coercive devices and mechanical restraint. Nonetheless, they informed the Ombudsman's group on the operations of the recording and viewing system. By protocol, only the Warden can view the video recordings. They also showed the real-time feed of the only two cells that have cameras in the DERT; in one of them there was an inmate with their hands and feet restrained.

- The DERT prison officers were very stable and changes were made when they observed any situation prison management deemed inappropriate. Officers are selected jointly with the DERT coordinator, and they look for candidates with training in conflict resolution. One of the Unit Chiefs is responsible for the training of prison officers from this department. Furthermore, the administration staff was very cautious in designating the officers.

## Considerations

**One.** Based on the analysis of the responses given, there is a clear divergence between the statements given by inmates claiming to have suffered abuse, and the statements of the center administration staff denying this. Prison officers were also unaware of these complaints, with the exception of an isolated case.

Faced with these conflicting opinions, it is impossible to conclude that there are irregularities in the treatment and rights of inmates on a general level. But considering the cohesion and consistency of the expressions and statements randomly made by the majority of the inmates, they can be given a high degree of credibility.

Based on the interviews conducted with inmates, it can be concluded that these are not isolated events, but recurrent situations derived from the conduct of certain prison officers in specific units, identified by a significant number of inmates, who allegedly apply unnecessary strictness in the rules, treatment incompatible with personal dignity and an irregular use of force.

**Two.** The concept of “abuse and unnecessary strictness” forms part of the content of a number of international conventions signed by Spain for the protection of human rights, as well as the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment, of December 10, 1984, and the European Convention on the Prevention of Torture and Inhuman or Degrading Punishment or Treatment.

Spain has also signed the Optional Protocol of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which provides an innovative focus on the fight against torture from the prevention perspective.

Within this context, the Catalan Ombudsman has expressed in reports to Parliament that the interpretation of the “abuse and unnecessary strictness” concept is contained in the case law of the European Court of Human Rights. According to it, conditions of overcrowding, inmate isolation in small spaces without proper lighting, with insufficient ventilation and poor hygiene conditions all add up to inhuman and degrading treatment.

The concept of “abuse and unnecessary strictness” also covers situations that cause an accentuation of the conditions in which sentences are served over long periods of time. Thus, allusion can be made to the concept of penal harshness, understood as the set of harmful effects that a person suffers from being incarcerated.

Along these lines, inmates’ complaints also refer to the existence of certain irregularities in the operation of these departments that affect their living conditions: derisive behavior and remarks, provocations, distortion in the version of events, prolonged immobilizations, lack of identification of prison officers, etc.

The administration staff of the Brians 2 Penitentiary Center stated that it was unaware of the complaints filed by inmates for alleged acts of abuse or inhuman or degrading treatment. They also claimed to be unaware of the judicial proceedings that may have been begun or completed on account of these complaints. Nevertheless, they stated that there has been a case of disciplinary proceedings being brought against two prison officers for irregular use of force.

**Three.** In the field of torture prevention, international organizations recommend that complaints of torture and abuse be investigated quickly and effectively, and that legal measures be taken against the public officers involved.

The Convention lists a number of obligations to prevent and eliminate practices of torture and abuse: “Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed,” (Art. 12) and “Each State Party shall ensure that any individual (...) has the right to (...) have his case promptly and impartially examined...” (Art. 13).

There are investigative mechanisms and procedures outlined in the penitentiary legal codes,

but for various reasons, their investigative capacity is often ineffective.

The General Organic Penitentiary Law and the Penitentiary Regulations define inmates' right to present petitions, complaints and appeals.

First, this can be done through the penitentiary supervision courts, whose task is to safeguard the rights of inmates and correct abuses and deviations that may arise in the compliance with the concepts of penitentiary regulations. However, some of the inmates interviewed said that they did not trust the figure of the supervision judge because he did not act as a guarantor of their rights.

At the public administration level, the body with the legal obligation to safeguard the lives, integrity and health of inmates, the Inspections Department, also has duties to supervise compliance with the regulations in force and consequently, the complaints and reports filed by inmates. Nonetheless, Brians 2 administration claims that most of the interventions by the Inspections Department have been for occupational affairs.

Last, consideration must be given to the role played by criminal courts in the investigation and resolution of the complaints filed by inmates. Still, in recent years and up to the present, of all the cases sent by the Inspections Department or reported by the inmates themselves, there is no record of any conviction being handed down.

Analysis of the interviews reveals that the difficulties faced by inmates in taking legal action are determined by:

- The difficulty in providing evidence and disproving the version of events already established and on record in the reports written by prison officers.
- The lack of identification of some prison officers.
- The lack of an urgent and rapid investigation with full guarantees.

