



CATALAN
AUTHORITY FOR
THE PREVENTION
OF TORTURE
ANNUAL REPORT
DECEMBER 2013

SÍNDIC

EL DEFENSOR
DE LES
PERSONES

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I. INTRODUCTION

1. Introduction

This is the fourth report presented by the Catalan Authority for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, CAPT) to the Parliament of Catalonia, pursuant to the terms of Article 74 of Law 24/2009, of December 23, on the Catalan Ombudsman.

The following pages offer a detailed account of the activity conducted throughout 2013, focusing especially on the visits made to facilities with custody over persons deprived of their liberty.

The number of facilities visited has risen significantly over the two prior years. Visits were made to 53 facilities, over the 36 visited in 2012 and the 17 of 2011. In methodological terms, all of the visits follow a pre-established protocol. This protocol is unique to each type of center visited, with the aim of gathering the maximum amount of relevant information on each visit, pursuant to the duties of the CAPT, as described in the law that created it. It bears mentioning that the Task Force always arrives at facilities unannounced. Further, in 2013, they were made indistinctly during morning or afternoon hours, and on occasion, at night.

In 2013, priority was placed on visits made to stations of the Mossos d'Esquadra (Police of the Autonomous Govt. of Catalonia - Generalitat), local police and the *guàrdia urbana*. Of the 53 visits made, 43 were to such facilities. This ensures greater contrast among the data collected, much more solid conclusions, and therefore, more relevant recommendations, as these centers are concerned.

Key recommendations

The report contains a number of conclusions and recommendations for each facility visited, as well as general recommendations depending on the type of center. In the case of adolescent and youth facilities visited, and given that the visits took place in the framework of a joint action between the CAPT and Catalan Ombudsman, it has been decided to make reference to the conclusions that have been taken up in the Catalan

Ombudsman's Annual Report on Children's Affairs, delivered to the president of Parliament on December 17, 2013, to avoid unnecessary reiterations.

Among the conclusions and recommendations taken up in the CAPT's 2013 annual report, special attention should be directed to the shortcomings observed in the detainee custody process. The result of these shortcomings is basically an unjustified delay in effective legal aid to detainees as well as the time in which they are placed in judicial provision, all of which is worsened by a disparity of criteria when the arrest is made by local police.

Specifically, three observations stand up:

1. On most of its visits, The CAPT Task Force has found that the time that passes from the arrest until legal aid is guaranteed to the detainee is unjustifiably prolonged, and that there is a systematic lack of compliance with Articles 520.4 and 795 and the Civil Judgment Act, hereafter LECrim), which stipulate that the bar association be immediately notified of arrests.

It is common practice that the request for legal aid be made to the bar association once the police inquiry proceedings have been completed. When an arrest is made by agents of the local police, although the detainee is informed of their right to legal aid, they are also informed that it will not be made effective until they have been transferred to the Mossos d'Esquadra police facility.

For this reason, the CAPT has reminded all law enforcement agencies of the need to immediately notify the bar association of all arrests. Alternatively, they must notify the attorney chosen by the detainee, without any delay occurring in such case, as certain detainees interviewed by members of the CAPT team have reported.

2. It must also be noted that the observations of the CAPT show that the time limits for stays in police stations are systematically exceeded when this custody is no longer necessary. Once the initial police inquiry is concluded, there is no reason, beyond the organizational or logistic interests of the law enforcement agencies and courts, which

would justify a detainee's continued detention under police custody over several hours. The fact that the majority of detainees go from detention to judicial provision in a maximum period of 36 hours—a time period inferior to the 72-hour maximum set by law—cannot disguise the fact that the strict timetable for reception of detainees at courts often means that detainees unnecessarily spend the night in the police facility. Transfers are only made outside morning hours in the event that a specific injunction is received from the judicial authorities.

Pursuant to the doctrine of the Constitutional Court regarding the possible violation of Article 17.2 of the Constitution, the CAPT suggests that the judicial and police authorities establish a twice-daily transfer system that would allow detainees entering police facilities in the morning to go into judicial provision in the afternoon if the police inquiry procedures have been completed.

3. Lastly, the CAPT's visits have revealed a disparity of detainee custody practices among local police forces and the *guàrdia urbana*. It should be noted that there is not a harmonized protocol for action and coordination of detainee custody and transfers between local police and the *Mossos d'Esquadra*. This means that the treatment received by detainees from the local police may be unequal, depending on the locale where they have been arrested, with the consequent grievances arising. The most evident of these grievances can be seen in the duration of the time in which a detainee is deprived of their liberty, unjustifiably longer when the detention is made by the local police.

This lack of coordination between local police forces and the *Mossos d'Esquadra* is only one part of a greater disparity of circumstances that characterize local police departments' custody processes, depending on the municipality. Perhaps the most relevant is that the majority of local police forces' custody areas do not meet the minimum conditions, and suffer from severe deficiencies.

Therefore, the CAPT suggests a revision and harmonization of the protocols for action and coordination between the *Mossos d'Esquadra* and local police departments of the various local councils, in terms of detainees' rights. The CAPT also suggests that any local

police custody area with structural deficiencies (impossibility of separating detainees, lack of work equipment, unsuitable facilities, etc.) no longer be used for holding detainees, and that the holding facilities of the *Mossos d'Esquadra* in that locale or area begin to be used for such purpose.

Compliance with the recommendations made

In reference to the recommendations made in reports of prior years, it must be stated that in general, responses containing pertinent rationale have been provided on the observations conveyed by the CAPT. In various cases, the observations made by the CAPT in prior years have already been applied. In others, the recommendations are pending implementation depending on budgetary availability.

On the negative side is the lack of response from the local councils of Figueres and Vic to the recommendations made in prior years. This is also true for the Department of Home Affairs of the Generalitat as regards the general recommendations, some of which are reiterated with new rationale and more information in this year's report.

Denial of entry into the FCHC

It is also worth noting that the CAPT team was not allowed into the Foreign Citizen Holding Center (FCHC) of Barcelona's Zona Franca, as the Spanish Ministry of the Home Affairs denied them entry.

The internal regulations for FCHC's are still pending approval by the Ministry of Home Affairs. Therefore, those detained in these centers face uncertainty as regards procedures and guarantees. Despite this refusal, and the lack of regulations, the Catalan Ombudsman has continued to receive complaints from detainees held in this center that require urgent supervision. The most recent case had to do with the death of a detainee—reported as a suicide by the police—and calls from two detainees who asked to be interviewed to give information on events that had occurred immediately prior to the death of this person,

and that could be useful to determine the cause of death.

In any event, all of the complaints are duly transferred to the High Court of Justice of Catalonia and the Public Prosecutor's Office, as established by the cooperation agreements between these two institutions, to guarantee, despite the existing difficulties, supervision tasks for the protection of FCHC detainees' human rights.

Institutional framework of CAPT activities

The training activity conducted with the Association for the Prevention of Torture (APT), the world's leading NGO in the field of torture prevention, must be highlighted within the framework of this report. This activity, held last June, was an opportunity to exchange experiences, and improve action procedures and methods of the standing CAPT team. A public event was held and participated in by the APT, featuring speakers from the academic world and professionals specialized in the defense of human rights. A large audience was on hand, with many elected officials from the Parliament of Catalonia among it.

On another note, in early December, the Parliament of Catalonia appointed new members to the Advisory Council for the Prevention of Torture to cover the vacancies left by the bar associations. At the time this report was written, the appointment of representatives to cover existing vacancies in the area of health was still pending.

Violation of the Catalan Ombudsman Act for failure to notify the United Nations

It must be remembered that the Spanish government has yet to notify the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that the Catalan Ombudsman is acting as the Catalan Authority for the Prevention of Torture. The severe violation of Law 24/2009, of December 23, on the Catalan Ombudsman, incurred by the failure to notify, deserves consideration. In this same vein, development of the cooperation agreement between the Spanish Ombudsman (acting Mechanism for the Prevention of Torture in Spanish territory) and the Catalan Ombudsman (acting Mechanism for the Prevention of Torture in Catalan territory) is still pending.

