

COVID-19

COVID-19 Measures for Probation in Portugal
General-Directorate of Rehabilitation and Prison Service
(Direção-Geral de Reinserção e Serviços Prisionais - DGRSP)

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Overview

Preventive and control measures against the Coronavirus in the General-Directorate of Rehabilitation and Prison Service (DGRSP) started in 6th March 2020, with a National Contingency Plan developed in line with the health authorities' requirements, applicable to all workers. In this document, a brief explanation of the Coronavirus was included, as well as a description of the main symptoms and forms of transmission. A national structure was created for the coordination, monitoring and updating of the DGRSP National Contingency Plan. Subsidiary local structures were also created to develop, coordinate, monitor and update Local Contingency Plans. On the scope of the latter, Probation Regional Directors should identify the essential and urgent activities of their Teams, the human resources need to assure them, as well as define the work that can be performed using remote means.

At this point, changes began to occur in the functioning of probation services. Probation and EM Teams started to gradually reduce home visits, as well as interviews and other personal contacts, using alternative means when available (phone, e-mail), as long as it did not jeopardize the minimum quality of intervention. The start of new group activities (such as offender programmes) was postponed nationwide. In more affected districts, ongoing group activities were immediately suspended. In the Northern region, where cases were rising faster, impacts were felt earlier and more notoriously, such as courts closing or using videoconference for hearings and community service institutions closing or requiring the suspension of service.

In March 13th, state of alert was declared in Portugal. As a consequence, the number of preventive measures in Probation increased. Access of clients to Probation Teams became conditioned, personal contacts with clients was reduced only to urgent and essential situations and all group activities were cancelled. The number of workers on Probation and EM Teams began to be reduced to the minimum by placing staff in teleworking for rotative periods.

In March 18th, state of emergency was declared in Portugal and so remains in the present date. The preventive measures implemented up to this point were reinforced, with stricter rules concerning the avoidance of personal contacts and the promotion of home confinement.

The measures further described below are those currently implemented in the Probation services in Portugal and they are the result of the above described progressive adaptation to the increasing demands of this crisis, always supported by the determinations of the Justice and Health authorities.

Staff presence at Probation Teams

Probation Teams are open to assure essential and urgent activities. Two workers – for instance, the Team Coordinator (or his/her substitute) and one Probation Officer - shall be present in the Probation Team premises during working hours in order to receive calls, attend the door and access databases and other internal applications that may not be remotely available.

The other Probation Officers work from home, but can be requested by the Coordinator (or his/her substitute) to go to the Probation Team premises in case of need.

There is rotation between Probation Officers working from home and on site.

Opening hours were reduced to the following schedule: 9h30 – 12h and 14h00-17h00. This schedule shall be clearly posted at the door, together with all the Probation Team contacts (phone or e-mail).

Locally, Regional Directors manage their human resources according to the specific needs and characteristics of their Probation Teams, as long as essential and urgent activities are assured.

Contacts with clients and others

Regular contacts with clients and collateral sources of information are to be continued as usual using remote distance means (e.g., phone), both for the purpose of Probation/EM supervision and elaboration of reports to court. Whenever these procedures or other external or local constraints compromise in anyway the regular activity or the quality of the reports (e.g., client or other sources are in quarantine, local institutions are closed, etc.), the demanding authority should be informed of the limitations and can make decisions in accordance.

In-person meetings are only allowed for activities considered essential and urgent by the Coordinator (or his/her substitute) or according to the Local Contingency Plans. Activities that should be considered essential and urgent include:

- Elaboration of reports to inform the application of EM measures;
- Elaboration of reports to support decisions that may impact release from a deprivation of liberty situation, such as pre-sentence reports of offenders in detention or remand and conditional release reports;
- Any other request classified as urgent by the judiciary authority.

To allow the implementation of the above criteria, Probation Teams operate with conditioned access. At the entrance, each person that arrives is provided a form to register his/her identification and contact details, as well as the reasons for presentation. Based on this form, the Team Coordinator (or his/her substitute) assesses how essential and urgent the situation is and if it requires an in-person meeting. In case it is not essential nor urgent and/or it does not require an in-person meeting, the person will be instructed to wait for later contact and the filled form will be given to the case Probation Officer.