**Four.** The installation of video filming and footage storage devices in the penitentiary centers of Catalonia has provided legal security to inmates as well as the actions of prison officers in the exercise of their duties, always ensuring respect for the right to privacy and the protec-

tion of personal data. Along these lines, prison officers identify these resources as one of the factors with direct influence on the proper performance of their work.

The Brians 2 Penitentiary Center has a broad security coverage through video surveillance resources. According to the terms of the Unified Protocol for all facilities, contained in Circular 2/2010 of June 1, for services of the penitentiary system, there are video surveillance systems in all spaces where there may be interaction between inmates and employees (collective spaces) except those in which, by law, this system cannot be used: intimate communication rooms, clinics, health care facilities and standard cells. It must be noted that there is video surveillance in all of the facilities conditioned as restraint and/or isolation cells.

This notwithstanding, it is inferred from the interviews with inmates that the sites of alleged abuses are areas that are not equipped with these technological systems: cells where inmates live, search rooms, prison guard offices, parcel service, and thoroughfares, among others.

The Protocol states that the footage must be kept for a maximum period of one month, except those which feature conduct and/or scenes that could constitute crimes, misdemeanors, or administrative violations. In those cases, the procedure is to conserve the footage for it to be made available to judicial or administrative authorities or the Prosecutor's Office, if necessary.

The Task Force was informed on the operations of the video recording system and the Warden's exclusive access to the footage on the day of the interview with the center administration staff. In the spirit of transparency and cooperation in the framework of the investigation being conducted, the Task Force was also shown the footage being recorded of one of the cells where there was an immobilized inmate.

If they are made aware of a report or complaint for alleged abuse, the administration staff's action protocol would be to open an internal investigation as long as there is written record of the events that had transpired. In these cases, a report would be requested from the prison officer who was involved in the incident, in addition to the Module Chief and Head of Services.

But in this procedure there is no allowance for the inmate's version through a record of appearance, or by taking a statement on the events from them. There is only the possibility for the inmate to produce the evidence for the defense relevant within the framework of disciplinary proceedings. In this context, it must be noted that one of the exhibits of proof repeatedly requested by inmates in the exercise of their right to defense is to view the recorded video footage. Nonetheless, the penitentiary disciplinary procedures are begun in a situation of unequal procedural resources as regards the control over the evidence held by the administration of the center, which does not make provisions for the inmate to have access to the video evidence when this could be the only piece of evidence for the prosecution that it has.

**Five.** As previously stated, an added difficulty in the investigation of cases of alleged abuse is the identification of the prison officers.

The Directorate General of Penitentiary Services considers the system of prison officer identification based on the professional identification number visible on the prison officer's regulation uniform—either with adhesive tape or a personal identification card—pursuant to Catalan Ministry of Justice Order JUS/177/2004, of May 27, to be sufficient.

The lack of identification of a number of prison officers is one of the aspects recurrently taken up in the annual reports to Parliament. On the institution's visits to the various penitentiary centers, it observed that some officers are not identifiable because of the ways they impede visibility of their identification.

This was confirmed once again on the day of the visit to the DERT and DS of the Brians 2 Penitentiary Center. This situation leads inmates to use officers' first names, nicknames or the posts they occupy inside the penitentiary center as a means of identifying them.

**Six.** Within the penitentiary system, the closed-system is the harshest, most restrictive form of incarceration that an inmate may face while deprived of liberty. According to penitentiary regulations, this system is applied to inmates in whom circumstances of extreme dangerousness or maladjustment to standard forms of prison life concur.

Some of the inmates living under this system, and who were interviewed at the Brians 2 Peni-

tenitary Center, have difficult and conflictive penitentiary records, which generates understandable distrust among professionals working there. Some of the prison officers interviewed stated that one of the risks involved in their work came from the inmates themselves.

Some of the prison officers interviewed also specifically mentioned the mental state of some of the inmates admitted to the center—states the inmates themselves may be unaware of—and how this influences the development of their daily lives, the intervention and the attention paid to the demands they may make.

Added to this working atmosphere are the inmates' attitudes of distrust and suspicion toward the prison officers and administration of Brians 2 PC. Some of these inmates have the belief that they were abandoned by the penitentiary system long ago, and it is not easy to work with them. Nevertheless, in such a context, various judicial authorities and human rights advocates have repeatedly expressed the need to take action in an environment that makes possible, to the degree possible, normalization and a later progression of degree.

Therefore, in the penitentiary setting, it is believed essential to have alternative tools and mechanisms, in addition to specific treatment programs and the activities already conducted, that make it possible to resolve and respond to the interpersonal conflicts that end up contaminating and worsening relationships in an environment already fraught with tension.

Thus, it is necessary to diminish the climate of tension and hostility inherent to the deprivation of liberty, especially in closed-system circumstances.