II. VISITS MADE

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2.1. Visit system and work method

A total of 53 visits to 49 different facilities were made throughout 2013, with the following distribution:

- Police of the Autonomous Government of Catalonia - Mossos d'Esquadra: 23 police stations
- Local police or guàrdia urbana: 16 police stations (20 visits)
- Penitentiary centers: 4 centers
- Educational juvenile justice centers: 2 centers
- Minor protection centers: 2 centers
- Therapeutic communities: 1 center
- Social-health care centers: 1 center

As regards the stations of the Police of the Generalitat - Mossos d'Esquadra, two had been visited previously. Nonetheless, it was considered appropriate to make a follow-up visit to verify compliance with the recommendations made in previous reports, and to detect any possible new deficiencies. This was the case of the Les Corts and L'Hospitalet de Llobregat police stations. The visits to these two facilities were made at night, allowing the Task Force to interview more detainees, considering that most transfers of prisoners from police stations to judicial provision are made in the morning, during the 9 to 10 am time frame, approximately.

Twenty visits have been made to local police or guàrdia urbana stations. Of them, four were follow-up visits. This was the case of the Barcelona Guàrdia Urbana (Ciutat Vella district), and the local police forces of Montcada i Reixac, Sant Feliu de Llobregat and Sant Boi de Llobregat.

Four of the local police stations do not have custody areas; instead, prisoners are taken directly to the pertinent Mossos d'Esquadra police station. This was the case of the local police forces of Esplugues de Llobregat, Cornellà de Llobregat, Sant Adrià de Besòs and Mora d'Ebre. This is done pursuant to the public safety coordination and cooperation

agreement between the two law enforcement agencies. It must be mentioned that the Mora d'Ebre local police department does not make arrests, either.

There are also two local police forces that have custody areas, but do not hold prisoners there, using them for other purposes, such as store rooms, instead. This is the case of the local police departments of Tremp and Manresa.

As regards the penitentiary centers, visits have been made to the Women's Penitentiary Center of Barcelona, the Lledoners Penitentiary Center, the Men's Penitentiary Center of Barcelona and the Youth Penitentiary Center, in that order. Except for Lledoners, all of them had been visited previously. All of the Women's Penitentiary Center facilities have been revisited. To the contrary, in the rest of centers, the visit has focused on the Special Department, and in the case of the Men's Penitentiary Center of Barcelona, on the Infirmary and Psychiatry Department as well. Likewise, the visit to the Men's Penitentiary Center of Barcelona was made at night.

The Task Force went to the L'Alzina and Can Llupià educational juvenile justice centers, both of which had also been previously visited. The main development since the last visit is the expansion of the centers following the Government Agreement of August 28, 2012, approving rationalization measures related with the reorganization of the educational centers of the Directorate General for Community Criminal Enforcement and Juvenile Justice of the Justice Department, which calls for a reorganization that will involve reducing capacity of the Montilivi and Els Tilers educational centers and increasing capacity in three other educational centers. The L'Alzina facility has increased from its initial capacity for 60 persons to 87, and Can Llupià has doubled its capacity.

As for the minor protection centers, two intensive education residential centers were visited this year: Els Castanyers, visited for the first time in 2011, and El Pedrenyal.

New visits this year included those to the Font Fregona therapeutic center and the Vallcarca Social-Health Care Residential Center.

2.2. By type of center

a. Police stations

POLICE OF THE AUTONOMOUS GOVERNMENT OF CATALONIA-MOSSOS D'ESQUADRA

Ciutat Vella (January 9, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Ciutat Vella
Date	January 9, 2013 (morning)

The police station has a detainee custody area, but it is rarely used. In this regard, it does not have any specific duties in which to conduct detainee custody because it is not a prisoner-holding police station. The custody area is an extension of the central police station of the city of Barcelona, where detainees transferred from the Les Corts District Police Station (ABP - Les Corts) are held while awaiting judicial provision, as well as those that cannot be housed there due to excessive work volume.

The overall cleanliness and condition of the custody area and cells made it obvious that this space is not used.

There are also provisions for those detainees that cannot be directly transferred to the Les Corts Police Station for security reasons enter for the shortest time possible. In such case, the detainee is informed of their rights.

Prisoner custody area

As with all other Mossos d'Esquadra police stations, the custody area is located in the basement of the building, and the structure and distribution of the different areas is the same as that of the Les Corts Police Station, visited on March 1, 2011.

Conclusions/recommendations

The assessment of the state and conditions of the facilities is favorable. No element of risk or danger worthy of being taken into account in the process of detaining a person was observed.

El Prat de Llobregat (January 16, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in el Prat de Llobregat
Date	January 16, 2013 (afternoon)

Prisoner custody area

- The prisoner custody area is in the basement of the building, and detainees enter directly from the parking garage. There are video surveillance cameras and signs that advertise their presence.

- The pat-down room features a camera and an audio and video recording system. The mats and blankets are also kept in the pat-down room. There are provisions for the blankets to be changed every month.

- There is separation between men, women and minors.

- The two cells used for women and minors are shared. At the time of the visit, a woman was being held in custody, and she agreed to be interviewed. The maintenance conditions were considered satisfactory.

- There are a total of ten cells used to hold men. No prisoners were present there at the time of the visit. The characteristics of these cells are the same as those found in any Mossos d'Esquadra police station: gray paint, grille gate, concrete bench on which to sit or lay, toilet inside separated by a masonry wall half a meter high and a video surveillance camera.

- There is a shower in another room, but judging from its condition, it is not frequently used.

- There is an extremely unpleasant odor in this area.

General remarks

- The food provided to prisoners, as is customary, comes from a vending machine in the police station.

- With regard to restraint devices, station personnel showed immobilization straps. They also have helmets.
- They showed the computer application that they work with, into which all of the data relative to the detention process for an individual and the incidents that could occur during a prisoner's stay in the cell area are entered. This information is supervised by a ranking officer.
- Medical care is provided either by calling the EMS, or taking the prisoner to the hospital. If the prisoner takes any medication and does not have the prescription with them, they are taken to see a doctor.
- There are no provisions to inform detainees of their right to an attorney in the cases of arrests made by court order, as was the case of the woman being held at the time the visit was made.
- The detained woman who was interviewed expressed no complaint regarding the treatment received.

Conclusions/recommendations

- As is customary in Mossos d'Esquadra police stations, blankets are not for individual use, and they are stacked atop each other in a room, without any sort of protection that would protect them from dirtiness.
- The unpleasant odor in the men's cell area is also recurrent in the police stations visited. To the contrary, the cells used to house women and minors, which are also in the basement of the building, do not suffer from this problem.
- There is no provision to notify the bar association of the arrests made in compliance with court-issued search warrants, although the person is detained in every sense.

Sants-Montjuïc (January 30, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sants - Montjuïc
Date	January 30, 2013 (morning)

The police station has a prisoner custody area, but station personnel stated that it is rarely used (3-4 times per year). This is the reference station of the ABP-Les Corts, used successively after the Mossos d'Esquadra Ciutat Vella station. This means that it holds the detainees that the Les Corts Police Station cannot manage because it has reached its maximum capacity, for example on days marked by incidents related with sporting events, demonstrations, etc. This explains why all of the police station's cells are sizeable.

The custody area is managed from the ABP-Les Corts.

Prisoner custody area

- As in all other Mossos d'Esquadra stations, the custody area is located in the basement of the building. The difference is that there are two access doors from the parking garage: one for prisoners and another for personnel.
- There are two separate zones in the custody area: one for women and another for men. There is no space set aside for minors. The CAPT team was informed that, due to the proximity of the minor detention facility in the Barcelona and L'Hospitalet City of Justice, they are usually taken there directly.
- The men's and women's cells have the same characteristics. In the men's area, the cell used to house prisoners suspected of carrying illicit drugs inside their bodies is sealed. It also has a toilet facing in the opposite direction from the rest. Therefore, it does not ensure or protect the prisoner from being seen by outside parties, although it was confirmed that the video surveillance camera in this cell is not trained on the toilet.
- There is a very unpleasant odor in the cell area, especially in the women's area.
- There are video surveillance cameras throughout the custody area, except in the visiting areas, and certain rooms that do not have any specific use. There are also annexes to the rooms of the custody area that serve as store rooms, and do not have any surveillance cameras installed.
- In the area where strip searches are conducted, the Task Force saw a helmet,

shield and a mattress leaning against the wall.

General remarks

On the day of the visit the facility showed a general state of neglect. The mats were piled haphazardly in the custody area; in the sink, dirty water came out of the tap; there were fruit juice packs past their expiry date; the blankets were piled and kept in large plastic bags; the used hypodermic syringe receptacle was in one of the visiting rooms, etc. There was also a general atmosphere of disorder throughout the other spaces in the custody area. Station personnel insisted that these facilities are not used, and if they are to be used, the ABP-Les Corts notifies them with enough time to prepare the space. The cleaning of the facilities is also managed directly from the ABP-Les Corts.

