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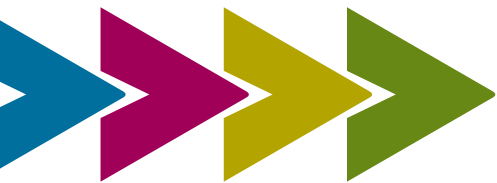
# Prison admission guide

EUSKO JAURLARITZA

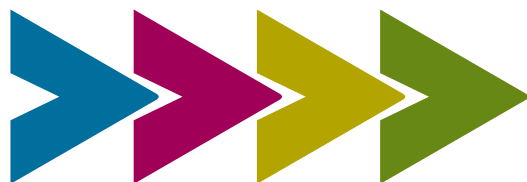


GOBIERNO VASCO





# Prison admission guide



EUSKO JAURLARITZA



GOBIERNO VASCO

**Eusko Jaurlaritzaren Argitalpen Zerbitzu Nagusia**

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# Introduction



This guide provides you with useful and practical information about life in prison and how the Prison System works:

- How things are organised in prison.
- How you can communicate with your family, your lawyer and other professionals.
- Your rights and obligations.
- Life in prison and grade classification.
- The services and the types of benefits that are available to you
- Other aspects of how the prison system works that you might find useful.

In the library there is a copy of the prison's Internal Regulations and relevant legal information for broadening your knowledge about issues that may be of interest to you or for finding further information about any questions you might have.

In any case, the prison's staff is at your disposal and will help you with what you are looking for.

*Biblioteca*





# Going to Prison



Entering prison is handled by the Admissions' Department.

You have the right to immediately **communicate** your circumstances to **your family and your legal representative** via a free telephone call or by any other means.

1. First of all prison staff will carry out a **PERSONAL SCREENING PROCESS** in which:
  - Your **identity** will be checked.
  - Your **photograph** and your **finger prints** will be taken.
  - Your personal information will be entered in the **admissions' book**.
  - A **personal file** will be opened that will hold up to date information about your **judicial and penitentiary situation. You have the right to see this information.**
  - Your personal information will be in a computerised file managed by the Prison Service. You can access this information and request the Management Body within the Department of Equality, Justice and Social Policy of the Basque Government to amend it when you deem appropriate.

Transsexual people can inform the professionals working in the prison of their condition. They will be told what their rights are regarding where they will be housed in the prison.

## 2. YOU AND THE BELONGINGS YOU HAVE ON YOU WILL THEN BE SEARCHED.

Unauthorised belongings will be held in the prison, a receipt will be issued and you can reclaim the items when you leave. Alternatively you can hand them over to a designated relative.

3. To check your state of health, you will have a preliminary **MEDICAL CHECK UP** in the Admissions' Department.

It is advisable that you take the chance at this first check up to provide information about any illnesses you might suffer from, any medication you are taking and any other information relevant to your health or any other medical conditions you may have.

4. In the first days after arriving in prison, you will have several **INTERVIEWS WITH DIFFERENT PROFESSIONALS WORKING IN THE PRISON:**

- With a **social worker**, who can provide you with information about your social and familial situation, how your family is after your arrival in prison and who you wish to authorise to be informed if the need arises (for example: a serious illness).
- You will also be interviewed by other professionals from the Prison Service's expert team in the areas of **psychology, law, education or social work**. They will inform you about the immediate steps you should take, which wing you will be housed in, the jobs that are open to you...



# Relations with the outside



Prison legislation recognises the “**...right to regular communication:**

- oral or written,
- in your own language,
- with your relatives, the people closest to you and friends and
- authorised accredited representatives from prison cooperation bodies and institutions, ... except in the case of solitary confinement”

If the judicial authority whom you are dependent on has ruled that you are to be in **solitary confinement**, you may only communicate with those people who have been authorised to do so by the judge until the judge rules otherwise.



# Communication and Visits

Personal communication can take place with **authorised** family members, people close to you and previously authorised friends in a **booth with a glass partition**:

- **Length:** 20 minutes, accumulative to one visit of 40 minutes over the weekend.
- With up to **four people** at the same time.

Communicating with **family members**, if you have not received regular permission:

- At least once a month.
- Between one and three hours long.
- With your closest family or closest relatives.
- In an adequate space.





**Intimate** communication, with your partner if you have not received regular permission:

- At least once a month.
- Between one and three hours long.
- In a room fit for purpose where privacy is guaranteed.