The prison officers state that they appreciate the training they receive as sufficient to carry out their tasks, but the opinions gathered show that they do not have specific instruments or programs to work with inmates in the peaceful resolution of conflicts.

Regarding this issue, in the first ex officio action taken on alleged abuse, the Catalan Ombudsman already suggested the implementation of inmate treatment models based on mediation, redress and reconciliation, as their positive effects in the reduction of conflicts and violence inside the prison have been proven.

## IV. INSTITUTIONAL REALM





## IV. INSTITUTIONAL REALM

### a. Cooperative relations

As stated in the 2011 Report, the Parliament of Catalonia had petitioned the Autonomous Government of Catalonia to implement Law 24/2009, of December 23, on the Catalan Ombudsman, and to formalize with the Spanish Government its official notification to the Sub-committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Punishment (hereafter, the SPT), that the Catalan Ombudsman was acting as the Catalan Authority for the Prevention of Torture.

This year, the request has been repeated and, along these lines, the President of the Catalan Government has informed the Catalan Ombudsman on the letter sent to the Spanish government, for it to officially notify the SPT that the Catalan Ombudsman is acting as the Catalan Authority for the Prevention of Torture.

In matters more closely related with cooperation, the Catalan Government has yet to lobby for the formalization of a cooperation agreement with Spain that would allow the Catalan Ombudsman to fulfill the obligations he has as the CAPT in subjects and areas referred to in Article 69 of the Catalan Ombudsman Act.

Along these lines, no collaboration agreement between the Defensor del Pueblo (Spanish Ombudsman), who is the National Authority for the Prevention of Torture in Spanish territory, with the Catalan Authority has yet been formalized. Although the Spanish Ombudsman has challenged the Catalan Ombudsman Act in Spain's Constitutional Court as regards the existence of a Catalan Authority for Prevention of Torture, the Catalan Authority and the Catalan Ombudsman wish to establish cooperative relations with the Spanish Ombudsman and any other future mechanisms that may be created around Spain.

To this end, the meetings that the Catalan Ombudsman has held with the current Spanish Ombudswoman to approach this subject with a view to establishing future cooperative channels, and with the Secretary of State for Foreign Affairs to achieve the official communication to the SPT, are worth noting.

### b. Foreign Citizen Holding Center (FCHC)

This section of the report will describe the incident that took place in the Foreign Citizen Holding Center of Zona Franca (Barcelona), in which the Catalan Ombudsman was denied entry as the Catalan Authority for the Prevention of Torture.

Last April 17, the Catalan Ombudsman and the rest of the CAPT Task Force were denied in their attempt to access the Foreign Citizen Holding Center of the Zona Franca by the government of Spain, specifically through the Spanish government's representative in Catalonia and the Foreigner Affairs General Police Department. The response of these authorities was that "other organizations had already visited the FCHC", such as the Spanish Ombudsman and a judge, and that they had already performed the "necessary supervision tasks".

Nonetheless, several days later, on April 30, 2012, the Secretary of State for Home Security visited the aforementioned FCHC and allowed the media to accompany him, with certain caveats, as they were accompanied by several commanding officers of the police and the Spanish government's representative. During the visit, none of the media representatives were allowed to establish contact or talk with the inmates, all of whom were confined to the courtyard. That day, the Secretary of State for Home Security stated that he believed the pertinent regulations would be in force before the summer. But this has not been the case.

This lack of cooperation with the Catalan Ombudsman on the part of the Spanish Government Representative's Office in Catalonia is another case, to be added to those already existing, in which this Office has refused to provide information requested for the analysis and handling of complaints and ex officio actions opened and processed on the Zona Franca Foreign Citizen Holding Center.

In light of the situation the Catalan Ombudsman has reminded the Representative's Office that, pursuant to Articles 3.3 and 59 of the Cata-

lan Ombudsman's Act, "the Catalan Ombudsman's Office may request cooperation from the general Spanish Administration in Catalonia for the activities carried out in the exercise of its competencies." Seeking to act under this tenet, in the case of the FCHC, the Catalan Ombudsman had previously requested permission from the Representative's Office to access the center.

The Catalan Ombudsman has notified the Parliament of Catalonia and the executive branches of Catalonia and Spain of the denial of the visit to the Zona Franca FCHC, and the complaints received from the affected detainees. This reaffirms the need to normalize, in accordance with the legislation in force, the role of the Catalan Ombudsman vis-à-vis the Zona Franca FCHC, in the name of supervision efficiency as well as transparency.

In keeping with the cooperative relations, and in the terms established by Article 11.b of the Optional Protocol, the second annual report of the CAPT was sent to the SPT last May 31, 2012.

