

Special Challenges in Dealing the COVID-19 Pandemic in Swiss Prisons

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Abstract

The COVID-19 pandemic was, and is, managed by prevention measures, based on limited contact in public spaces and general restrictions on freedom of movement. Especially social distancing needs space. So the question was investigated: How social distancing was implemented within the prison system? Reducing overcrowding and suspending prison sentences, are regarded as key elements in combating the pandemic in the justice system. Which further prevention measures could be concretely implemented in Swiss prisons to contain the pandemic? Which conditions as a framework were necessary for reaching this? To investigate this, the Swiss National Science Foundation funded a project for an analysis of institutional strategies in the implementation of prevention measures concerning the COVID-19 pandemic in prisons. Surveys were conducted in closed and open institutions of the judicial system across Switzerland, as well as in external residential and work settings, to document successful strategies and identify certain problems.

Keywords

COVID-19 pandemic, prisons, prevention measures

Introduction

The period from the outbreak of the first coronavirus disease 2019 (COVID-19) case in China to the expansion of the pandemic to Italy in early February 2020 lasted only a few weeks. The number of reports of infected people in Switzerland also increased sharply in February and continued till May. As a consequence, public life was drastically reduced, schools were closed, and employees were advised, or ordered, to work from their homes. On 28 February the Federal Council declared a “special situation,” and on 16 March an “extraordinary situation.” The basis for this is found in Switzerland’s Epidemics Act. “The purpose of this is to protect people from communicable diseases. The measures of the law serve to protect individuals and to reduce the impact of communicable diseases on society and the persons affected.”

There were, however, institutions that were unable to either maintain physical distance or work without the presence of the majority of their employees. These institutions with a governmental mandate concerning their clients, especially closed and opened prisons, therapeutic facilities, and care facilities for delinquent juveniles, are the focus of this study. In these places, the possibility of living at a distance was restricted. Employees had to be on site due to the security aspect of their employment, in which information and communication are also typically handled in a restrictive way. Furthermore, inmates are already a vulnerable group because of infectious diseases such as hepatitis and HIV,

which manifest nine times more frequently among prison populations than among the general population (Getaz, 2019). At the start of the COVID-19 pandemic, most prisons already had elaborated pandemic plans, developed during the 2009 epidemic in relation to H1N1 (also called swine flu). However, it soon became apparent that these plans were not sufficient, mainly because the health system was not as challenged during the H1N1 epidemic in 2009 as it was during the COVID-19 pandemic. Despite this fact each institution had to swiftly adapt prevention measures to the context and characteristics of their respective facility. The institutions of the justice system have a duty of care and a statutory mandate to adapt, in a coercive context, to the conditions of normal life, as far as possible, with regard to healthcare (StGB Art. 75). The questions that arise are as follows:

- How were prevention measures implemented in prisons in Switzerland?
- How can healthcare be guaranteed in times of the COVID-19 pandemic in prisons?

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- What are the special challenges within these closed contexts?

In order to answer these questions, 26 institutions within the judicial system were investigated, in an ongoing project, by means of qualitative and standardized interviews with the managing directors from prisons and therapeutic facilities, as well as establishments for juvenile offenders and also external residential facilities were included, that are institutions where inmates live and go outside for work. The project was funded by the Swiss National Science Foundation within the special call “Coronavirus.”

A brief overview of the relevant research on the project. Within the broad subject area of prison studies, two research fields focusing on the topic of our research may be differentiated. On the one hand, traditional research focuses primarily on inmates and their interactions with one another, within the context of their inclusion in the totalitarian world of the prison (Goffman, 1972). On the other hand, there is research that focuses on the work situation and the sensitivities of the prison staff, as well as on the interaction between staff and inmates, who interact at least temporarily in the world of a totalitarian institution, which is the prison. With regard to the staff, there are also so-called “paid prisoners” (Lehmann, 2009), who are bound to the structures and guidelines of both their particular institution, and the framework of their profession, during their time of service. The problem of the COVID-19 pandemic in prisons affects two groups of people: the staff, who are at risk of bringing the pandemic into the institution, and the vulnerable group of sick and elderly inmates.

With regard to professionals working in the prison system, the main focus in the past was on their work situation, occupational stress, and social prestige in society and the media. In a Swiss study, Marti et al. (2014) focused on a sample of prison employees and found that this group of employees claimed to suffer from occupational stress as a result of communication difficulties. This primarily refers both to a lack of linguistic understanding and to the problematic or aggressive communication of the inmates. However, it remains unclear as to which situations trigger these problematic situations of communication. It also remains unclear whether these situations are provoked by the behavior and tone of the staff, for example, by ignorance of de-escalation tactics. Furthermore, the authors concluded that the risk of burnout was due to professional stress, relating to the manner in which the prisoners were treated by the professionals. However, more in-depth, qualitative studies have to be carried out to account for possible intervening factors, relating to individual problems experienced by the staff. In the Anglo-American area in particular, several studies have shown that the choice of working method and high standard of training of professionals have a positive influence on prisoners, especially with regard to

learning how to live their lives without offending again (Coyle, 2002; Crewe, 2011; Liebling et al., 2011).