Conclusions/recommendations

- The maintenance and conservation conditions of the custody area are unacceptable. This cannot be justified by the fact that this space is not habitually used. Therefore, it is necessary for the district station responsible for the management of this facility to take the steps necessary to guarantee the conditions of hygiene and health that these spaces must have.
- In light of the custody area's lack of ventilation, it is also necessary to take some corrective measures to remedy the unpleasant odors in the cells.

Les Corts (February 11, 2013)

Police station Les Corts District Police Station

Date February 11, 2013 (night)

Follow-up report

This was the second visit to this police station. The first visit was on March 1, 2011. This year's visit was different in that it was made at night, after 10:30 pm.

The prisoner custody area was visited, but on this visit the Task Force entered the police station through a back door. Right away, the Task Force was surprised to find that the

management and supervision of the access into the police facility were under the responsibility of a private security guard.

Prisoner custody area

- There were 44 prisoners at the time of the visit (one of whom had just been brought in by the Guàrdia Urbana), most of whom would go into judicial provision the next day. Station personnel stated that on occasion they have reached occupancy of around 110 detainees, in which case they have resorted to the Rambla and Sants overflow stations.
- The cell area was inspected. The women's area (four cells total) is in a corridor perpendicular to the block where the men are held. Therefore, men and women share the same facilities, although in separate corridors. All of the women's cells were occupied at the time of the visit.
- The men's area is larger. The cells were occupied by one or two prisoners at the time of the visit. One of them was being held in one of the cells set aside for minors. Station personnel reported that this was because he had been brought to the station in an aggressive state, which affected the atmosphere throughout the rest of the custody area.
- Last, the minor cell area (with a total of four cells) is separated from the adult area by a door. There were no minors being held.

General remarks

- Once again, the Task Force encountered the problem of lack of ventilation and unpleasant odors. This problem was already observed on the first visit; this time it was found again, worsened by the fact that there were many people being held in custody.
- The custody area still has an infirmary where the services of a doctor and nurse are offered. Its working hours are from 9 am to 7:30 pm, divided over two shifts. There is no medical service at night. If necessary, a patrol takes the detainee to a primary care clinic. The cleanliness of the room was insufficient. During their visit, the Task Force witnessed one of the detainees telling an officer that he was epileptic and that he needed medication. The officer informed

the prisoner that there was no doctor on duty. When asked about the incident by the Task Force, station personnel said they would check whether the detainee was carrying his medication at the time of his arrest, and if not, they would take him to see a doctor.

- The meal system is the same as has existed up to now: sandwich or pastry and a beverage.
- Station personnel stated that the blankets were changed once a month, and that the used ones were incinerated, unless they were torn or obviously soiled, in which case they were changed immediately.
- The custody area is cleaned daily, in the morning. In the distribution of prisoners, an attempt is made not to occupy all of the cells to facilitate their cleaning, and ensure they are in good condition if they have to be used for newly-arrived detainees. This explains why there were cells occupied by two detainees on the day of the visit.
- The Task Force divided into two groups at a given point in the visit. One group interviewed two detainees, and the other observed the new inmate booking process, which they deemed to be satisfactory.
- They also observed how personal effects were taken from the detainees. The belongings are placed in sealed bags, and a documentary record of them is made and kept. Then, the detainee signs a delivery slip. If they do not agree with the consignment, there are provisions for them to make the necessary claims or complaints.
- As for restraint mechanisms, the team observed that there were helmets, mats used for immobilization, shields and handcuffs in one of the rooms.
- There are two types of records of the detainees entering the custody area. One is manual, the other is computerized. The manual record is a whiteboard on which the names of the detainees in each of the cells are written. The computerized record contains all of the information regarding a detainee's custody (time of entry, incidents, meals, etc.).

- The Task Force was informed that there were 14 police personnel in the custody area per shift: a sergeant, a corporal and 12 officers.
- Station personnel showed the scarcity of resources that they face (lack of soap, cookie boxes used as recipients, etc.).

Conclusions/recommendations

- Among the structural issues still being observed in this station (unpleasant odors, lack of supplies, etc.) the lack of blanket renewal stands out in a negative light. The intensive use of the same blankets by dozens of people makes it advisable to considerably shorten the period of one month to consider them completely used up. As stated on other occasions, the ideal solution would be to replace them after every use.
- The alleged abusive or degrading treatment at the hands of some officers at the time arrests are made, or over the course of a prisoner's stay at the police station are completely unacceptable.
- Impeding a prisoner from designating their chosen attorney, and the access of this attorney—even when the arrest is the result of a search order—when a prisoner asks to see them, is also unacceptable and a violation of their right to defense.

Martorell (February 18, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Martorell
Date	February 18, 2013 (morning)

Prisoner custody area

- Contrary to most Mossos d'Esquadra police stations visited, in Martorell the custody area is on the ground floor instead of the basement. This explains why the problem of unpleasant odors usually detected in such spaces is not as bad at this station.
- As regards the rest of the elements, from a facility and space distribution perspective, the area has the same characteristics as the rest of Mossos d'Esquadra stations.

- Women and minors are kept under custody in the same area. There are a total of two cells in that area. At the time of the visit, one was occupied by a male, as there was not enough space in the adult area.
- There were ten prisoners at the time of the visit, five being held for the same case. To avoid the transport of each individual detainee, and from an operational and security standpoint, a judicial group had come to the police station.
- The men's area is the largest of all (10 cells). At the time of the visit, each of the cells was occupied by a prisoner, except that used to hold prisoners suspected of carrying illegal substances inside their bodies.

General remarks

- They receive detainees from the local police forces of six municipalities at any hour of the day.
- The meal system is the same as for all other police stations: sandwich or pastry and a beverage.
- The blanket renewal system is also the same as for all other Mossos d'Esquadra police stations. The Task Force pointed out that at the time of the visit, they were stacked haphazardly on the floor of the room where the shower is located. Station personnel stated that this was an exceptional situation, and that they generally keep them in one of the cells.
- The bar association is notified of the arrest once the police report has been completed.
- The restraint devices are in a room, and consist of helmets, handcuffs and a shield. In the same space, the Task Force saw that there were also blankets in plastic bags that have not been used yet.
- Transfers are carried out during the morning shift. There are provisions to make them exceptionally in the afternoon if a specific injunction for it is received from a court.
- The Task Force interviewed two prisoners and one of the court-appointed attorneys that had just provided legal counsel to one of them.

Conclusions/recommendations

- That bar associations are only personally and effectively informed of arrests after the officers have completed their police report, instead of the beginning of the incarceration, is a recurrent problem.
- The shower, or the cells, are not considered appropriate areas for storage of the blankets while they are not being used. As long as the system is not based on renewal following each individual use, it is necessary to reinforce the hygiene and cleanliness conditions in which the blankets are kept.
- The interviewees coincide in expressing their disagreement with the allegedly disproportionate manners in which their arrests were made, in public or in their homes, though not as much in the custody area.

Mataró (March 7, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Mataró
Date	March 7, 2013 (morning)

Prisoner custody area

- The custody area is in the building's basement. Vehicles transporting detainees access the custody area directly through the parking garage.
- There are video surveillance cameras in the parking garage and throughout the custody area, except the visiting area where detainees meet with their attorneys and the booking room. The cameras record or not depending on the activity and the storage capacity varies as a function of the hard drive capacity; in any event, more than 20 days.
- The pat-down room also has an audio recording system. There was noticeable wear and tear on the walls of the room, specifically, deteriorated paint and stains.
- In one part of the custody area there is a visiting room, a restroom with a shower and sink that is rarely used and a cell meant for detainees that must be held incommunicado

from other prisoners in the same police station.

- In an adjacent area there is the booking room, former reconnaissance room, a restroom with a shower and sink that is also rarely used and the cell for minors. Contrary to the others, the door is iron, and the reconnaissance is carried out through a small built-in glass window. There were some clean blankets, wrapped in plastic bags, in the booking room.
- Last, there is another area with the rest of the cells for adult male and female detainees. No element of the area was different from the rest of police stations visited.
- The most distinctive trait was the dirtiness of the cells, especially the walls and the "squat" toilets. It was as if they had not been painted or disinfected since the police station was opened in 2002.
- At the time of the visit, there was a woman on hand performing cleaning tasks, and she was asked about this. She responded that there were no plans to clean it that day. She said that she had to clean the whole building by herself and was unable to cover it all.