**Family visits**, with partner and children not older than 10 years of age:

- In a room fit for purpose.
- At least once every three months.
- Length: From three to six hours.
- Number of family members per inmate: Up to six.

Visitors to the prison can ask for a visiting appointment by calling a free telephone number.

Visits with minors younger than 13 years of age can take place in the co-living area.

**Video conference calls.**

Requests can also be made for making these types of calls



### **Communicating with Legal Representatives and Lawyers:**

These calls take place in specially adapted telephone booths and may not be cancelled by an administrative decision.

### **Communication facilities for foreign national inmates:**

- With consular or diplomatic representatives from their country of origin.
- In a room fit for purpose.
- Following previous authorisation from Prison Management.

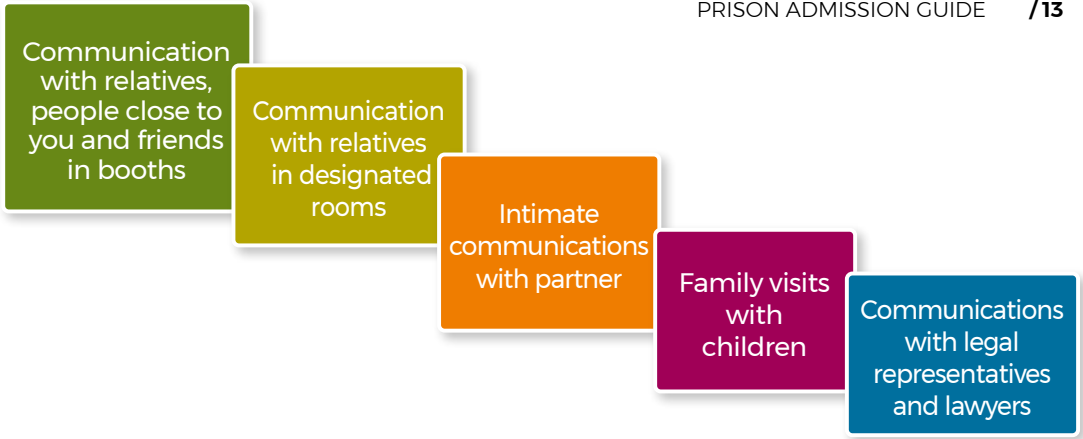
### **Communication by phone:**

You are permitted to have regular contact with your family, legal representative or others.

The calls can take place once the following **requirements and conditions have been fulfilled:**

- You can ask Prison Management to authorise ten telephone numbers, indicating the names and surnames of all the people you wish to contact and specifying your relationship with them. **The mobile phone numbers must come with a copy of the contract or a bill** indicating who the owner of the phone is.
- YOU must **pay** for them.

You can make a maximum of fifteen calls a week lasting eight minutes each.



	Who	Where	Time	People
Communication with relatives, people close to you and friends in booths	Authorised relatives and people close to you	Booths	20 minutes or 40 minutes (accumulative to one period of 40 minutes at the weekend)	Maximum 4 people at the same time
Communication with relatives in designated rooms (*)	Family or closest relatives	Rooms fit for purpose	At least once a month 1-3 hours	Maximum 4
Intimate communications with partner (*)	Partner	Private room	Private room	2
Family visits with children	Partners and children up to 10 years of age	Rooms fit for purpose	At least once every 3 months 3-6 hours	Maximum 6
Communication with legal representatives	Legal representatives and lawyers	Specially adapted telephone booths	Can only be disallowed by a judge	

(\*): If you have not received regular permission.

# Letters and parcels



You can send as many letters as you want under the following conditions:

- They must be put into an envelope which should then be sealed.
- Include name and surname in the return address.
- Bring to or post where indicated by the prison.
- Correspondence with an inmate in another prison should be sent through Prison Management in a sealed envelope. There is no need for a stamp.

The sending and receipt of **parcels** and **items** is subject to the following rules:

- The sending and receipt of parcels coincides with specific communication days.
- You may not receive parcels by post or courier.
- Your prison will inform you about **what items are not permitted**.
- Under general rules, 2 **parcels** of permitted items can be sent or received a month.
- Inmates in secure units can only send or receive 1 parcel a month.