If it is considered to be an essential and urgent situation, before meeting with the client, the Probation Officer further checks if the person has signs of respiratory disease, has travelled from areas with high incidence of COVID-19, has had contact with a positive case or is a health professional or someone who has been in an institution where COVID-19 patients are treated.

In-person contacts shall take place in the broadest space possible, with a minimum distance of 2 meters between people. The length of stay at the Probation Team premises should be reduced to a minimum. In home visits (which are needed for the purpose of EM reports), contacts should be established outside the house.

Community Service

- For incoming measures, the court is informed that the community service will be postponed due to the emergency state;
- For ongoing measures, the client and the court are asked about the intention to continue the community service. In case the decision is to continue, working conditions have to be evaluated to check they allow for compliance with COVID-19 preventive measures. If the client does not intend to continue the community service or if working conditions are not safe, the court is informed about the interruption and its motives;
- For situations in which the institution where the community service was being served decides for the interruption, they are requested to declare it in writing and then the court is informed.

Besides the previous scenarios, based on a case-by-case analyses and using solutions already contemplated in the Portuguese legislation, Probation Officers are encouraged to report to courts all situations in which it is possible and appropriate to apply an early extinction of the community service or the modification of the measure. For instance, for measures where the remaining time of the sentence is too short, a different obligation (e.g., fine payment) or an extension of the sentence may need to be imposed. For measures in which the client is close to completing the number of community service hours and has been showing positive performance, an early extinction of the measure can be decided by the court. In all cases, a thorough report, with solid justification, shall be provided to the court by the Probation Officer.

Group Activities

All group activities – programmes, group sessions - are suspended until further decision.

Electronic Monitoring

The surveillance of EM clients is assured as usual, with the following exceptions:

- Routine visits are suspended and replaced by remote contacts.

- Installation and removal of EM equipment may be cancelled in case the person is a suspect COVID-19 patient or is in quarantine, at least when Personal Protective Equipment is not available for EM Officers.
- Less EM Officers are working at the premises of the Surveillance Centres. Part of the EM Officers will be at home, but on call.

Supervision of prisoners temporarily released from prison due to the COVID-19 pandemic

On the scope of the emergency state imposed by the Covid-19 pandemic, in the 10th of April, an exceptional legal regime was approved to allow the early or temporary release of designated groups of prisoners. Such regime was decided to avoid focus of infection inside prisons and prevent the spreading of the disease, thus protecting staff and prisoners, particularly those with health problems and old age – who exist in high proportion in Portuguese prisons – as well as open new isolation. One of the measures considered on the scope of this exceptional regime is the possibility of an extended administrative leave. More specifically, prisoners can be conceded a 45 days leave, which can be renewed for the same period of time, as long as it is considered advisable due to sanitary reasons and the prisoner is complying with the conditions of the leave. In order to benefit from this measure, some criteria have to be met by the prisoner, such as having had previous successful leaves and the absence of previous breaches.

Temporarily released prisoners will be under the supervision of the Probation Teams. With this new and urgent responsibility, Probation Teams are having to rapidly refocus their activity and prepare for the task. Probation officers will keep regular contacts with the prisoner and do all necessary diligences to verify the compliance with release conditions. These include home confinement (without EM surveillance), as well as a number of other conditions related to abstaining from any antisocial practices and complying with the supervision of the probation service and the police. Contacts and diligences will be assured mainly by remote means, but also on the field and in collaboration with the police whenever necessary. Particular attention will be given to the protection of victims, namely in cases where there may exist prohibition of contacts between offender and victim. Probation officers will report any misbehaviour that may lead to the revocation of the measure and the consequent returning of the inmate to prison. Probation officers will also gather the necessary information to fundament the renewal of the leave.

At the moment, the first prisoners are being released under this measure.

Final Remarks

Please note that the measures described in the current document are valid during to the emergency state and are subject to constant adaptation.

Information about the changes in the functioning of Probation Teams are available to the public through the DGRSP website (Portuguese only): <https://dgrsp.justica.gov.pt/Noticias-da-DGRSP/Atendimento-nas-Equipas-de-Reinser%C3%A7%C3%A3o-durante-o-estado-de-emerg%C3%Aancia>