General remarks

- They take prisoners from the local police departments of eight municipalities. It is necessary that local police forces deliver prisoners with a written notice of their rights and medical report. They write the incident report on their own premises, or the Mossos d'Esquadra police station can file it.
- There were no prisoners on the day of the visit. They had been transferred around 10 o'clock that morning, which is when the daily transfers are made.
- The meal system is the same as for all other police stations: sandwich or pastry and a beverage.
- The blanket renewal system is also the same as for all other police stations.
- When the police inquiry proceedings are their competency, the bar association is

notified of the arrest by them once the police report is completed.

- They work with immobilization straps and helmets. If the detainee seems to have any sort of mental disorder, they are taken to the Mataró Hospital for a medical exam. Depending on the diagnosis, they remain in the hospital under police custody, or the arrest is rendered null.
- The Task Force checked the arrest book in the citizen services office. No irregularities were observed.
- In summer they have mosquito problems. Therefore, there are informative signs throughout the custody area that advertise the need to flush all of the toilets every day to ensure continued water renewal and prevent stagnation.

Conclusions/recommendations

- That bar associations are only personally and effectively informed of arrests after the officers have completed their police report, instead of the beginning of the incarceration, is recurrent.
- The general state of dirtiness and neglect presented by the custody area, especially that of the cells, is unacceptable. A deep cleaning and disinfection is considered necessary and urgent at this time. The current cleaning system is considered insufficient to guarantee minimum hygiene and health conditions.

Montcada i Reixac (March 20, 2013)

Police station	Precinct Police Station of the Police of the Generalitat - Mossos d'Esquadra in Montcada i Reixac
Date	March 20, 2013 (morning)

The police station has a prisoner custody area, but it has not been used for some time. The Cerdanyola District Police Station (ABP-Cerdanyola) is responsible for custody of the detainees they arrest.

Prisoner custody area

- Contrary to most Mossos d'Esquadra police stations, the custody area is on the same floor as the rest of the police facility.

- It is made up of two cells, one of which is for minors. In general terms, there are no signs of recent use.

General remarks

- Persons detained by the Montcada i Reixac Local Police are presented on the premises of this police station. The established procedure is to deliver the prisoner with a copy of their rights, personal property voucher, medical report and the incident report. The delivery of the prisoner specifically takes place in the parking area. In fact, prisoners are transferred from one police car to another. Prior to their formal transfer, the police officer leaves their service handgun in the gun rack in the parking garage.
- In cases of arrests made by the Mossos d'Esquadra, the prisoner is not even held in the station. Rather, they are held in the police car until it is time for their formal transfer to the Cerdanyola District Police Station. In such cases, the police officers ask the District Station to begin the police report, and at the same time, they prepare the inquiry proceedings that will later be annexed to the report.

Conclusions/recommendations

- The system established for the transfer of detainees to the Mossos d'Esquadra is not considered operative or secure. As there are premises that would be appropriate for such purpose, no obstacle has been detected that would keep them from holding the detainee in custody in one of the cells until the formal transfer is made and the police report is accepted, beyond the problem of having sufficient police personnel to take responsibility for the custody. Along the same lines, Mossos d'Esquadra detainees should also be able to enter the same police station, without prejudice to their being transferred to the ABP-Cerdanyola in the event of overcrowding.

Esplugues de Llobregat (March 7, 2013)

Police station	Precinct Police Station of the Police of the Generalitat - Mossos d'Esquadra in Esplugues de Llobregat
Date	March 7, 2013 (morning)

Prisoner custody area

- The custody area is in the building's basement.
- There are video surveillance cameras in the parking garage and throughout the custody area, except the visiting area where detainees meet with their attorneys and the booking room. The pat-down room also has an audio recording system.
- There are blankets (stacked in a box) and mats in the pat-down room.
- The men's cells are separated from those of women and minors. There are six men's cells, one of which is reserved for prisoners suspected of carrying an illicit substance in their bodies. The general conditions of cleanliness and maintenance were acceptable, though some of the "squat" toilets were not clean enough.
- The minor cell is also used for detained women. If minors and women are held concurrently, the stay of the minor is prioritized, and women are held in the men's area, though efforts are made to keep them as separate as possible.

- There were no prisoners being held in the custody area on the day of the visit. There was a prisoner who had been hospitalized, and another entered custody during the visit. The opportunity was taken to witness the process of detainee intake into the custody area. First, the detainee was searched. Then he was booked (including the reading of his rights). Last, he was given a mat and a blanket, and he entered one of the cells. No irregularities were observed.

General remarks

- They receive detainees through the local police in the municipality. It is necessary that they deliver the prisoner with a written notice of their rights and medical report. The incident report is prepared at the police station once they have completed the booking process, and the prisoner has entered the pertinent cell.
- Station personnel report that the annual average is less than one detainee per day.

- They have received prisoners from the Spanish State Law Enforcement Agencies on occasion.
- The meal system is the same as for all other police stations: sandwich or pastry and a beverage.
- The blanket renewal system is also the same as for all other police stations.
- Transfers are usually made in the morning, but there are also provisions to carry them out in the afternoon if required by a judge.
- The bar association is notified of the arrest in the morning. If the arrest is made at night, they notify the attorney directly.
- They work with immobilization straps, handcuffs, shields and helmets. If the detainee seems to have any sort of mental disorder, they are taken to the hospital.
- A few police reports were checked. The Task Force saw that note was taken of the time of arrest and the time the police reports began, but not the time in which the detainee enters the custody area or the time at which the local police deliver the detainee to the Mossos d'Esquadra. Station personnel stated that this information was taken up in the software used for detentions.

Conclusions/recommendations

- The rules of procedure regarding transfers and custody of prisoners in which the Mossos d'Esquadra are responsible for the inquiry proceedings and custody of all persons detained in the municipality is considered ideal in cases of locales where both police departments co-exist.
- On a more specific level, improvements must be made to the cleaning system of the squat toilets in each of the cells.

Vilafranca del Penedès (April 10, 2013)

Police station	Precinct Police Station of the Police of the Generalitat - Mossos d'Esquadra in Vilafranca del Penedès
Date	April 10, 2013 (morning)

Prisoner custody area

- Like most police stations visited, the custody area is in the basement.
- The entire station is equipped with video surveillance cameras, except the booking room and visiting room. The pat-down room, a diaphanous space with a chair and metal detector, is the only one that has an audio and video recording system.
- Women and minors are kept under custody in the same area. There is only one cell, and there were no detainees at the time of the visit. In the case of detained minors, they notify the Prosecutor's Office, which then arranges their immediate transfer, or the taking of a statement and later transfer, or notification of their parents or guardians.
- The men's area is the largest (seven cells). Quarantine cell was not in use, and was being used as storage for the mats and blankets. There were three prisoners at the time of the visit, one of which had just entered.

General remarks

- They have a rapid-identification system.
- They receive the prisoners detained by the local police at any time of day.
- The meal system is the same as for all other police stations: sandwich or pastry and a beverage. Along those lines, station personnel reported that prisoners' family members are allowed to bring them food, within certain limitations.
- The blanket renewal system is also the same as for all other police stations.
- The examining officer is responsible for calling the bar association. Station personnel report that the attorneys tend to appear within an eight-hour span.
- Prior to the transfer of prisoners into judicial provision, a fax is sent to the court informing them of all detentions made and the status of each police inquiry procedure. Once a prisoner is transferred, they go into the court's custody area. In some cases, judges have decreed that the prisoner return to the police facility.

- In any event, transfers are made during the morning shift. There are provisions to make them exceptionally in the afternoon if a specific injunction for it is received from a court.
- All of the calls made between the two organizations are recorded in the telephone call log.
- The custody area is cleaned every day. In this regard, the Task Force observed that the general condition and maintenance of the area was satisfactory.
- In cases of complaints of alleged abuse or any incident in the custody area, the footage is taken out, recorded on a CD and sent to the police court.
- In addition to the computerized register of detainees' admissions and discharges, there is a handwritten register for minors and another for adults.

Conclusions/recommendations

- The general impression of the police station is positive, notwithstanding the shortcomings common to all Mossos d'Esquadra stations.

Cornellà (May 22, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Cornellà
Date	May 22, 2013 (afternoon)

Prisoner custody area

- As in all other Mossos d'Esquadra stations, the custody area is located in the basement of the building, and has a similar structure and design.
- The men's cells are separated from those of women and minors. There are 10 men's cells and their cleanliness and general condition is acceptable. Minor and women's cells are shared. There are two such cells. Their condition and maintenance was considered satisfactory, and there were no odor problems. This space also has a room with a shower and sink. Station personnel stated that the showers are not generally used, which explains why there were no towels. The only hygienic material they had was soap.