# Life in prison



While **living** and **staying** in prison:

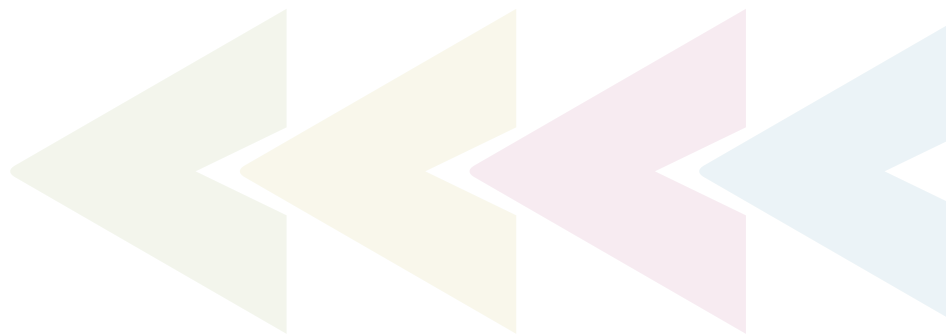
- The prison will tell you in which **cell** and in which **wing** you will be housed. You will be given what you need for **cleaning** and **personal hygiene** as well as clothes and bed linen.
- In your assigned cell you have your own space for keeping your belongings and you can have **your own clothes**.

Within the prison, there are areas for common use: outdoor yards, sports areas, schools, a library, workshops, canteen and the living area. All these areas are shared.



**To facilitate co-living**, the timetable for the cells and the other areas is scheduled. This is also the case for all of the activities that are organised.

The schedule is included in the **Internal Regulations**.



# Grade Classification



All those who have been sentenced and who have not been in pre-trial detention are classified into grades at the most two months after having received official notification in prison of an irrevocable sentence.

Being classified means being assigned one of the three grades that is established by law and implies “living” in prison under a:

- Closed regime (1st Grade)
- Ordinary Regime (2nd Grade)
- Open Regime (3rd Grade)

The grade assigned decides the **security and control measures** to be applied. The first one is the most severe. They then become progressively more flexible until the third grade is reached.

When making a decision on which grade should be applied, your personality, prison, individual, familial, social and criminal history and the length of your sentence is taken into account, as well as other factors contemplated in prison law.

The grade is reviewed every six months at the most. An individual review is carried out by the Prison Board. This review can lead to a different level being assigned or no change being made.

Coinciding with the initial classification and successive grade reviews, a particular prison is always requested, which in some cases may mean a transfer to another prison.

The proposals made by the Prison Board are then decided upon by the Management Body - Basque Government (Vitoria-Gasteiz).

If you do not agree with the decisions made by the Prison Service they can be appealed to the Prison Supervisory Court.



# Rights and obligations



To be deprived of your liberty and to be sent to prison does not annul or suspend all your rights.

In prison, you have **the RIGHT** to:

- The Prison Service safeguarding **your life, integrity and health**.
- The Prison Service preserving your dignity and intimacy without prejudice from the measures demanded by orderly co-living in prison.
- The Prison Service exercising the **civil, political, social, economic and cultural rights** that are not incompatible with the objective of your detention and the serving of your sentence.
- Receive **public social benefits** that you may be entitled to.
- **Communicate with the outside** within the terms and conditions established by the Law and the organisation of the prison.
- Participate in the **activities of the prison**.
- **Prison benefits**.
- **Receive** personal and up to date **information** about your judicial and penitentiary process.
- Bring **requests and complaints** to the competent authorities.
- Receive adequate **prison treatment**.
- Carry out **remunerated work** within the possibilities of the Public Service.

In prison you have the following **OBLIGATIONS to:**

- **Remain in prison** at the disposition of the judicial authority if you are in pre-trial detention or to serve a sentence if you have been condemned.
- Comply with the prison's **internal regulations**, obey orders and actively collaborate in order to live with others in an orderly manner.
- **Respect the other inmates, prison staff and others** who are in the prison.
- Keep the facilities **clean and in good condition**.
- Maintain an **acceptable level of personal hygiene**.
- **Participate in** training, education and employment **activities** in order to be better prepared for life outside prison.

In accordance with the above **the PUBLIC SERVICE SUGGESTS** that:

For guaranteeing the fulfilment of all the rights and obligations described:

- **To behave correctly** in order to be able to access prison benefits and other mechanisms (permission to go out or to go on an organised trip) which make it easier and more agreeable to serve a sentence that has deprived you of your liberty.
- **To comply with Prison rules**, not to do so may lead to the imposition of sanctions.

