

Visit Report

**Litla-Hraun Prison
Security Ward**

28-29 January 2021

Summary

The Althingi Ombudsman visited Litla-Hraun Prison on 28 and 29 January 2021 on the basis of the OPCAT mandate. The Ombudsman's inspection this time focused on the placement of prisoners in the prison's security ward.

Litla-Hraun is a closed prison, which means that the security level is high. Only male prisoners are held in the prison, which has nine sections that can accommodate up to 87 prisoners. Among them is a special security ward equipped with three single cells and a security cell.

The prison director may decide, based on an authorisation to transfer prisoners between departments and cells in the Execution of Sentences Act, to place prisoners in the security ward if certain criteria are met, e.g. due to security reasons, disciplinary offences or behaviour which makes it difficult to place them with other prisoners. While the Act does not deal specifically with the security ward, the Regulation on the Execution of Sentences authorises the prison director to decide to hold prisoners there for up to three months at a time. Detention in the security ward means, among other things, that communication with other prisoners is substantially or completely restricted. During the period of the Ombudsman's inspection, prisoners there were either alone or together with one or two others. This arrangement raises the question of whether such placement may in some cases actually involve separation or solitary confinement, as there is an example where a prisoner was held alone in the ward for three months without contact with other prisoners.

The decision to place prisoners in the security ward is an onerous action, entailing increased restrictions on the right to private life of the prisoners concerned. This type of intervention is permitted provided that it is based on legal authority, pursues a legitimate aim and does not exceed what is necessary. The Ombudsman has previously drawn attention to the fact that the Execution of Sentences Act has no provisions on the implementation of placement in the security ward. These issues have now been in part given a framework in a regulation; however, it should be noted that the Ombudsman drew the Minister's attention to whether the interests of prisoners would be better served by creating a more detailed statutory framework for the detention. In this regard, the report recommends that Litla-Hraun Prison and the Prison and Probation Administration review the rules that apply to detention in the security ward and amend them as appropriate, so that they do not restrict the rights of prisoners beyond what can be derived from the law and fundamental principles. The rules must also be clear and foreseeable as to the extent to which they limit prisoners' rights. The recommendation is also made to the Minister of Justice to consider whether it is appropriate to provide a more detailed statutory framework for detention in the security ward. It is also recommended that the prison review its procedures for body searches and ensure that decisions on searching cells in the security ward are made in accordance with law.

The Litla-Hraun prison has been operated continuously since 1929; the premises were originally built as a hospital. Since that time, it has not undergone a comprehensive renewal taking into account its activities. Although the facilities are generally neat and clean, the premises do bear signs of their age.

According to the management, the spread of narcotic drugs is one of the main problems in the prison. Improved facilities, resulting in an increased compartmentalisation of prisoners, would be conducive to reducing such traffic. This in turn would lead to less violence between prisoners, as placement in the security ward is often a result of drug consumption and/or violence. At the time of the Ombudsman's visit, the Government Construction Contracting Agency (FSR) had, at the request of the Ministry of Justice, completed a preliminary examination of facilities in need of improvement in the prison. With this in mind, the

Ombudsman requested information from the Ministry of Justice on the progress of the project. The Ministry's response stated that funding had not been obtained for the project. At the beginning of this summer, however, a news report appeared on the website of Government Offices stating that the government had approved the Minister of Justice's proposal to renew and upgrade Litla-Hraun Prison. According to the report, the intention is for construction to be fully completed by the middle of 2023. The Ombudsman will continue to monitor developments in this regard.

During inspection of the prison's security ward, there were various issues that the Ombudsman's staff paid special attention to, e.g., the stark appearance of the ward, the uninviting outdoor area and the lack of leisure options. In this regard, the recommendation is addressed to Litla-Hraun Prison, the Prison and Probation Administration and the Minister of Justice that they ensure the safety of prisoners and staff in the security ward with planned improvements to the prison while at the same time bearing in mind that the facilities should be comfortable and reflect the objectives of the law concerning the rehabilitation of prisoners. The recommendation is directed to the same parties to examine whether less extensive improvements could be undertaken at first opportunity.