- On the day of the visit there were four prisoners being held in the custody area, one of whom had just been arrested, and another who was giving a statement at the time the Task Force arrived.

General remarks

- They receive the prisoners detained by the local police of Cornellà. It is necessary that they deliver the prisoner with a written notice of their rights and medical report. The incident report is prepared at the police station once they have completed the booking process, and the prisoner has entered the pertinent cell.
- The blankets are renewed once a week. Station personnel reported that if a prisoner requests a clean one it is provided and that in summer time, the once-weekly interval is reduced.
- Transfers are usually made in the morning, although they can be made exceptionally in the afternoon if a specific injunction is received from a court.
- They work with immobilization straps, handcuffs, shields and helmets, which are kept in the same room as the blankets.
- The prisoner's rights sheet is in several languages: Catalan, Spanish, English, French, Arab, Serbo-Croatian, Italian and Romanian. Station personnel stated that, if needed, they also have access to interpreting services provided by an external company.

- The Task Force checked the arrest books for adults and minors. In the case of minors, it was observed that the average time of stay is 4-5 hours. Station personnel informed the Task Force that in these cases they always depend on the decision of the Juvenile Affairs Prosecutor's Office. Adults do not tend to spend over 24 hours in the police station.

Conclusions/recommendations

- A positive view is taken, in terms of effectiveness and efficiency, of the fact that in a municipality where two police forces co-exist there is only one detention facility.
- A positive view is also taken of the possibility to read the prisoner's rights in different languages. It is also considered essential that

detained persons are able to understand what they read, as it can be overlooked that many are foreigners and are not sure of how the Spanish legal system works.

- It is recommended that they have some kind of personal care kit or basic hygiene products.

Rubí (July 4, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Rubí
Date	July 4, 2013 (morning)

Prisoner custody area

- The prisoner custody area is in the building's basement. There are video surveillance cameras and signs that advertise their presence.
- The pat-down room features a camera and an audio and video recording system.
- They have the following restraint devices: helmets, straps, shields and protective gloves.
- In general terms, transfers are made in the morning. Therefore, any prisoner entering the police station later must stay there until the next day. Every morning, they notify the court of the number of prisoners they hold and the estimated time of police inquiry completion. The Prosecutor's Office is also notified.
- Prisoners coming from the Local Police Department enter with the first police inquiry procedures completed. This notwithstanding, personnel of this station read the prisoner their rights a second time.
- The register of admissions and discharges and the telephone log were checked. Any call made or received (to the attorney, court, family, Prosecutor's Office, etc.) is registered in the telephone log. Every call is related with its police inquiry number. No calls are made to the court after 8 pm, except in case of emergency. Therefore, in any event, if the police complete the police report in the afternoon, the prisoner will have to remain there until the next day because the judicial authorities do not receive prisoners as of that time. This also explains why they do not call until the next day, although the time of

completion is indicated in the inquiry proceedings.

- There is separation of men, women and minors.
- There are eight cells for adults. At the time of the visit there were two prisoners, but one of them had left the cell area and was about to go into judicial provision. The other detainee was interviewed by the Task Force.
- The characteristics of these cells are the same as those of all other police stations: grille gate, concrete bench on which to sit or lay, toilet inside separated by a masonry wall half a meter high and a video surveillance camera.
- The condition and maintenance of the cells is highly satisfactory, but there is a structural problem of unpleasant odor that is so accentuated that they have had to install air conditioning tubes to cool the air in the area. Nevertheless, there are two cells in which the odor is highly unpleasant.

- The two minor and women's cells are shared. They appear to be used to store the mats and blankets, which are stacked in a cardboard box without any type of shelter or protection. There are no unpleasant odors in these cells.

Conclusions

- There is a contradiction regarding who calls the bar association when the arrest is made by the Local Police. While local police representatives stated that they do it, the ABP inspector stated that it was done by the Mossos d'Esquadra.
- As is customary in Mossos d'Esquadra police stations, blankets are not for individual use, and they are stacked atop each other in a room, without any sort of protection that would keep them from getting dirty.
- The unpleasant odor in the men's cell area is also recurrent in the police stations visited, and is caused by structural problems.
- Another recurrent problem was detected regarding the time a prisoner spends in the police station, as transfers are only performed in the morning.

Tremp (July 15, 2013)

Police station	Police of the Autonomous Government of Catalonia- Mossos d'Esquadra in Tremp
Date	July 15, 2013 (all day)

Prisoner custody area

- Contrary to most police stations visited, the custody area is on the ground floor instead of the basement. This, in combination with the few detainees being held, explains the absence of the odor problem usually detected in these areas.
- Regarding all other elements, in terms of facilities, video surveillance and distribution of the space, the area has the same characteristics as the rest of Mossos d'Esquadra police stations, albeit on a smaller scale. It is worth noting that there is a reconnaissance room, as the court does not have such a space. The same room also features a space from which detainees can orally communicate with their family members.
- There are two cells in the men's area. Attention was called to the plaster that had fallen from the door-side wall of one of the cells. Station personnel stated that this had been caused by a prisoner arrested for a traffic violation who incessantly rattled the grille gate for an extended period.
- Women and minors are kept under custody in the same area. There is only one cell, and the most relevant feature is that the toilet is in an adjoining room. Arrests of minors are very exceptional.
- In general terms, the conditions, cleanliness and maintenance of the custody area are highly satisfactory.

General remarks

- There are an average of 7-8 detainees per month. There were none on the day of the visit. The arrest book was checked, and this information confirmed.
- The meal system is the same as for all other police stations: sandwich or pastry and a beverage.

- In any event, medical care is provided by the doctor at the Primary Care Clinic. If it is an emergency, police officers take the detainee directly to the Tremp General Hospital.

- The blanket renewal system is also the same as for all other police stations.

- The restraint material consists of helmets, handcuffs, straps and a shield.

- They also have towels and a few pieces of clothing to provide detainees with, if necessary.

- Transfers are made during the morning shift, but the judge can also require the prisoner to be presented in the afternoon.

Conclusions

- The Task Force's overall evaluation of the police station was positive, beyond the recurrent negative elements: blankets, meals, etc.

- The volume of arrests is very low considering the size of the territory that they serve. The fact that most inhabitants know each other facilitates their work, and explains why it is unnecessary to make the arrest when the domicile is known.

Sort (July 15, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sort
Date	July 15, 2013 (all day)

Prisoner custody area

- As in the Tremp Police Station, the prisoner custody area is on the ground floor instead of the building's basement. This, in combination with the few detainees being held, explains the absence of the odor problem usually detected in these areas.

- Regarding all other elements, in terms of facilities and video surveillance, the area has the same characteristics as the rest of Mossos d'Esquadra police stations, albeit on a smaller scale. The most differences can be found in the distribution of space. For example, the police station does not have a specific pat-down room. Rather, pat-downs are performed in one

of the three cells of the custody area, which has an audio and video recording system.

- Although there are three cells identified as such in the custody area, only two of them are operative, as there is only a shower in the third.
- There is no specific area for detention of minors or women. If minor and female prisoners are held at the same time, one of the prisoners is transferred to the ABP-Tremp.
- In general terms, the conditions, cleanliness and maintenance of the custody area are satisfactory.

General remarks

- There are an average of 17-18 detainees per year. There were none on the day of the visit. The arrest book was checked, and this information confirmed. The average time of stay is also very short. From what can be seen from the minor arrest book, it is clear that there are very few minor arrests.

- The meal system is the same as for all other police stations: sandwich or pastry and a beverage.
- Medical care is given by the primary care clinic located next to the police station. The blanket renewal system is also the same as for all other police stations.
- Attorneys take a long time to arrive at the station, but the personnel stated that it is never more than the eight hours provided for. There is a delegation of the Lleida bar association in the Tremp courts.
- Detentions are rarely used as inhabitants know one another to a large extent.
- The restraint material consists of helmets, handcuffs, straps and a shield.
- As for the number of crimes committed, the rate is low, but there is a large territory to cover.
- Station personnel stated that at this time, there is a judge who asks them to bring detainees to judicial provision rapidly.

Conclusions/recommendations

- The Task Force's overall evaluation of the police station was positive, beyond the recurrent negative elements: blankets, meals, etc.
- As there are no specific holding cells for minors and women, it must be ensured that minors are not mixed with adults in the event that minors are admitted to the police station custody area.
- As the third cell is non-existent, it would be recommendable to remove the sign identifying the cell as such. Furthermore, considering that one of the cells is also used as a pat-down room, it would be recommendable to identify this cell for the two uses it has assigned to it.