The following are actions that are not in compliance with the rules and may lead to the imposition of sanctions:

- Consuming alcohol, toxic drugs or any other unauthorised substance while in prison.
- Physically or verbally mistreating other inmates.
- Disrespecting other inmates on the basis of race, gender or sexuality.
- Threatening the sexual freedom of others.
- Spreading news or false information about the prison that affects the prison's security.
- Bringing in or being in possession of objects prohibited under the prison's internal regulations.
- Deliberately causing damage to the facilities or material in the prison or other prisoners' belongings or the theft of such belongings.

- Disobeying orders received from the authorities or the prison's staff.
- Disrespecting and showing a lack of sufficient consideration towards the prison's staff or others.
- Trying to or carry out an escape from prison or cooperating with or aiding the escape from prison of other inmates.
- Assaulting, threatening or seriously coercing any other person.
- Initiating, organising or participating in violent disorder.

If there is an infringement of the rules, one of the following **SANCTIONS** can be imposed:

- A warning.
- Prohibition of up to one month maximum from taking walks and participating in recreational activities.
- Limitation to the minimum on oral communication.
- Removal of permission to leave the prison for up to two months.
- Confinement to cell for up to seven weekends.
- Confinement to cell for up to fourteen days.

When imposing sanctions, the Public Service must follow a written **PROCEDURE**, in which:

- A record of the incidents that are considered an infringement of the rules must be communicated **in writing** when the sanctioning process begins.
- You **may contribute to this record** and include what you deem necessary for your defence. If you have any doubts about the infringements you have been accused of you should not hesitate to ask the prison's professional staff (educator, lawyer...).
- The Disciplinary Board is a collegial body that is authorised to impose the sanction.
- You will be **notified in writing** of the sanction imposed, including the form and timing it will take and the possibility of making an appeal.
- You can **appeal** the sanction imposed to the **Prison Supervisory Judge**.

The Disciplinary Board is also authorised to reward good behaviour and positive participation in activities with additional special communication benefits, grants for studying, cash awards, etc.



# Treatment in Prison



The time you spend in prison is a consequence of your detention and the serving of your sentence. This time should serve as a preparation for life when you leave prison.

Prison staff will work with you to find out about your problems be they social, employment, family, etc. As long as they have your consent, prison staff will try to help you so that the problems that brought you to prison disappear or are alleviated.

The **Prison Board** is made up of professionals from the prison that have among other tasks the following functions:

- Assessing all your problems and your social and personal needs.
- Monitoring your life in prison.
- Carrying out what is proposed in your initial classification and reviewing your grade.
- Proposing an **action plan** which would include the activities that you can do in the prison and those that would be of help to you.
- Appraising and granting or denying your permission requests.
- Proposing the awarding of prison benefits if applicable.

To correct behaviour, improve skills or overcome shortcomings that have led you to prison, the Prison Board will suggest that you participate in treatment-intervention programmes, such as improving your educational or employment qualifications.

Many inmates have problems or difficulties of a personal nature. To help them overcome these issues some **SPECIFIC TREATMENT PROGRAMMES** have been designed.





You can find out about these by talking to the person assigned to you as an educator. This person will inform you about what programmes are available in the prison you are in, what is involved and how to access them. If the prison you are in does not have a programme that you would like to participate in, you may request to be transferred to another prison where this activity is held. Keep in mind that for your request to be considered you must demonstrate a firm commitment to participating in the programme.



You can also participate in the **sports, cultural, recreational and occupational activities** that are carried out in your prison according to the established timetable.

# Permission



As long as you are not classified as Grade One, have served a quarter part of your sentence, have demonstrated good behaviour and have received **a favourable report** from the Prison's expert staff you may receive **regular permission** to go out.

This permission is subject to the following conditions:

- Each one will have a maximum duration of seven days.
- You can avail of several, throughout the year:
- Up to **36 days a year**, if you are classified as Grade Two.
- Up to forty-eight days a year if you are classified as Grade Three.

You can also avail of **special permission**, under the terms of and for the cases permitted in the legislation (the death or serious illness of a direct family member, a partner giving birth or other important or proven reasons, medical appointments outside prison, hospital admissions) with adequate security measures except in exceptional circumstance where these measures cannot be fulfilled.

# Requests, complaints and appeals



You can make **complaints and requests orally** or **in writing** (if written they must be presented in a closed envelope and a receipt must be issued).