### c. International relations

Last June 20, 2012, the Catalan Ombudsman and the CAPT Task Force took part in a meeting with a delegation of the Council of Europe's Committee for the Prevention of Torture, at the request of this body, on occasion of its visit to different establishments in Catalonia. The delegation showed special interest in the Men's Penitentiary Center of Barcelona and the future opening of the Mas de Enric and Puig de les Basses penitentiary centers. During the meeting, they also mentioned the Spanish government's delay in the publication of the Committee's reports. In light of this delay, they stated that they would have no trouble making partial publications, as the preparation of their annual reports allowed them to work this way.

The Catalan Ombudsman and his general deputy have also met with the Portuguese Ombudsman, and they have exchanged action protocols for detention centers, and the questionnaires that both institutions work with on their visits.

**V. STATE OF COMPLIANCE WITH THE  
RECOMMENDATIONS MADE IN PRIOR  
YEAR**



## V. STATE OF COMPLIANCE WITH THE RECOMMENDATIONS MADE IN PRIOR YEAR

The national mechanisms for the prevention of torture, beyond fulfilling their mandate to make regular visits to detention sites, also make recommendations to competent authorities to promote measures meant to improve the treatment and detention conditions of persons deprived of liberty, along the lines expressed in Article 19 of the Optional Protocol, which specifically establishes that the prevention mechanisms also have, at a minimum, the following powers:

[...]

“b) to make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations”.

According to these terms, and as concerns the competency areas of each affected administration, the general conclusions and recommendations of the 2011 Report have been conveyed to the Catalan Ministries of Home Affairs, Justice, and Social Welfare and Family, and to the local councils of Barcelona and Santa Coloma de Gramenet.

The following recommendations were made to the Catalan Ministry of Home Affairs regarding police stations of the Police of the Generalitat - Mossos d'Esquadra (PG-ME):

1. The cells of PG-ME police stations that do not have toilets protected from the view of third parties because they are improperly sited, cannot be used or occupied by prisoners. This applies specifically to the Santa Coloma de Gramenet and Horta-Guinardó ABP's.
2. The blankets distributed to detainees must be single-use only, and must be wrapped in plastic bags that protect them from dust and bad odors. Sufficient cleaning of mattresses must also be ensured, and these must be stored in an appropriate place.
3. Video surveillance mechanisms should be installed in police vans used to transfer prisoners.

4. Cleanliness and hygiene conditions must be reinforced and guaranteed in all police stations, especially those with daily ongoing traffic of detainees. This especially applies to the Les Corts ABP, as it is the central police station for prisoner custody.

5. There must be an accreditation of fulfillment of Articles 520.4 and 767 of the LECrim, which stipulate immediate notification of the Bar Association of a detention, to thus guarantee an attorney's services to the detainee from the first phases of their detention, and throughout the time in which their deprivation of liberty lasts.

6. A system must be implemented to distribute some type of hot meal to detainees when they have to spend the night in the police station.

7. The time which protection minors spend in the detention area of the City of Justice must be the minimum required; only enough to complete the identification and formalization of the necessary police and judicial activities. Likewise, it will be necessary to ensure their total separation from reform minors.

The response of the Catalan Ministry of Home Affairs could be summarized as follows:

- The cells in PG-ME police stations have a low wall that creates a reserved space. This space meets the demands of prisoners' privacy and safety.
- The blankets do not lose their hygienic properties after a single use. Every police facility decides the regularity with which they are cleaned.
- The PG-ME is now studying the implementation of video surveillance systems inside police vans. The complexity of the implementation makes it necessary to perform all of the preliminary analyses and evaluations.
- The cleaning services of the Directorate General of Police work and guarantee sufficient hygienic conditions.
- The PG-ME complies with the legal precepts that protect the rights of detained persons.
- The PG-ME's standardized working procedures call for up to three daily meals, and to the extent allowed by circumstances, these meals are served after being warmed.

▪ The time spent in custody by minors is always that strictly necessary for fulfillment of all relevant police and judicial proceedings. Once these are complete, priority is placed on their return to the place they initially came from.

The following recommendations were made to the Catalan Ministry of Justice for penitentiary centers, hospitalization units and educational juvenile justice centers:

1. More cameras and recording systems must be installed in all centers and penitentiary hospital blocks. This especially applies to the cells meant for temporary isolation and immobilization, as well as the rooms or offices where pat-downs that can involve strip searches are performed.

2. An attorney—of the inmate’s choice, appointed by the Penitentiary Legal Advice Service or court-appointed for inmate defense—must be present from the first viewing of any video that could be used as evidence in penitentiary disciplinary proceedings.

3. Any footage that could be used as evidence in a penitentiary disciplinary proceeding must be deposited until the first time it is viewed in the relevant police court.

4. The installation of cameras and video surveillance devices in penitentiary centers must be regulated by a legal provision such as a law or decree, to protect individual rights and guarantee safety and integrity of all persons; those deprived of liberty as well as professionals.