Granollers (September 12, 2013)

Police station	Police of the Autonomous Government of Catalonia-Mossos d'Esquadra in Granollers
Date	September 12, 2013 (morning)

Prisoner custody area

- As in the majority of Mossos d'Esquadra stations visited, the custody area is located in the basement of the building. Even so, no odor problem was detected.
- As regards the facilities, video surveillance and distribution of the space, the custody area is similar to the rest of Mossos d'Esquadra police stations. The gun rack is outside the custody area. There is a booking room, visiting room and unused reconnaissance room, arranged as a pat-down room. The entryways to the custody area and pat-down room have video surveillance cameras (with capacity for audio recording) and they are duly signposted.
- Adjoining the room used for pat-downs, there is a small room advertised as an interview room, which is currently in disuse.
- There were eight prisoners (seven men and one woman) at the time of the visit. The men's area has nine cells and a separate toilet. Women and minors are kept in custody separately from the men. In this case, there is one cell, a toilet and a room with a shower. Priority is always given to the minor. Therefore, if the cell is occupied and a female pri-

soner enters, she would be admitted into the men's area, taking steps for her to be in the cell most distant from the men as possible. If there were no cell available, she would be taken to Caldes de Montbui or Sant Celoni.

- In general terms, the conditions, cleanliness and maintenance of the custody area are satisfactory. Station personnel stated that the blankets are renewed once every ten uses.

General remarks

- The meal system is based on a vending machine.
- In any event, all prisoners have a medical exam; both those brought in by the local police as well as the arrests made by the Mossos d'Esquadra.
- The arrest book was checked, and a few errors were detected, such as a failure to record the time of discharge or erroneous detention dates.
- Transfers are made as of 10 a.m., but there is more than one shift. Therefore, transports are partial and can be made throughout the morning or afternoon.

Conclusions/recommendations

- The Task Force's overall evaluation of the police station was positive, beyond the recurrent negative elements that coincide with the rest of stations: blankets, meals, etc.
- A positive view was taken of the fact that the prisoners' transfer to judicial provision is done regularly, and long-term detentions are avoided, except in two cases detected in the register of admissions and discharges.
- Extreme care should be taken when filling out the fields of the register of admissions and discharges.

Sant Cugat del Vallès (September 19, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sant Cugat del Vallès
Date	September 19, 2013 (morning)

Prisoner custody area

- As in the majority of Mossos d'Esquadra stations, the custody area is located in the basement of the building, and has similar structure and design.
- The surveillance cameras in the parking garage only record video, but the cameras in the pat-down room can record sound, as long as this option has been activated. If the sound is connected because it is believed convenient, the detainee is informed.
- No strip searches are ever performed. The men's cells are separated from those of women and minors. There are two men's cells with cleanliness and maintenance conditions that were less than appropriate. The toilets were dirty and there were unpleasant odors. This notwithstanding, there is a room with a shower tray.
- The station has a shared cell for minors and women. The area also has a room with a shower. The mats and blankets were seen stacked on the ground. A cleaning crew comes twice a week. Station personnel was unable to tell how often the blankets were changed, although at the time of the visit the Task Force saw that they were clean.

General remarks

- There were no prisoners being held in the custody area on the day of the visit. The last arrest had been made the day prior to the visit, although it was not recorded in the register of admissions and discharges. The Task Force pointed out the error to the duty officer and the inspector, as they only entered the date and the time of admission of three detainees. It appeared that they had been transferred to an investigative unit, and the record of discharge was not made.
- According to the register of admissions and discharges, there were 123 detentions in 2013; or approximately three detainees per week.
- They receive the persons arrested by the local police department of Sant Cugat del Vallès. Transfers are usually made in the morning, but if they finish their inquiry proceedings in the afternoon, they call the court to get instructions. Therefore, it is also possible to make transfers in the afternoon.

Conclusions/recommendations

- The hygiene and cleanliness conditions in which the cells are kept must be improved.
- More care should be taken in supervision of the prisoner discharge records.

Manresa (September 25, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Manresa (morning)
Date	September 25, 2013

Prisoner custody area

- Opened in 2001, the custody area is in the basement of the building.
- There are video surveillance cameras in the parking garage and throughout the custody area, except the visiting area where detainees meet with their attorneys and the booking room. The pat-down room also has an audio recording system.
- Station personnel stated that in most cases, pat-downs are level 2 (thorough, removing all clothing in stages except for undergarments) and, exceptionally, level 3 or strip searches. In the latter case, it must be stated in the police report.
- The Custody Area also has a reconnaissance room that is habitually used, which makes for a heavy workload for station personnel. Judicial authorities come to use this room when necessary.
- The men's cells are separated from those of women and minors. The condition and maintenance of the three minors' and women's cells was acceptable, although more effort should be made in the cleaning of the squat toilets.
- There were three adult prisoners on the day of the visit. They could be seen sleeping on the video feed, and in order not to disturb them, it was decided to only inspect the minors' and women's cells.

General remarks

- They receive arrested persons from the local police forces of other municipalities, and in the area of foreign citizens, from the Spanish National Police. The Mossos d'Esquadra assume custody of all prisoners, without making any distinction. The only condition they establish, in the case that person has been arrested by another police department, is that they be delivered with a written notice of their rights, their medical report and the incident report.
- Station personnel stated that the annual average number of prisoners is 2-3 per day.
- The meal system is the same as for all other police stations.
- The blanket renewal system is also the same as for all other police stations.
- Generally, transfers are only made in the morning, following the instructions of the judicial authority. This has more to do with a lack of resources than will. It is a Judicial District that does not have a 24-hour on-duty service, and in which it is often necessary to coordinate the various intervening factors: availability of the attorney, judicial authority and the police. For this reason, the police officers themselves often speak with the court to arrange the prisoner transfer.
- The persons detained under their responsibility are not always taken to the doctor for a proper medical exam. If necessary, they usually call the emergency room to notify them. They stated that there was a good working relationship with the director of the emergency room and that they regularly meet with him to discuss how to improve the process of prisoner admission into the hospital facility.
- There were cabinets with diverse materials in one of the police station rooms: restraint devices, blankets, clothing and hygienic supplies (sanitary pads, soap, sponges). With regard to hygienic supplies, the Task Force was surprised to find that the showers of the cells meant to hold women and minors were occupied by mats and used blankets.

- The most noteworthy aspect with respect to other police stations visited is that there was no hard-copy arrest book. This document is electronic, and they have been working with this method since the advent of the police computer system. Station personnel stated that this was a decision mutually taken with the Chief Judge after finding that the information in the computerized version was the same as what was included in the hard-copy arrest book. There is only an arrest book for minors. The book is still in hard-copy format because the digital computer application does not include all of the fields that appear in the old book, for example, the name of the father, mother or legal guardian.
- The chief of the Citizen Services Office showed the Task Force how the entire detention process operated and how it was computerized: from the beginning of the arrest, including custody and concluding with the inquiry proceedings. He supervises the data entered. His work is also supervised, and so on successively.
- The chief of the central region, who was accompanying the Task Force on their visit to the station, stated that the digital book or register is the same for all police stations of the Central Police Region.

Conclusions/recommendations

- It is recommended to check the use made of the arrest book, in this police region as well as all other Mossos d'Esquadra police stations that have yet to be visited.

El Vendrell (October 3, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in El Vendrell
Date	October 3, 2013 (morning)

Prisoner custody area

- The prisoner custody area is in the basement of the building, and detainee access is directly from the parking garage. There are video surveillance cameras and the appropriate informative signs.

- The pat-down room features a camera and an audio and video recording system. An innovative element found in this police station and not in others was a sign in this room describing the three types of pat-downs that could be done: superficial, in-depth or thorough (the latter is expressly included in the incident report sent to the judge). Station personnel stated that its performance is not justified because the justification is deduced from the contents of the incident report. They also stated that no judge has ever asked them for an explanation. In any event, the commanding police officer decides whether a thorough pat-down is performed.

- There is strict separation between male adults, and female adults and minors.
- The two minor and women's cells are shared. No prisoners were present in this area at the time of the visit. The maintenance conditions were considered satisfactory.
- There are a total of 12 cells used to hold men. There was one prisoner being held at the time of the visit. He was interviewed by two members of the Task Force. The characteristics of these cells are the same as in the rest of Mossos d'Esquadra police stations: gray paint, grille gate, concrete bench on which to sit or lay, toilet inside separated by a masonry wall half a meter high and a video surveillance camera. The only difference is that the squat toilet has been replaced by a "Western" toilet, a change that more recently-built police stations feature.