Although the possibilities available for shaping relationships between staff and prisoners are determined by prison rules, there is a degree of leeway with regard to respecting the self-esteem of the individual, and the tone of communication used (Baier & Bergmann, 2011). The work situation of professionals in prison is examined in qualitative studies on the basis of the “double mandate.” Baumeister and Keller (2011) and Marti et al. (2014) addressed this issue in Switzerland by considering areas in which the concerns of security and care interact within the mission of the prison staff. This refers to persons in need of care and the dying or elderly in prison, whereby professionals have a double mandate to perform security and disciplinary tasks as well as take on care duties for elderly prisoners, for which they have not been trained.

The most recent study on age and illness in the Swiss prison system (Stroezel et al., 2019) notes that, particularly with a view to future developments, there are not enough places for old and sick inmates, and that personnel in the judicial system are not trained to look after them. In addition, there are insufficient structural arrangements since accessibility for inmates with mobility impairments has not been considered in most facilities. Getaz (2019) adds to this by pointing out that there is a high risk of infectious diseases (Hepatitis and HIV) in prison and notes that, particularly with regard to prevention, access to education and information is a basic right, but that this must be adapted to the language and reading skills of the prisoner. Moschetti et al. (2015) investigated the correlation between health, age, gender, and substance abuse, concerning inmates in the canton of Vaud. One result was that 41% of the inmates showed self-reported substance abuse problems, and 27% of this group were being treated by psychiatrists for behavioral disorders. Chronic infectious diseases were found in 9% of the prison population. In addition, 27% of detainees suffered from serious mental health conditions. Regarding the research concerning the topic “COVID-19 in prisons,” there are some studies that must be mentioned. Saloner et al. (2020) focused on the death rate of inmates caused by the COVID-19 pandemic. The COVID-19 case rate for prisoners was 5.5 times higher than the US population case rate. Furthermore, the death rate in prisons was higher than that outside the prisons. The authors show that COVID-19 case rates have been substantially higher and escalating more rapidly in prisons than among the general population, despite individuals aged 65 years or older, who are considered among the most vulnerable, comprising a smaller share of the prison population than of the US population. With regard to the international management of the Corona pandemic in correctional institutions, US prisons were hit hard. The US recorded 398,627 positive corona cases and 2,715 deaths among prison inmates by 25 June 2021, according to the non-profit organization The Marshallproject (The Marshallproject, 2021). Barnert

(2020) also sees a risk in the fact that many inmates live together in little space in correctional institutions in the USA. For example, so-called correctional facilities for juvenile detainees became epicenters of the pandemic with a wave of outbreaks that also spread to society outside the prisons (Barnert, 2020). As a result, Menart and Washburn (2020) criticize the US justice system and call for better protection of juvenile detainees from the Covid-19 virus. Novisky et al. (2020) describes these institutions as high-risk zones for the spread of Covid-19 in relation to US prisons. Sloane (2020) also sees prisons as particularly vulnerable places and compares cruise ships, retirement homes, and prisons as epicenters of the coronavirus in his paper. The virus presents these types of institutions with a so-called wicked problem—that is, complex and intractable situations with no foreseeable end that require permanent changes from the “sectors” involved (Sloane, 2020).

This finding highlights the need for a closer investigation of the prevention measures and their implementations regarding COVID-19 in prisons. Another study from the US (Akiyama et al., 2020) stated that overcrowding in prisons is a major problem, as social distancing is particularly difficult to implement in prisons. Considering this, the authors recommend releasing all inmates with low risk of recidivism and also the elderly and infirm inmates; the authors urge police and courts to immediately suspend arresting and sentencing people, as much as possible, for low-level crimes and misdemeanors. Incarcerated persons who are infected should be mandatorily isolated and separated from the general prison population. Burki (2020) claims that prisons are not equipped to handle the COVID-19 pandemic because of a lot of prisons are overcrowded, and the fact that prisoners share toilets, bathrooms, sinks, and dining halls. Burki (2020) and Akiyama et al. (2020) show the problems that have led to a drastic spread of COVID-19 in prisons. For Swiss prisons, however, overcrowding and shared use of toilets and showers is not a major problem, as most prisons were not fully occupied, and single occupancy is usually the standard.