5. The professional identification number of supervising prison officers must be affixed to all components making up their uniform, or an identity card designed and implemented such as those worn by treatment professionals and the administration staff that hangs around the neck on a lanyard.

6. The time spent by an inmate in temporary isolation must be reduced as much as can be allowed by the specific situation, and the prison supervision judge must be notified as soon as the adoption of such a measure is decided on.

7. The room in the Terrassa Penitentiary Hospital Block currently being used as an office by the prison officers must be recovered for use as a hospital room.

8. Another waiting room must be arranged at the Terrassa Penitentiary Hospital Block to allow, to the degree possible, separation of men, women and young people.

9. An agency of officers with specific training in juvenile justice and the criminal liability of minors must be formed, and given the responsibility of guaranteeing security and achieving well-ordered communal living conditions in the centers.

10. Surveillance cameras or systems that allow the footage to be viewed later or made available to the competent authorities requesting them, with the necessary exceptions, must be installed in the L’Alzina Center.

The response of the Catalan Ministry of Justice could be summarized as follows:

▪ The “new” penitentiary centers (Lledoners, Youth, etc.) have broad security coverage through video surveillance. The older centers (Brians 1 and 2, Ponent, Quatre Camins) are progressively adapting. In the old centers slated to disappear (Modelo, Wad Ras, Tarragona, Figueres and Girona) the minimum indispensable measures necessary to guarantee inmate security are implemented.

In any event, and as a general rule, there are video surveillance systems in place in all spaces of interaction between inmates and penitentiary employees, except those in which, by law, the use of such systems is not allowed: intimate communication rooms, clinics, health care facilities and standard cells. There is video surveillance in all restraint and/or isolation cells.

▪ In the penitentiary centers of Catalonia, video surveillance is regulated by a standardized protocol for all facilities, taken up in Circular 2/2010, of June 1, on the penitentiary system.

▪ Circular 2/2010 stipulates that recordings of footage be conserved for a maximum period of one month, except in cases in which behavior that could constitute a felony, misdemeanor or administrative violation has been filmed. In those cases, the procedure is to conserve the footage for it to be made available to judicial or administrative authorities or the Prosecutor’s Office.

▪ The Directorate General of Penitentiary Services considers the system of prison officer iden-



tification based on the professional identification number visible on the prison officer's regulation uniform—either with adhesive tape or a personal identification card—to be sufficient.

- Notification of the judicial authorities, either immediately and/or as soon as possible, regarding implementation of a temporary isolation measure is common practice. In some cases, for reasons beyond the control of the penitentiary center (working hours or bureaucratic reasons), notification is not made until the next day.
- Room number 3 of the Terrassa Penitentiary Hospital Block was converted into an office for prison officers on interior service duty because they did not have a stable facility for the fulfillment of their tasks. Its conversion into an office has not undermined the capacity or operations of the Hospital Block.
- Although it is true that there are only two waiting rooms for outpatient services at the Terrassa Penitentiary Hospital Block, on days of high traffic, the center implements other measures to guarantee the rights of the inmate population.
- Responsibilities for interior monitoring and security of the centers correspond to the center's administration, educational and technical staff, who in the case of Catalonia (as opposed to other autonomous communities) are public employees trained and specialized in the area of juvenile justice.

The legal and regulatory framework now in force on juvenile justice allows and authorizes juvenile justice centers to have the support of personnel specialized in security, who perform interior surveillance and security duties. This personnel currently belongs to specialized companies that have a service contract with the Administration, derived from the relevant tender process. This is now the formula considered most suitable, because budgetary and staff contention measures make unlikely the creation of a specific agency of officers specialized in monitoring duties inside the center.

- Video surveillance systems have been installed in the juvenile justice centers, with recording systems that store footage for a minimum of 15 days and a maximum of one month. There are older cameras, such as those of the L'Alzina Center that the Catalan Ombudsman referred to in his report, that have yet to be connected to a recording system (they now provide video feeds,

but do not record). Plans called for this to be done in 2012.

In light of the responses received by both administrations, it is clear that, generally speaking, measures have not been taken to implement the recommendations of the CAPT. The recommendation to install cameras or video recording systems in the educational juvenile justice centers has only been followed in one case, with respect to which the Department of Justice has responded that these systems have been incorporated and that there are old cameras (such as those of the L'Alzina Center) that have yet to be connected, although plans called for this to be done in 2012.

In some cases, budgetary and staff contention reasons have been put forth, as in the case of the recommendation to implement video surveillance systems inside police vans, or for the creation of a specific agency of officers specialized in monitoring tasks inside the educational juvenile justice centers.

In other cases, the responses have been ambivalent or very general, in that nothing is said about the acceptance or rejection of the recommendations made. This is shown in the response that the cells of PG-ME police stations have a low wall that creates a reserved area that meets prisoners' privacy and security demands, despite the Task Force's finding that this was not the case in the Santa Coloma de Gramenet and Horta-Guinardó District Police Stations.