- They may be presented to:
- Prison Staff
- Prison Management
- The Management Body within the Department of Equality, Justice and Social Policy or the Prison Supervisory Court.

In these cases, the written submission must be sent to Prison Management who will then ensure that it is referred to the correct body.

- And in relation to:
- Your penitentiary situation.
- Life in prison.
- Activities...

In the same way, you can present a written submission outlining the **appeals** that are contemplated in the legislation and that are stated in each administrative decision.

The decisions that are taken with regard to the content of your request, complaint or appeal **will be communicated to you in writing**.

# The Prison Supervisory Court



This is the body charged with **overseeing** how the sentence you have received is complied with, safeguarding your rights and correcting if considered necessary the work of the Prison Service.

Among others, it has the following functions:

- Deciding on appeals regarding the initial classification grade and the progression or regression from grade to grade.
- Authorising exit permits that are longer than two days (except for those at the third grade).
- Deciding via the appeals channel on complaints relating to disciplinary sanctions.
- Granting and revoking release on parole.
- Deciding on any request or complaint regarding prison conditions or treatment that affects your fundamental rights or your right to prison benefits.

The judge from the Prison Supervisory Court regularly visits which allows for direct communication with the inmates. In any case, there always exists the possibility of writing to the judge directly.

# The Ombudsman



The 1978 Spanish Constitution set up this institution to uphold fundamental rights, to supervise the work of the public service and to render account to Parliament.

If you consider that any of your rights or legitimate interests not affected by your sentence have been infringed during your prison stay, then you may get in contact with this institution in writing, outlining your case.

In the Basque Country there is also the Ombudsman for the Basque Country (Ararteko) which is the Basque parliament's High Commissioner for the defence of people's rights when dealing with the actions and political policies of the public administration of the Basque Country. The main purpose of the institution of the Ararteko is to assist citizens with their complaints, requests or inquiries concerning incorrect or irregular actions of the public administration and to process such complaints in accordance with a procedure in which the administration involved will be contacted to provide information and an explanation of how they have proceeded.

You can address your complaints to both institutions indiscriminately.

# Prison Services and Benefits



The prison provides you with a series of services and benefits that aim to respond to your needs and make it possible for you to lead a free life once you leave prison.

The prison has a **prison shop** in which you can buy authorised products that you need.

Beside the office window there is an up to date list of the products and their prices.

If you need an authorised item that **is not available in the prison shop**, you can ask Prison Management to authorise its purchase outside prison. You must pay the cost of this product.

Legal tender is not permitted.

The amount of money that you have on you and that which you will receive afterwards from the office in prison or by transfer will be deposited through the Prison Service into **your own prison account**, about which you will receive documentary information regarding its transactions and balance.

For using this money and carrying out purchases, you will be given a personal swipe card topped up with a limited weekly amount.

You can send transfers and bank orders for your family or others as long as there has been previous authorisation from the Prison Service.

The Prison also has a **launderette and a hairdresser's** that can be used free of charge.

The prison has a **healthcare service** comprising of medical, nursing and medical assistance staff. You can attend once you have asked for an appointment. This service provides integrated attention that is focused on prevention as well as the diagnosis and treatment of illnesses. If necessary, this healthcare service can refer you to a specialist or a specialised healthcare unit. You must submit a request to Prison Management if you wish to be seen by a **private healthcare professional**. If authorisation is given, you must pay for the cost of this service yourself.



For ensuring orderly co-living it is essential to comply with the Prison's rules about health and hygiene.

Those working in the social work department will help you to resolve any problems you or your family may have as a consequence of you being detained in prison.

They will also advise you about the economic and/or health benefits or any other types of benefits that your town council or autonomous region can provide.

If you do not have an identity card or a social security card, tell the social workers and they will help you to apply for one.

**AUKERAK, BASQUE AGENCY FOR SOCIAL REINSERTION (AGENCIA VASCA DE REINSECCIÓN SOCIAL)**, is an agency that manages the prison work that is carried out in the prisons' productive workshops. They also organise professional training and job placements aimed at acquiring professional qualifications and improving your opportunities of being integrated into the employment market.

Within the possibilities of the Public Service, you have the right to work and the obligation to work. Working will allow you to be involved in a regular activity, improve your professional experience and prepare you for a return to the jobs market.

Productive prison work is remunerated.