The judicial system in Switzerland. In Switzerland, with a population of about 8.8 million, there are currently 6,906 inmates (BFS, 2021) in about 108 institutions, under the authority of the police and justice departments of the cantons. Approximately 5.8% of all inmates are female. In addition, 468 juveniles are currently placed under criminal law and are either in a therapeutic facility for juveniles, or in an open or closed home facility. When one takes into account that 69.6% of adult inmates have a nationality other than Swiss, it seems obvious that national heterogeneity poses great challenges for the work of prison staff. The judicial system in Switzerland is regulated by cantons. In order to support the harmonization of detention procedures and processes among the 26 cantons, these have been divided into three regional coordination bodies—the so-called concordats. These concordats are Latin Switzerland, Northwest-Central Switzerland, and Eastern Switzerland.

The penal system in Switzerland provides for a process of progression. It is designed in such a way that the execution of the prison sentence is progressively eased. Hence, after detention in a closed institution, a transfer to an open institution takes place, and at a later stage, the handover of the former prisoner to the probation service by means of a conditional release. In practice, the journey through the system may not always be implemented in this way. For example, persons may be released from a closed institution directly or deported to their home country after a final sentence (Patzen et al., 2018). In individual cases, various forms of transition from enforcement to freedom are possible, which is of particular importance during the COVID-19 pandemic and will be explained in greater detail below.

The judicial system in Switzerland is characterized by federalism, and accordingly, working methods may vary considerably from canton to canton due to different systems, structures, and local conditions. Prevention strategies used during the COVID-19 pandemic varied according to the geographical position of prisons, their size and function, and the group of people for which they are intended. The number, type, and size of institutions in a particular canton influences the way they operate within that canton and how they need to cooperate with institutions outside the canton. For example, not every canton has its own facilities for residential and occupational outreach, for the implementation of therapeutic measures, or for female inmates. According to article 377 of the Swiss Penal Code, each canton is obliged to establish and operate open and closed correctional facilities, as well as facilities for semi-captivity, external work, and the execution of therapeutic measures. However, the cantons are free to fulfill this obligation in co-operation with other cantons (article 378) or private institutions (article 379).

Overcrowding is always a particular problem in prisons worldwide. In Switzerland, this is particularly evident in the prisons of Latin Switzerland. Fortunately, this problem was not of great importance at the time of the COVID-19 pandemic, with an occupancy rate of approximately 93% throughout all 108 institutions of the penal system. For example, the occupancy rate in the closed prisons of the Eastern Switzerland concordat, in January 2020, was 91%, which in individual cases might result in a maximum overcrowding rate of three persons in a cell. In contrast, the occupancy rate in Latin Switzerland was 106% at the beginning of 2020 (BFS, 2021). In the course of the COVID-19 measures, the handling of the occupancy rate turned out to be a main focus, as will be shown below.

Methods

The Research Project: COVID-19 in Coercive Contexts

After a special call for proposals issued by the Swiss National Science Foundation in March 2020, 36 projects dealing with the topic of COVID-19 were funded. As part of this study,

qualitative face-to-face interviews with 15 managing directors and supplementary standardized surveys with a total of 26 managing directors of the prisons were conducted. The managing directors, for the qualitative interviews, were selected according to the following criteria: All forms of institutions of the penitentiary system should be represented. This includes both institutions of the closed penal system and the open penal system. Also included were institutions for juveniles placed under criminal law and therapeutic institutions for offenders receiving therapy. Furthermore, both large and small cantons and the coverage of all language regions, namely German-speaking and French-speaking Switzerland, were taken into account. One institution was located in Italian-speaking Switzerland. All the qualitative interviews were transcribed and evaluated with the support of the evaluation tool for qualitative data *Maxqda*. For the exemplary case study, the penal institution in the canton of Aargau was chosen as the focus of this study because this institution had to carry out the hardest lockdown of the institutions surveyed.

The managing directors, as a sample of the standardized part of the survey, are responsible for one third of the entire inmate population. These 26 institutions represent all concordate institutions in German speaking Switzerland. The following figures show the measures that were implemented in these institutions, supplemented by explanations from the managing director of Lenzburg prison. In the last phase of the ongoing project, a quantitative survey will be conducted in January 2021 with the staff of all Swiss penal institutions.

Consent. In the context of this publication, anonymous qualitative interviews are used, which cannot be attributed to an organization or a person. For the exemplary case study on the prevention strategy of Lenzburg Prison, the publisher has the written consent of the managing director to release anonymity. The declaration of consent for the standardized survey of the 26 managing directors is also available to the publisher. The participants of the standardized survey agreed to the use of the data by clicking on the consent button at the beginning of the survey. Without this consent, the homepage of the online survey was not opened. Although structural data were largely omitted here as well for reasons of response. The structural data only includes the type of prison and the categorization of the prison size with the variable “more or less than 80 inmates”. Ethical approval to conduct the study was neither required by the Funding Organization Swiss National Science Foundation nor by the university, because these are only demanded for conducting studies with personal data or experimental designs. So the funding organization controls if these ethical regulations are necessary before the approval.

As of August 2020, a first wave of qualitative interviews with managing directors, wardens and employees from the health care sector of 15 prisons has been completed. In November 2020 supplementary standardized surveys with a total of 26 managing directors of prisons were completed.