As a rule, study and work by prisoners in the security ward takes place within the ward, so that they do not mix with prisoners from other wards. Prisoners held in the ward generally have to pursue distance learning, as no face-to-face learning is available to them, although such an arrangement is generally more suitable for prisoners. In the opinion of the staff, it is difficult to provide work for security ward prisoners, as it is difficult to transfer the tasks performed in the prison to the ward, and there is a shortage of work that can be moved there. Prisoners also only use the ward's outdoor area to a limited extent. In this regard, it is pointed out that according to the Execution of Sentences Act, a prisoner shall have the opportunity to pursue studies and is obliged to engage in work or other recognised activities in prison as circumstances permit. International standards also state that appropriate activities, such as work, study, sports, outdoor activities and good relationships with family and close friends, are of fundamental importance for prisoners' well-being. The report points out that the security ward's journal indicates that the daily programme for the ward's prisoners varies from day to day, and for some days no activity had been recorded. In this connection, the recommendation is directed to Litla-Hraun Prison that ways be sought to counteract the negative consequences of social isolation in the security ward and to increase the activity of prisoners there as much as possible.

Prison personnel may have to deal with demanding situations in their work and it is important that their training take this into account. Good relations between prisoners and staff are also conducive to reducing tension and thus the likelihood of the use of force. Prison staffing can affect the ability of personnel to communicate directly with prisoners and inadequate staffing creates insecurity. In this regard, recommendations are directed to Litla-Hraun Prison to maintain regular training of staff in the use of force and physical control and follow up on plans to offer staff special training in communication skills on a regular basis. It is also recommended that the prison ensure sufficient staffing of the security ward so that staff can maintain satisfactory supervision of prisoners and the security of prisoners and staff is ensured.

The Execution of Sentences Act specifically stipulates that in certain circumstances a medical examination should be carried out, followed by regular monitoring by a physician, for instance, if solitary confinement or separation is applied. Although no statutory provision is made for medical examination in connection with placement in the security ward, according to the Regulation on Execution of Sentences a physician shall be notified of a prisoner being held there and a physician or other healthcare professional shall regularly monitor the prisoner. In

this connection, the recommendations are directed to Litla-Hraun Prison to ensure that a medical examination takes place upon initial placement in the security ward or promptly thereafter, if the placement involves solitary confinement or separation, and that medical visits are conducted in such a way that the confidential relationship between doctor and patient is respected as far as possible and confidentiality of prisoners' health information is safeguarded. Ways should also be sought to avoid having general staff perform the duties of healthcare professionals, such as administering medication; if sufficient healthcare professionals are lacking, general staff shall receive appropriate training.

Proper record keeping and documentation of deprivation of liberty is a basic aspect of protection against ill treatment and a premise for detainees to seek to enforce their rights. It is also conducive to facilitating supervision and the protection of staff and institutions against unjustified allegations of ill-treatment. In this regard, the recommendation is directed to Litla-Hraun Prison that record-keeping and documentation be improved, in accordance with the issues outlined in the report, and procedures be reviewed so that complaints and comments from prisoners are placed in the proper channel, where they receive suitable handling and resolution, within the prison or, as the case may be, outside of it.

The Ombudsman will continue to monitor the development of these issues, and requests that Litla-Hraun Prison and other authorities to whom these recommendations are directed provide an account of actions taken in response to the report by 1 April 2022.

Contents

1. Preparation and visit
2. Summary
3. General Information
4. Placement in the security ward
 - 4.1 General
 - 4.2 Arrangements for placement in security ward
 - 4.3 Other interventions
5. Facilities
 - 5.1 General information on facilities at Litla-Hraun
 - 5.2 Facilities for prisoners in the security ward
6. Activity
 - 6.1 Study and work
 - 6.2 Other activity
7. Personnel
 - 7.1 Training and communication
 - 7.2 Staffing
8. Healthcare services
 - 8.1 General healthcare services and medication
 - 8.2 Psychological services and mental health
9. Records and documentation, appeals and complaints
 - 9.1 Records and documentation
 - 9.2 Appeals and complaints
10. Follow-up