On another note, the Catalan Ministries of Justice and Home Affairs have openly expressed their reluctance to accept certain recommendations that have been made to them. This is shown in the response that blankets do not lose their hygienic properties following a single use; that there are video surveillance systems in place in all spaces of interaction between inmates and penitentiary employees in all penitentiary centers, except those in which, by law, the use of such systems is not allowed; that the system of prison officer identification based on adhesive tape or a personal identification card is sufficient; or that the reconversion of the prison officer's room at the Terrassa Hospital Block has not undermined the block's capacity or operations.

Considering the importance of the recommendations, and in light of the evidence, for another year, of the recurrent deficiencies, shortcomings and irregularities detected in the 2012 visits,

they have been described again in this year's report.

The Catalan Ministry of Social Welfare and Family was given the following recommendations regarding minor protection centers in general and mental disability residential care centers, especially the Mont Martí residential center:

1. More intensive educational activity centers, and therapeutic centers for children and young people with mental problems must be created.
2. The resources must be adapted to the profiles of the children and young people entering the centers, depending on their characteristics and needs.
3. The schedule for psychiatric medical care must be extended in the child and adult mental disability care unit at the Mont Martí Center.
4. The Mont Martí Center must be assigned a child psychiatrist who can sufficiently cover the needs of all admitted children.

The response of the Directorate General for Child and Adolescent Services of the Catalan Ministry of Social Welfare and Family could be summarized as follows:

- As regards the need to create more intensive educational activity centers, in the last quarter of 2012, the first intensive educational activity center was opened for girls ages 12 to 18. This is a basic service offered within the Service Portfolio, which will facilitate improved services for the young women needing this type of resource.
- As regards care for young people with mental health problems, work must be done to increase the number of beds available to be able to admit adolescent and young people with this profile.

It could be inferred from this response that the Ministry aims to create more centers for the care of young people with mental health problems. However, the response did not mention any plan to build new facilities, or the adoption of temporary measures that would make it possible to improve the care given to this type of population.

Further, the Ministry did not specify the measures slated for implementation to achieve a balance between the profile of young people who enter the minor protection centers and the needs or shortcomings detected in them.

Last, the Department makes no statement regarding the recommendations on the Mont Martí residential center, which makes advisable another follow-up visit.

The following recommendations were made to the Municipal Government of Barcelona regarding the Guàrdia Urbana police stations visited:

1. Persons arrested by the Guàrdia Urbana of Barcelona must be directly transferred and presented in the Les Corts District Police Station of the Autonomous Government of Catalonia-Mossos d'Esquadra, except in cases of arrests for traffic violations. The custody area of the Sant Andreu and Ciutat Vella districts do not have areas conditioned, nor the necessary means to hold prisoners with all the guarantees and safeguards of the rights that have been recognized for them.
2. The blankets distributed to detainees must be single-use only, and must be wrapped in plastic bags that protect them from dust and bad odors. Sufficient cleaning of mattresses must also be ensured, and these must be stored in an appropriate place. It is necessary for the Centralized Operational Support Unit police station to have blankets.
3. Cleanliness and hygiene conditions must be reinforced and guaranteed in all police stations.
4. There must be an accreditation of fulfillment of Articles 4 and 520.4 of the LECrim, which stipulate immediate notification of the Bar Association of a detention, to thus guarantee an attorney's services to the detainee from the first phases of their detention, and throughout the time in which their deprivation of liberty lasts.
5. A system must be implemented to distribute some type of hot meal to prisoners when they have to spend the night in the police station.

The literal response of the Barcelona Municipal Government was: "The Guàrdia Urbana of Barcelona will take into account the recommendations of the Catalan Ombudsman as regards the terms established by the United Nations General Assembly in the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman, or Degrading treatment or Punishment, conceived to prevent torture and other forms of abuse".

In light of the lack of specificity in the Municipal Government's response, the Task Force

will carry out a follow-up of the recommendations to monitor the degree of implementation.

The following recommendations were made to the local police of the Santa Coloma de Gramenet municipal government:

1. It is necessary to directly transfer and present persons detained by the Santa Coloma de Gramenet Local Police force to the ABP of the Mossos d'Esquadra in that city, except for those detained for traffic violations.
2. Single-use blankets and mats must be provided to prisoners.
3. Conditions of cleanliness and hygiene must be reinforced and guaranteed.
4. There must be an accreditation of fulfillment of Articles 520.4 and 767 of the LECrim, which stipulate immediate notification of the Bar Association of a detention, to thus guarantee an attorney's services to the detainee from the first phases of their detention, and throughout the time in which their deprivation of liberty lasts.
5. A system must be implemented to distribute some type of hot meal to detainees when they have to spend the night in the police station.