- In the minors' and women's cells, the Task Force observed that the blankets were kept together in each of the two cells. The men's blankets were kept in the shower area. There is a shower in another room, but judging from its condition, it is not frequently used.

- There were no unpleasant odors, but the conditions of dirtiness of the cell walls, especially those of the men, made it seem as if they had not been painted or disinfected since the police station was opened.

General remarks

- There is an agreement with the courts to make a single daily transfer, in the morning,

at 9 am. In some cases the judge, given the circumstances of the arrest, has requested the prisoner be transferred in the afternoon.

- The food provided to prisoners, as is customary, comes from a vending machine in the police station.
- The restraint mechanisms that they have are: immobilization straps and helmets. They are stored in the same area that the vending machine is in, and where the cabinets with diverse supplies (puncture-resistant gloves, sharps containers, soap, sanitary napkins and towels) are stored.
- While part of the Task Force was shown the two computer applications (the one for prisoners and another for the arrest process) the other part interviewed the prisoner. Aside from the hard-copy arrest book for adults and minors, there is another specific one for cases in which restraint mechanisms are used. It has been in use for a short time, at the initiative of the police station. Therefore, there is still room for improvement.

Conclusions/recommendations

- A positive view was taken of the initiative to have a specific record of restraint actions.
- A positive view was also taken of the police station's having hygienic products on hand.
- The walls of the cells must be disinfected and painted.

Sant Adrià de Besòs (October 17, 2013)

Police station	Precinct Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sant Adrià de Besòs
Date	October 17, 2013 (morning)

This is a precinct police station, attached to the Badalona District Police Station (ABP-Badalona). The custody area is operational, but prisoners only remain there while the initial inquiry procedures are performed. As soon as the attorney arrives and the prisoner makes a statement, they are transferred to the Badalona ABP, which will be responsible for prisoner custody until they go into judicial provision.

This procedure is attributable to efficiency criteria, as it exempts them from having a specific service responsible for prisoner supervision and custody. The precinct police station would only hold prisoners in custody if the Badalona ABP were at maximum occupancy.

As a precinct police station it also receives persons arrested by the Sant Adrià de Besòs Police Department, as it does not have a custody area.

Prisoner custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras.
- No prisoners were present at the time of the visit. The entryway door to the custody area was open, and being held open by a fire extinguisher. When station personnel were asked about the hazard of having the extinguisher in this area, they stated that they only have it that way when they have to ventilate the area, and therefore, there are no prisoners. Apparently, there is a mosquito problem, and they have orders to keep it open when the custody area is empty.
- It has a visiting room, a booking and identification room, a pat-down room and cells. All facilities have video surveillance cameras, except the booking room.
- The pat-down room also has an audio and video recording system. Nevertheless, the Task Force only saw a sign advertising the recording of video, not audio.
- Station personnel stated that they perform the usual type of pat-down: first the upper and then the lower body. Strip searches are only performed in cases of detainees admitted to the station who are suspected of carrying some sort of illicit drug in their bodies.
- There are three cells for adults. The toilets are inside the cells, protected from the view of outside parties by a masonry wall. Although some of the cameras are focused directly on the toilet, a member of the Task Force verified that the image is pixelized. There were no unpleasant odor problems, but the walls and floor showed signs of dirtiness.

- Women and minors are kept under custody in the same area, although it is identified as the minors' area. There is a single cell, notable for its large size. It has a squat toilet inside. There is a "Western" toilet in an adjoining room, as well as a shower and washbasin. Station personnel stated that it was never used. The condition and maintenance were satisfactory.

General remarks

- The mats and blankets provided to prisoners are kept in the booking room. The mats were stacked, and covered by a thick layer of dust. Blankets were heaped in a jumble on the floor. The sergeant himself admitted that it was unacceptable for blankets to not be single-use, especially in cases of persons being jailed as prisoners for the first time. He also stated that there was no protocol that determined the periodicity with which they should be replaced.

- They have a diverse array of restraint devices: helmets, immobilization straps and a shield.

- There were also other supplies in the police station: sanitary napkins, unused rubber sandals, drinking cups, shoes and masks.

- The food distributed to prisoners comes from a vending machine on the second floor of the police station. It consists of a sandwich and a beverage (water) for lunch and dinner; and coffee with milk and a muffin for breakfast.

- Pursuant to instructions from the Prosecutor's Office, minor detainees who enter the police station are either transferred to Barcelona, or their detention is annulled and they are released.

- In cases in which the officer has authorization to enter the computer program, the local police department prepares the incident report in the station. When this is not the case, the detainee enters with the incident report completed, and having been examined at the medical facility.

- There have been cases of investigations in which they have completed the police report themselves, and called the judge directly to

transfer the prisoner without having to go through the Badalona ABP.

- There is an average of one arrest per day. The arrest book was checked, and by October 15 there had been a total of 285.

- The admission and discharge book for adults and minors was checked. With respect to minors, it was observed that the time of stay is particularly prolonged when the detention occurs during the night shift. This is either due to not being able to locate a member of the minor's family or because the attorney does not arrive until the next morning. In any event, the Prosecutor's Office is notified of the arrest as soon as possible.

Conclusions/recommendations

- The condition and maintenance of the blankets and mats is insufficient from a health and hygiene standpoint. Once again, this matter must be insisted on. As long as mats and blankets are reusable, the necessary measures must be implemented to ensure their maintenance.

- The custody area is in a state of general neglect. The condition and maintenance are not in acceptable condition, either, especially from the perspective of order and cleanliness. The fact that this space is not regularly used is no justification.

- An informative sign must be placed in the pat-down room that notifies that audio is also being recorded.

Mollet del Vallès (October 30, 2013)

	Precinct Police Station of the Police
Police station	of the Generalitat - Mossos d'Esquadra in Mollet del Vallès
Date	October 30, 2013 (morning)

This police station is the operational headquarters of the District Police Station (ABP) and, pursuant to agreements formalized with the local councils of five municipalities, it receives detainees from their local police departments.

At the time of the visit, there was only one prisoner, who was asleep, and not interviewed for this reason.

Prisoner custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras.
- The gun rack is not in the parking garage, but immediately outside the custody area entry-way door because, as the police station is designed, this is the police officers' meeting point.
- The custody officer's station is in the common area of the custody unit. From there, the video surveillance cameras and the squat toilets can be watched.
- The custody area features a visiting room, a booking and identification room, a pat-down room, a reconnaissance room and cell area. All facilities have video surveillance cameras, except the booking room and visiting room.
- There are six cells for adults. The toilets are inside the cells, protected from the view of outside parties by a masonry wall. Though there were no unpleasant odors, the walls and floor bore signs of dirtiness.
- Women and minors are kept under custody in the same area. There is a single cell, notable for its large size. It has a squat toilet inside. There is a "Western" toilet in an adjoining room, as well as a shower and washbasin. In another part of the area, the room where pat-downs are performed. The condition and maintenance of this area is satisfactory.

General remarks

- They receive detainees from local police departments of the municipalities with which they have agreements at any time of day. Persons detained by local police departments only enter with their medical exam completed in the event that they have some sort of injury or the arrest has been violent.
- The mats and blankets were divided among the different cells. The blankets appeared worn. Station personnel concurred that there was not a standard protocol stipulating how often they were to be changed. In any event, they stated that Administration Services changes them when they become too worn.

- They have a diverse array of restraint devices: helmets, immobilization straps and a shield.
- There are other supplies in the police station, but they are stored haphazardly: sanitary napkins, shoes, clothing, masks and sharps container.
- The food dispensed to prisoners comes from a vending machine.
- The adult and minor arrest book is kept manually and electronically. Some of the fields they contain are repetitive. The computerized record has more extensive information. As concerns the manual book, after it had been checked, station personnel were shown that some records were lacking the discharge time. In response to this, they stated that these were persons arrested by the Investigation Unit, and that it had probably been an oversight by the Office of Citizen Services, who is in charge of completing it.

Conclusions/recommendations

- The condition and maintenance of the blankets and mats was insufficient from a health and hygiene standpoint. Once again, this matter must be insisted on. As long as mats and blankets are reusable, the necessary measures must be implemented to ensure their maintenance.
- The need to be very thorough in completing all fields of the prisoner admission and discharge book must also be insisted upon, especially as regards the times of admission and discharge.

L'Hospitalet de Llobregat (November 5, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in L'Hospitalet de Llobregat
Date	November 5, 2013 (night)

This was the second visit made to this police station; this time, at night. The first was on March 13, 2012.