These form the basis for the present study, in which an institution that has implemented extensive prevention measures and faced greater challenges with regard to spatial availability than comparable closed prisons will be presented. As such, the prevention measures adopted by Lenzburg prison, an establishment constructed in 1864, will be outlined in detail and compared to those of similar institutions. The participating institutions were promised anonymity, which is the reason the publications only differentiate between the different types of institutions.

The managing directors were questioned by means of a problem-centered interview. The qualitative and the standardized questionnaire were both divided into three sections. During the first stage, the framework data of the institution were collected and the focus was on the situation before the lockdown, up to the first prevention measures. In the second part, these measures were explored in detail. In the third part of the interview, particular problem areas, co-operation with other institutions, guidelines from authorities, and the possibility of implementing existing pandemic plans, were investigated in more detail. A further focal point was the topic of the expansion of digitalization in the prison system as a prevention measure, and the special challenges for the staff presented by the pandemic prevention measures.

Focus on COVID-19 prevention in closed prisons before the lockdown. The COVID-19 prevention measures in Switzerland are based on the recommendations of the World Health Organization (WHO), which were successively implemented in most countries. In Switzerland, this took place at both the federal and the cantonal levels. These regulations included restrictions on the free movement of persons, the closure and control of borders, rules of conduct with regard to hygiene and personal contact with others, and even the closure of most parts of the tertiary sector. The WHO guidelines were designed for societies as a whole and could therefore be applied only to a limited extent in prisons. The Coordination Conference on Penitentiary Matters, an institution that develops guidelines and recommendations for the harmonious working of the prison system in Switzerland, issued final guidelines in the first week of April 2020 (KKJPD, 2021). These recommendations were published 3 weeks after the lockdown, so the managing directors of the prisons were forced to develop and implement their own plans.

In the Swiss justice system, a duty to educate inmates and to structure their day is acknowledged. Furthermore, numerous leisure and sports activities are facilitated, as well as visits and contact with relatives and friends. In accordance with prevention measures, the pursuit of education in the penal system was limited. In order to fulfill the duty of care, education and training-related activities were reduced, but not in each prison in the same way.

Preparations for release were delayed, and new admissions were rarely possible due to a lack of capacity and because of the requirement to set up quarantine stations. In

addition, ways had to be found to ensure that the necessary therapies could continue. This raised the question of how this area of tension could be managed. Given that these persons constitute a highly vulnerable group (Getaz, 2019; Moschetti et al., 2015) due to drug use and previous illnesses, as well as psychological difficulties, the institutions and the employees had to perform a highly complex task. Pont and Harding (2019) have noted gaps with regard to healthcare in the judicial system. Contact with specialists is rare and problematic, and suitable medication for serious illnesses are often unavailable. As far as Switzerland is concerned, it can be seen that two prerequisites exist which have been helpful in combating the COVID-19 pandemic in prisons. Firstly, the maximum occupancy rate was not reached in spring 2020. Secondly, single or double cells are standard in most prisons, with the exception of the prisons in Latin Switzerland.

Prison Lenzburg: A best practice example concerning COVID-19 prevention. The Lenzburg prison is a closed institution in the canton of Aargau, with a total of 360 cells in three buildings. The first section, in a star-shaped building, dates back to 1864 and has 200 cells; the second and third sections, built after 2010, house the remaining 160 cells. The old structure houses sentenced people, the second one accommodates remand and pending trial prisoners, and the third accommodates those incarcerated for short prison sentences. One structure has a ward for older inmates. Most cells are individually occupied; a few are designed for double occupancy. Due to limited space, food is consumed in the cells. Between 2012 and 2014, the institution was extensively renovated so that cells were modernized and windows enlarged. The Lenzburg prison has 210 employees. The daily structure allows inmates to work 6 hours a day in various facilities such as the kitchen, paint shop, and laundry room. There are also leisure facilities, such as fitness rooms, walking yards, libraries, and kiosks, and it is also possible to take part in theater projects. The institution is also active in projects of restorative justice, such as victim-offender mediation. The prisoners are outside their cells for about 9 hours a day.

The lockdown. On 6 March 2020, the first travel warnings were issued by the Swiss Government, and people entering Switzerland from Italy were advised to go into quarantine for 2 weeks. On Saturday 21 March, the lockdown was implemented throughout Switzerland and the leaders of prisons had to execute prevention measures within 3 days. Although these were based on the recommendations of the Federal Office of Public Health, they were not implemented on a 1:1 ratio. Nevertheless, a uniform approach was sought at the cantonal level, promoted through the Coordination Conference on Penitentiary Matters.