**The EDUCATION SERVICES** will provide you with access to basic education, training courses for adults and will help you to complete your unfinished studies.

You also have the opportunity to study online at secondary level or to study for a university degree with the National Open University (Universidad Nacional de Educación a Distancia).

The prison will also facilitate your **FREEDOM TO PRACTISE YOUR FAITH** and your communication with ministers of your faith as long as they are registered as such.



# Foreign nationals in prison



Foreign nationals who are detained in a Spanish prison have **the right to make contact with their country's representative in Spain**. To do so they must submit a request to Prison Management.

If in your case there is no accredited representative or if you have refugee or stateless status you can contact the representative of the country that is protecting your interests or the corresponding national or international authorities.

If you have been sentenced and you are a national of one of the countries that has signed the relevant agreements with Spain, then you can make a request **to serve your sentence in your country of origin**. Ask your assigned educator if your country has this type of agreement.

You can ask for this paperwork to be done at any time. If this is of interest to you, make your request as soon as possible. The prison's legal service can advise you and help you to prepare the paperwork.

When you have fulfilled the requirements in the Penal Code for being **released on parole**, the Prison Supervisory Court can authorise you to **serve this part of your sentence in your country of origin**.

If you cannot afford it, the Public Service will provide aid for you to return to your country to serve the remaining sentence. Failure to comply with the conditions for returning to your country as sentenced by the Court will result in the release on parole being rescinded.



# ANNEX I

## PENITENTIARY CENTERS



### ARABA PRISON

**Araba Prison address:**

Portillo de San Miguel, 1  
C.P.-01230 Nanclares de la Oca

**Araba Prison account number:**

ES67 0049 5468 44 2116969970

**List of bodies that work in the Araba Prison:**

ADAP- ADSIS- ARABAKO- BERTSOZALE ELKARTEA- ARRATS- BERRIZ-  
TU- BIDESARI- CLARA CAMPOAMOR- CRUZ ROJA EUSKADI- EL PRA-  
DO- ETORKINTZA- FEDEAFES -GAO LACHO DROM- GIZAKIA- GOIZTIRI  
- HUNKITU- JEIKI- LOIOLAETXEA- PASTORAL PENITENCIARIA DE VITORIA-  
SAMSARA- SIDALAVA- ZUBIKO

**For making an appointment to communicate with an inmate**

**Online at**

<https://citaprevia.institucionpenitenciaria.es/cita-previa-publico/>

**Central Office Telephone Switchboard**

945 318 600 (from Monday to Wednesday)

# ANNEX I

## PENITENTIARY CENTERS



### BIZKAIA PRISON

**Bizkaia Prison address:**

Calle Agirre Lehendakaria, 92  
48970 Basauri, Bizkaia

**Bizkaia Prison account number:**

ES77 0049 4638 87 2716160141

**List of bodies that work in the Bizkaia Prison:**

ADSI- ALCOHOLICOS ANÓNIMOS- BERRIZTU- BIDESARI - CRUZ ROJA  
EUSKADI - ERAIN - ETORKINTZA- FUNDACIÓN GIZAKIA - PASTORAL  
PENITENCIARIA DE BILBAO - ZUBIETXE - ZUBIKO- ZUBIA

**For making an appointment to contact an inmate:**

**Online at:**

<https://citaprevia.institucionpenitenciaria.es/cita-previa-publico/>

**In Person and by Telephone**

94 4 490 654 (from Monday to Wednesday from 07.00 to 20.30)

# ANNEX I

## PENITENTIARY CENTERS



### GIPUZKOA PRISON

**Gipuzkoa Prison address:**

Paseo de Martutene, 1  
20014 Donostia-San Sebastián

**Gipuzkoa Prison account number:**

ES12 00 4960 8522 2716061785

**List of bodies that work in the Gipuzkoa Prison:**

ARRATS- BERRIZTU- CRUZ ROJA EUSKADI- GURE AMETS- IGLESIA  
EVANGÉLICA CUERPO DE CRISTO- IRESGI- IZAN - PROYECTO HOMBRE-  
LOIOLAETXEA- PASTORAL PENITENCIARIA DE GIPUZKOA

**For making an appointment to contact an inmate:**

**Online at:**

<https://citaprevia.institucionpenitenciaria.es/cita-previa-publico/>

**In Person and via Central Office Telephone switchboard**

943 450 107 (from Monday to Wednesday)