The response received from the Santa Coloma de Gramenet Municipal Government was:

- A protocol for the transfer, custody and reception of prisoners has been in place between the Mossos d'Esquadra and the Local Police since 2004. This protocol refers to the transfer of prisoners from the Local Police to Mossos d'Esquadra facilities, and the conditions of said transfer. Generally speaking, prisoners are to be

delivered with the proceedings completed by the Local Police (including the record of constitutional rights). The aim is to augment the guarantees of detainees, who are only transferred to the Mossos d'Esquadra when the local police proceedings have been completed. That is why prisoners are kept in the "preventorium" for the time necessary to complete the police proceedings. In other words, they do not spend the night there. With regard to persons brought in for traffic violations, most of them are formally accused, and not kept in custody.

- There are single-use blankets available to the prisoners, and since they only stay a limited time and do not spend the night there, they do not require mats.
- The cleanliness and hygienic conditions are guaranteed at all times.
- From the moment a prisoner enters the police facility, all of their rights are guaranteed. The Bar Association is notified of the arrest, which is recorded in the telephone call log, as is the person the detainee wants to be informed of the detention and place of custody. The LECrim process is thoroughly followed.
- The prisoners do not spend the night in the police station. Nevertheless, if their stay coincides with meal times, they are given food.

The information provided shows that the recommendations have not been accepted. It would be advisable to review the protocol for the transfer, custody and reception of prisoners that the Local Police signed with the Mossos d'Esquadra in 2004, and which now makes it impossible for persons detained by the Local Police to be directly transferred to a Mossos d'Esquadra facility.



## VI. CONCLUSIONS





## VI. CONCLUSIONS

This section contains the most relevant general conclusions from a torture prevention standpoint, and that require special attention by the competent authorities, in addition to specific ones indicated on each visit, and the analysis of Brians 2.

The conclusions already contained in the 2011 Report, but that have not been implemented, are identified with an ®. They are thus reiterated, and added to this year's conclusions.

### a. Police stations

- There is no accreditation of fulfillment of Articles 520.4 and 765 of the LECrim, which stipulate immediate notification of the Bar Association of a detention. The bar association is notified once the prisoner has been admitted to the Mossos d'Esquadra station.®
- In arrests in which the local police or *guàrdia urbana* do not have exclusive competencies, the detainee is informed of their right to an attorney, but they are told that this right will be made effective when they are transferred to a Mossos d'Esquadra facility. Consequently, the hours spent in detention at the facilities of one police force are added to those of the other.
- The Mossos d'Esquadra do not necessarily inform the detainee of their right they have to an attorney in the cases of arrests made by court order.
- The Mossos d'Esquadra's current system of prisoner transfers only allows one transfer per day, in the morning. The reason put forward for the establishment of this system does not have to do with the availability of material and human resources available to carry out the service. Its apparent origin is in the organization of the judicial services. On another note, there is no regulatory provision stipulating the hour or time at which prisoner transfers can be made, although there is something of an internal consensus between the two organizations by which only one transfer is made per day. Therefore, outside this time frame (9-10 am), prisoners who have not been released or placed in judicial provision spend the night in the police station until the next day, when often the inquiry procedures could be completed on the same day as the detention. In the case of night-time detentions,

the register of entries and departures shows that these prisoners do not go into judicial provision the next day, but rather are made to spend the night in the police station for up to two days.

- The local police stations visited performed different judicial police roles. The action and coordination protocols between local police forces and the Mossos d'Esquadra are also different and vary from municipality to municipality.
- The blankets distributed to detainees in Generalitat Police - Mossos d'Esquadra and most local police stations visited are not single-use nor are they wrapped in plastic bags that protect them from dust and bad odors. On another note, every police facility decides the regularity with which they are cleaned, as this is not established in any standardized work procedures. This hygiene system could cause contagion of infectious diseases, and other public health problems.®
- The meals given to prisoners in Autonomous Catalan Police - Mossos d'Esquadra stations come from vending machines. The only meal possible for prisoners is a sandwich. This system would be sufficient for cases in which the prisoner only has to spend a few hours in the station, but not when they have to spend the night or spend more hours than could be considered necessary there.®

### b. Penitentiary centers

- The prison officers in penitentiary centers do not wear their identification numbers in a visible place on all components of their uniforms. The current system of adhesive tape that can be removed does not guarantee that a person deprived of liberty will be able to identify the prison officer at all times. The Task Force observed that the professional identity card is only worn by treatment professionals who do not wear uniforms, or those of the center's administration staff.®
- Without disregarding the fact that some older centers are making efforts to adapt their video surveillance systems, and that some of these centers are slated to disappear, the video surveillance systems existing in the larger or newer penitentiary centers do not cover all of the spaces of interaction between inmates and center employees, especially the search rooms and thoroughfares. These spaces are the sites of repeated inmate complaints on alleged irregular actions.®

- Signposting that informs as to the installation of video surveillance systems is not present in all of the visited penitentiary centers equipped with this system.