“At the beginning of the pandemic, there were pandemic plans that provided for different levels. The special thing about corona, in contrast to previous pandemics, was that we wanted to avoid overburdening the hospitals.” (Manager of the prison)

In the case of existing epidemic plans, for example H1N1 in 2009 or influenza infections, measures related to containment within institutions did not provide for complete isolation. The previous epidemics were, therefore, not comparable to COVID-19, since in many cases medical options for intervention and prevention already existed.

“The aim and main task were to ensure that the pandemic did not enter the prison from outside by means of a prison lockdown - especially by the employees. The main challenge focused on a weekend from 20 to 22 March. Here, signs and distance markings were placed within three days, the working places were closed to a large extent, these measures were implemented to check if the virus was already inside the institution.” (Manager of the prison)

In order to prevent the emergence of a possible COVID-19 case inside the institution, the prison's virologist advocated the sealing off of the prison from the outside, and the sealing off of individual departments from each other, within the prison, for a minimum of 2 weeks.

“The people who lived in the same wing, no longer came into contact with inmates from other wings. To ensure this, the entire processes had to be converted. Within the working areas usually the inmates from different living wings are in contact. Yet we sent one closed group from the same living wing to one working area. Only the system relevant working areas were held open.” (Manager of the prison)

It must be added that the detainees continued to receive their money even while work was suspended. Prevention measures fell into two categories: (1) measures that limited movement and social contact and (2) measures that could be described in a technical way. The following measures were implemented within 2 days.

Only the system-relevant workplaces remained open (kitchen, laundry room, smoothing shop, market garden). Care was taken to ensure that inmates from the same residential wing were assigned to the same workplace. For the majority of the inmates, working was no longer possible, but they were free to move in their department and go out for a walk in the courtyard twice a day together with inmates from the same department. The inmates could also take a shower three times a week and go to the prison shop and library once a week. Furthermore, the following measures (Figure 1) were taken at the same time (based on the standardized questionnaire with 26 managing directors of prisons).

The objective of avoiding a COVID-19 case inside the prison, therefore, resulted in certain significant limitations for prisoners.

“From the prisoners' point of view, the cessation of visits meant the biggest cutback. This could be seen in the fathers of families who could no longer hold their children in their arms, or the wives could no longer visit their husbands.” (Manager of the prison).

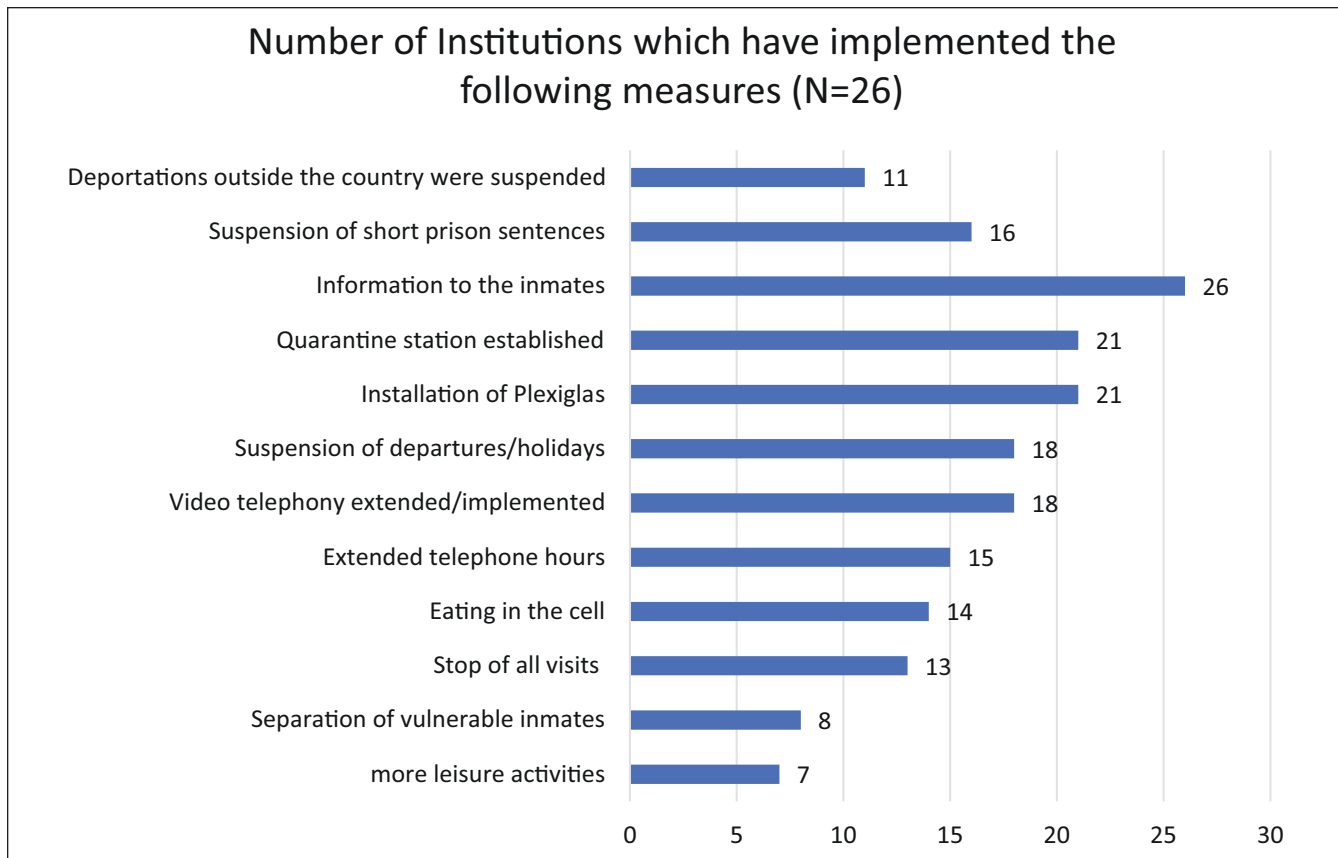


Figure 1. Prevention measures.

The personal contact restrictions were well compensated for by the expansion of video telephony and additional phone calls. These measures lasted for approximately 7 weeks. The initial easing of contact limits came about with the approval of visits after 7 weeks, and the erection of Plexiglas panels between the seats of inmates and their visitors. The possibility of visits, however, which could be permitted again after a few weeks separated by Plexiglas panes or distance regulations, proved to be problematic in implementation. Particularly during visits by the children of inmates, it was very difficult to monitor or maintain the distance regulations.

Concerning space and capacity, an isolation ward for possible cases of infection was set up because the prison had not been functioning at full occupancy since the beginning of the pandemic.

“(. . .) So it’s also when I’m not allowed to go into a cell, for example, because I can’t guarantee a distance of 1.50 metres in a cell to another inmate. Even in the corridor, it’s difficult when I’m talking to an inmate. No one could walk past us any more.” (Warden of a closed prison)

In addition, entrances were restricted in order to ensure enough room. This was one major reason why new entrances, short prison sentences and fines were suspended and people were released earlier. The temporary suspension

of the execution of these custodial sentences was regulated differently in each canton. There were no government decrees on this at the federal level. Instead, the cantons looked for ways to suspend individual sentences, or in some cantons the entire execution of these sentences was temporarily suspended. For criminal policy, this means checking in the long term whether these measures led to an increased risk of recidivism.

Measures concerning resources and technology. At the beginning of the lockdown, supplies pertaining to disinfectants, masks and nutrition were topped up.

“All in all – the time to organise all these measures within three days was the main problem, especially to create all the markers for the distance regulation, to inform the inmates and the staff, and furthermore the services and customers from outside, with whom the institution works together usually.” (Manager of the prison)

- The purchase of protective masks and disinfectants increased.
- Food stocks increased.
- Distance regulations of 2m between people were ordered (the recommendation of the federal government was 1 m).

- Markings were placed on the floor throughout the institution to control distances.
- Disinfection dispensers were placed everywhere, especially at the entrance to a department.

From a technical point of view, the necessary materials had to be procured to create the signage. With regard to the premises, the 19th century architecture with its narrow corridors was the greatest challenge. As it was not possible to maintain 2-m spacing, the occupants were left in the wards. Therefore, the special architecture was a main factor in the adoption of the prevention strategy in this prison. Another concern was to determine if there was already a COVID-19 case within the institution. Hence, inmates from different sections were not permitted to intermingle at any time, which affected their work activities.

In comparison to the Lenzburg prison, other closed prisons were able to continue with providing the prisoners with work. A significant factor influencing decisions regarding whether a lockdown should be ordered within the prison or not was the available space, especially in the corridors of the residential wings, and the working areas. A particular challenge was presented by the visiting regulations. These led to most of the discussions on the part of the detainees. Through individual communication with these special inmates, it was shown that the inmates accepted the postponement of their release.

In comparison to institutions and therapeutic facilities for juveniles, the lockdown measures were less severe in closed prisons. Regarding the institutions for juveniles, the main objective was to keep the restrictions from being unpleasant in order to avoid drastically changing the daily structure of the young people, who are very vulnerable and, in the absence of a daily structure, quickly resume deviant behavior. For example, some delinquent juveniles live in the open section of the institution, and they could visit their families under the condition that they stayed there in quarantine. These juveniles could also go outside under the condition that the rules of social distancing were respected.