### c. Educational juvenile justice centers

- The measures agreed by the Catalan Ministry of Justice consisting of closing the Els Til·lers Center (except for the therapeutic unit) and the reduction of capacity of the Montilivi Center, bring about a change in the orientation of the minor justice model supported by the United Nations Convention on the Rights of the Child

and our own legal framework. These measures will result in a reduction in the number of centers, and an increase in the capacity of those existing, with a concentration of minors in the Can Llupià, l'Alzina and El Segre Centers, which will significantly increase their number of beds.

- The increase in capacity planned for the new juvenile justice centers will also have a negative impact on the educational intervention carried out with the minors, and in the individualized nature that this should have. Likewise, it will have negative effects on the minors' right to privacy. Last, this increase could also have repercussions on the atmosphere of co-existence and operation of the centers.

## VII. RECOMMENDATIONS



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### a. For police stations

- The notification of the Bar Association by any of the police forces, autonomous or local, must be immediate, from the very beginning of the detention, so that legal aid to the detainee be made effective from the very moment they are detained, and throughout the entire time their deprivation of liberty lasts. ®
- The time a person is detained must be the minimum indispensable. Once the police report is finished, their immediate transfer to the relevant judicial authority must be made.
- In cases of arrest by court order, even though the detained does not have to make any statement, they should be informed of their right to legal aid.
- There must be coordination between the judicial and police organizations to examine the possibility of a double daily transfer system that would allow prisoners admitted in the morning to go into judicial provision in the afternoon, once the inquiry procedures are complete.
- A clear and effective coordination is required in the prisoner custody process among the different police agencies of a single municipality.
- The blankets must be single-use only, and must be wrapped in plastic bags.®
- It would be advisable to study the possibility of extending to the Generalitat Police - Mossos d'Esquadra stations the meal dispensation through hospital catering services that some local police departments in Catalonia have.
- Mossos d'Esquadra police stations that do not have one should condition a space to attend to children and adolescents. This recommendation was also made in the 2012 *Report on Children's Rights*.

### b. For penitentiary centers

- When faced with complaints of alleged abuse, all necessary mechanisms must be enacted to conduct an immediate, impartial investigation into the events as described by the inmate and the relevant professional.

- The professional identity number of prison officers must be printed on all components that make up their uniform, or an identity card that can be worn hanging from a lanyard must be provided. ®
- Video surveillance systems must be installed in all restraint and/or isolation cells, in rooms where strip searches are performed, in spaces where inmates and employees interact and, to the degree possible, on the stairways that connect the various accesses or floors. ®
- Informative signs advertising the presence of video surveillance systems must be installed in all penitentiary center facilities that have them.
- Greater insistence must be made on immediate notification of the penitentiary supervision judge regarding the implementation of any coercive measure, even though penitentiary legislation does not stipulate a minimum or maximum number of hours. It would be advisable to make this notification via e-mail to ensure that it is done.
- The training received by prison officers for the performance of their duties must be reviewed to improve it and adjust it to the parameters of new alternatives for peaceful conflict resolution.
- Inmates must be provided with a minimum number of personal hygiene products for the time they remain in temporary isolation.
- An attorney—of the inmate's choice, appointed by the Penitentiary Legal Advice Service or court-appointed for inmate defense—must be present from the first viewing of any video that could be used as evidence in penitentiary disciplinary proceedings. ®
- Any footage that could be used as evidence in a penitentiary disciplinary proceeding must be deposited until the first time it is viewed in the relevant police court. ®
- Instruments or mechanisms must be enacted that make possible interventions to diminish interpersonal conflicts and the climate of hostility and tension that could be generated in penitentiary center departments or units housing inmates considered maladjusted or dangerous.
- Penitentiary supervision judges must visit each penitentiary center more frequently.

**c. For educational juvenile justice centers**

- The decision to close the Els Tilers Center, and to reduce capacity of the Montilivi Center should be suspended as long as it is not possible to create new centers or make the improvements considered necessary in their structure. The decision to increase the capacity of the Can Llupià, El Segre and L'Alzina Educational Juvenile Justice Centers should be reconsidered, so that they may maintain their current capacities. These recommendations were also made in the *2012 Report on Children's Rights*.

**d. For all detention facilities**

- A law or legislative decree must be passed regulating the installation of cameras or recording systems, and the procedure for the recording and storage of this footage in all centers and spaces that house persons deprived liberty, pursuant to the concept of deprivation of liberty defined in Article 4 of the Optional Protocol.





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