The employees

“The employees, however, at some point they reached the limit that they simply could no longer comply with these rules and these constant changes.” (Manager of the prison)

Certain staff members were burdened by childcare responsibilities and were permitted more free time. Some of the staff members at risk, namely those with pre-existing illnesses or those who were older, exhibited anxiety. Others felt that they were safer inside the institution than outside. The constant changes in prevention measures at the federal level were a particular stressor for staff. For example it was learned, from one of the other closed prisons in Switzerland with a complete lockdown, that social workers in particular were challenged by the increased psychological stress of

inmates after several weeks of lockdown. In Lenzburg prison too, after a few weeks of lockdown, the strain on staff in terms of adherence to and the monitoring of prevention measures became apparent. Certain staff members, defined as vulnerable, had to stay at home and certain institutions had to recruit staff from elsewhere. For example, in Zurich, the staff from the airport police came to support the employees in the prison. In the women’s prison in Berne, there was co-operation with the University of Applied Sciences, and social work students would go to the prison to support the employees there. Nevertheless, the number of prison staff unable to work was low.

Figure 2 shows that the personnel were clearly more challenged and, with the continuing lockdown, noticeably reached the limits of their resilience

Special Challenges

In addition to the standardized survey, within the qualitative interviews asked about the particular challenges for implementing the social distancing regulations in prisons. The media coverage has led to the acceptance of the social distancing rules becoming more difficult. For example, from mid-March onwards, the Swiss population was asked to keep distance, while at the same time the media showed pictures of people lying on beaches in southern countries or, currently in Switzerland, the possibility of skiing is still permitted despite social distancing.

“That’s the problem. So, if the prisoners consume media, see all the people lying on the beach and crowding in the mountain railway, how can I demand that in here, even though it would be right, because we live so close to each other and because we have vulnerable people among the prisoners. But that’s like/ I also fail because of the psychology of the people who are inside here.” (Manager of the prison)

In some prisons the strategies concerning the social distancing lasted from mid-march 2020 and are still ongoing on beginning of 2021. During summer the visits were allowed via Plexiglas, and while retaining most of the distance regulations and also introducing the wearing of masks from September 2020 the society outside could live as normal as before.

The greatest difficulty was to find a way back to a new normality. Several people told within the interviews that the relaxations were more difficult than the initial measures. Some relaxations require more staff (e.g., for visits at a distance, several visitor slots and correspondingly more staff are needed). In some institutions, new admissions have been made in the course of the relaxation measures, which leads to higher occupancy rates and even more problems with the distancing rules. Also in comparison with other institutions, the inmates wanted to know, why there are different regulations within in the prisons.

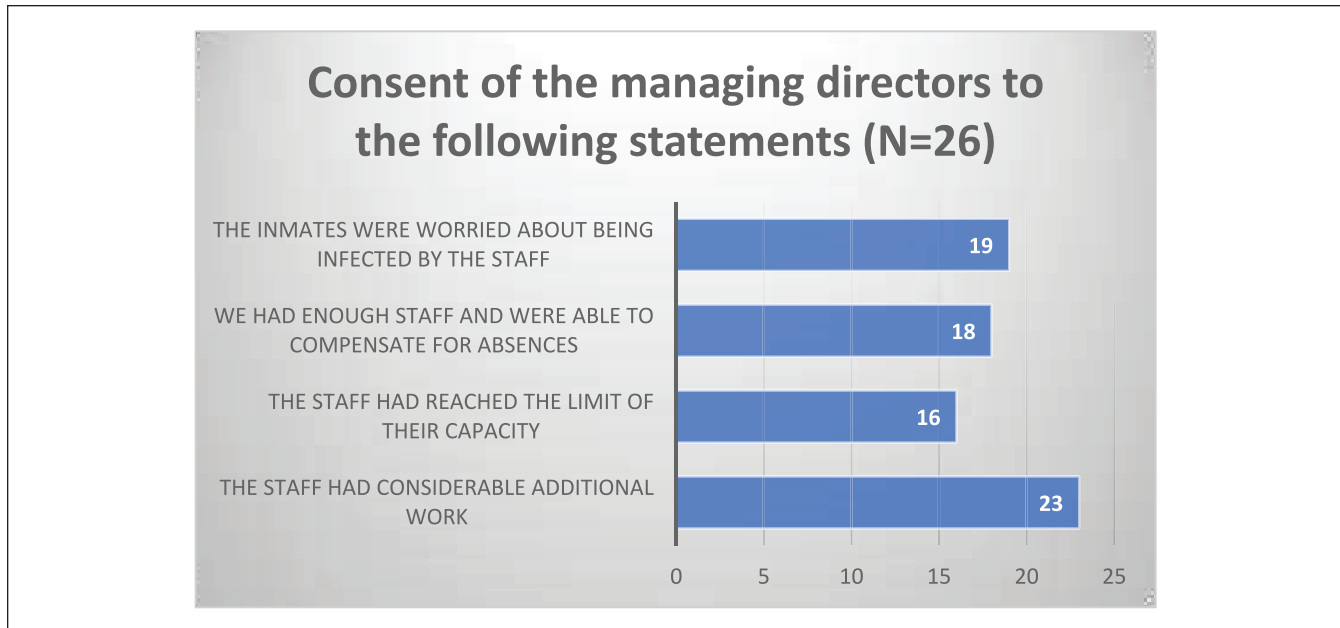


Figure 2. Burdens for the staff.

“Because the problem was in particular, already at that time, it was important for us how to gradually relax measures again. That didn’t work very well. It was of course a huge competition for me. The inmates, of course, react very strongly to it and say, “Hey, they’re allowed to go out again and we’re not. They’re allowed to Skype, we’re not” and so on.” (Manager of the prison)

In summary, it can be stated that the social distancing regulations were the most difficult to implement, whereby this was mainly due to very tight spatial conditions. On the other hand, the prisoners were able to draw comparisons with other prisons or with the measures in society through the media, which made it more difficult to accept stricter regulations.

Outlook

The division of the 26 cantons into 3 prison concordats originally functioned to standardize working methods within the respective concordats. With regard to the prevention strategy for the COVID-19 pandemic, it became apparent that the concordats played a subordinate role to the cantons, as the strategies in the institutions studied were mainly organized at the cantonal level, despite some institutions having a close interaction with the leaders of their concordat. The exchange regarding strategies was coordinated mainly with the office of justice from each canton, but informal exchanges between supervisors of the same form of law enforcement frequently took place across cantonal borders. However, it became apparent that the implementation of a prevention strategy was strongly influenced by such factors as structural conditions and occupancy rates, and prevention measures, therefore, had to be adapted to individual institutions.

Regarding the lockdown, the Lenzburg prison took some of the most extensive measures conceivable. These included the prison work areas. The considerations regarding the scope of the respective measures were explicitly geared to the structural possibilities. The primary goal was to prevent the COVID-19 pandemic from reaching the institution. This form of lockdown was also carried out in other prisons with the primary aim of preventing infection within the institution. In contrast, however, there were a large number of other facilities that had not suspended their work areas. Here, the goal was to maintain the daily structure of the inmates and to avoid unrest. While visits to these institutions were also suspended, the risk of spreading COVID-19 was higher with this prevention strategy. Had an inmate become infected, contact with this person during work could have spread the virus throughout the living areas. The maximum lockdown, on the other hand, had the objective of ensuring the highest possible security against the pandemic. The potential unrest among the inmates was avoided with a very intensive communication strategy and the expansion of communication possibilities via video telephony and extended telephone calls. With regard to Lenzburg prison, an earlier pandemic plan from 2009 (swine flu) could not be implemented in practice. Hence a new strategy, explicitly for a COVID-19 pandemic, had to be drawn up and efficiently implemented.

Conclusion

In conclusion, while the changes and restrictions were burdensome for employees after a few weeks, they were effective in avoiding a COVID-19 pandemic outbreak. The expansion of telephone contact with relatives proved to

have a beneficial effect. This contact option should be maintained and even expanded upon in the future. In this respect, it remains to be seen to what extent digitalization has been extended within the prison system, as a result of COVID-19. In this area in particular, parallels can be identified with the world outside the prison system, where digitalization has been able to compensate for a large part of contact restrictions. At the end of August 2020, the measures had been widely reduced, but a case of COVID-19 emerged in one institution, and this prison went strictly into a new lockdown, guided by the plans, strategies, and experiences of the first lockdown. The recommended measures to contain COVID-19 were very similar worldwide, but the data shown that all prisons within one country should use the same strategy, for a high level of acceptance by the inmates. The following success factors can be noted for Switzerland: at the time of the pandemic in Spring 2020, overcrowding in prisons was not a problem. Apart from the fact that overcrowding was not a problem in Swiss prisons, occupancy rates were reduced even further. This was done in order to be able to implement the social distancing measures. In consultation with the governmental authorities, the execution of custodial sentences was temporarily suspended. The execution of short prison sentences was also suspended. Here it was advantageous if the authorities responded to the needs of the prisons and the reduction in occupancy could be carried out quickly. Trust in the competences from the managing directors and the needs of the prisons on the part of the authorities were a positive starting point here. Despite the fact that the prisons were not overburdened on March 2020 each canton tried to reduce entrance even more. Within a very short period of time, the suspension of the execution of short prison sentences was ordered and implemented, so that the incarceration rates could be reduced once again in order to protect above all the vulnerable groups in the penal system and to make space for social distancing measures. These immediate interventions show that the justice system has responded adequately to the needs of the institutions. From the point of view of criminal policy, the changed enforcement practice with the suspending of the execution of custodial sentences showed itself to be particularly incisive. Currently, there is no change in the recidivism statistics due to this measure. It follows from this that it should be discussed in principle whether the execution of these sentences makes sense. This is against the background of the fact that the penal system is expensive and the execution of short sentences in particular poses great challenges for the work of reintegration. Regarding the risk factors concerning the COVID-19 pandemic in prisons (Akiyama et al., 2020, Burki, 2020), one can determine that COVID-19 was managed successfully in Swiss prisons.

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