The purpose of the visit was to interview prisoners. To do so, three groups were formed: two of two persons, and one with one, and five persons chosen at random were interviewed.

General remarks

- Nine prisoners were present at the time of the visit.
- The time of the visit, 10 pm, was the time at which they were heating up the sandwiches to give them to the prisoners.
- Several medications were also visible on the custody area duty officer's desk pad. When asked about this, the officer stated that it was what had been prescribed by the doctors who had examined each prisoner.
- The only cell available for minors or women was occupied by two women. As there were four female detainees, station personnel had been obliged to use one of the men's cells.
- The Task Force asked to see the adult and minor arrest books, respectively. No irregularities were seen in the minor book.

Conclusions

- The information on one of the prisoners was somewhat unclear, and station personnel sought to attribute this to the fact that the arrest had been made by the Investigation Unit.
- Prisoners concurred in underscoring the lack of information and in expressing their discontent regarding the initial phases of their arrests.

Tortosa (November 21, 2013)

Police station	Police of the Autonomous Government of Catalonia-Mossos d'Esquadra in Tortosa
Date	November 21, 2013 (all day)

This is a recently-built police station, opened in 2008 on occasion of the deployment of the "Mossos" in this territory.

Prisoner custody area

- There were no prisoners at the time of the visit, which explains why the entryway door to the custody area was open.
- The Task Force followed the route taken by prisoners from the time they arrive until they enter the custody area.

- The prisoner is filmed by video cameras (whose presence is advertised) from the time they arrive through the parking garage. The gun rack is outside the custody area, and the officers follow the standard protocol: The commanding officer comes down for reception of the prisoner.

- Facilities in the custody area are monitored by closed-circuit TV cameras. The cameras' presence is advertised. As in all police stations, there are no cameras in the booking room. In the pat-down room, there is optional audio recording, but there are no signs informing of this. Station personnel were asked about this, and they responded that they had no plaques to make signs with, and that they inform the prisoner orally. They stated that they will install a sign made by them.

- There are nine cells for adults, and two for women and minors, in a separate part of the premises. In the latter two, there are "Western" instead of "squat" toilets.

General remarks

- Station personnel stated that the blankets were replaced frequently, although there was not an established protocol. They stated that if they were soiled by any organic waste, they threw them out directly. Despite this, the Task Force saw that they were folded and placed in contact with the floor, and the two most visible blankets had already been used.

- The hygienic conditions of all the facilities, including the cells, were surprising. There were no unpleasant odors or dirtiness.

- The meals are dispensed from the vending machine, based on the usual menu.

- There are approximately 1,200 adult prisoners per year, and 10 minors.

- Prisoners can see a doctor at their own request, unless they have visible injuries or are in treatment for any disease.

- By checking the arrest books, the Task Force was able to conclude that the average stay at the police station was quite short. No prisoner stays there 48 hours, and most are there for less than 24. Station personnel report that this is because one daily transfer is made in the morning. However, when necessary, judges

allow them to transfer prisoners at other hours for them to remain the minimum time indispensable in the police facility. Another reason was because they have excellent coordination with the bar association, and the attorneys themselves, so that among all of them they work quickly, transferring prisoners as quickly as possible.

Conclusions

- The cleanliness and general conditions of the facility were noteworthy.
- A positive view was taken of the fact that the prisoners' stay in the station was the minimum indispensable while the police inquiry procedures were expedited, which is attributable to the availability of the police court in that judicial district.

Gandesa (November 21, 2013)

Police station	Police of the Autonomous Government of Catalonia-Mossos d'Esquadra in Gandesa
Date	November 21, 2013 (all day)

This police station provides public safety services and is the Investigation Unit headquarters.

It is a new station, different from all other Mossos d'Esquadra stations visited up until then. It is more modern, and there is natural light in the custody area.

Prisoner custody area

- There were no prisoners at the time of the visit, which explains why the entryway door to the custody area was open.
- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras. The entire area has natural light.
- There is a visiting room, a booking and identification room, store room and the cells. All facilities have video surveillance cameras, except the booking room and store room.
- What was most striking, as an element that differentiated this station from all others visited, is that there is no specific room in which

to perform pat-downs. They are performed in the same area occupied by the custody officer. In fact, they have used tape to mark out the area on the floor where the prisoner is to stand while being patted down. If, for exceptional reasons, a strip search is necessary, the prisoner is taken to another room or office in the custody area. There are surveillance cameras equipped for video and audio recording, although there is no sign advertising the recording of audio.

- There are three large cells for adults, and another small cell. The toilets are inside the cells, protected from the view of outside parties by a masonry wall.
- Women and minors are kept under custody in the same area, although it is identified as the minors' area. There is only one cell. It has a squat toilet inside. There is a shower and sink in an adjoining room.
- The condition and maintenance of the entire area is highly satisfactory.
- Other supplies were found in the store room: sanitary napkins, shoes without laces, clothing, masks, covers and cut-resistant gloves.

General remarks

- There is an average of 50 persons arrested, among those detained by the Public Safety Unit, and those arrested by the Investigation Unit.
- It was cold in the custody area at the time of the visit. There is central heating for the entire area, but apparently it was not working. Administration services had already been notified. They were using space heaters, in the meantime.
- Prisoners receive a medical exam if they already had injuries before their arrest, in the case of arrests for assault offenses, and whenever a prisoner specifically requests it.
- Station personnel stated that prisoners' stay in the police facility never reached 24 hours. In cases of arrests made by the Investigation Unit, that time may be somewhat more prolonged.

- They have a diverse array of restraint devices: helmets, immobilization straps, rigid solid bar handcuffs and a shield.
- The arrest book was checked. No minors had been arrested so far in 2013. As for adults, it was also seen that prisoners only spend a few hours in the police station.

Conclusions

- The Task Force's overall evaluation of the police station was positive, beyond the recurrent negative elements that coincide with the rest of stations: blankets, meals, etc.

Móra d'Ebre (November 21, 2013)

Police station	Police Station of the Police of the Generalitat - Mossos d'Esquadra in Móra d'Ebre.
Date	November 21, 2013 (all day)

This is a precinct station, attached to the Terra Alta-Ribera d'Ebre District Police Station (ABP). This police station provides public safety and traffic services and is the ABP operational headquarters.

The police station was built some five years ago.

Prisoner custody area

- The custody area is in the building's basement. It is accessed from the parking garage. It is duly identified and monitored by security cameras.
- There were no prisoners at the time of the visit, which explains why the entryway door to the custody area was open.
- In the custody area entryway, there is an open space delimited by marks on the floor where the prisoner is searched. There is also a surveillance camera and audio recording system.
- There is a visiting room, a booking and identification room, and the cells. All facilities have video surveillance cameras, except the booking room.

- There are two cells for adults. The toilets are inside the cells, protected from the view of outside parties by a masonry wall. There were no unpleasant odors, and the condition and maintenance were highly satisfactory.

- Women and minors are kept under custody in the same area, although it is identified as the minors' area. There is only one cell. There is a shower and sink in an adjoining room. It is also used to store the mats and blankets. The condition and maintenance of the entire area is highly satisfactory.

General remarks

- As opposed to other precinct stations visited, Móra d'Ebre does transfer prisoners to the courts.

- It receives and holds prisoners from the local police departments of the region because most of them do not have custody areas.

- They work with the Gandesa and Falset judicial districts. As there is only a single-judge court in each of these districts, they call the judge in the morning and ask when it would be convenient for the prisoner to be transferred. Transfers are made in the morning, from 9 to 11 am. In the case of minors, the officers call the Prosecutor's Office, which gives them instructions. Normally, the detention is annulled, and the minor's parent or guardian is notified to take responsibility for them.

- In the case of the Gandesa judicial district, they call the duty lawyer directly. In Falset there is a call center for the official bar association that operates 24 hours a day, and they are responsible for notifying the attorney. If the arrest is made at night, the attorney usually does not come until the next morning.

- The sheet detailing prisoner rights is available in 20 languages. If they need an interpreter, they call a company called Seprotec, which sends one from Reus or Tortosa, or exceptionally, Barcelona, depending on the language. In these cases, they are usually scheduled to come in the morning.

- There is one officer in charge of the custody area. In case of incident, there are provisions to notify the duty officer.
- In the case of prisoners with any sort of mental disease, or under the effects of illicit drugs, the EMS is called.
- There are an annual average of 130 detainees. The arrest book was checked. Four arrests of minors had been made so far in 2013.

Conclusions

- The overall evaluation of this police station's operation is satisfactory.
- A positive view was also taken of the fact that as a precinct police station, it places prisoners in judicial provision.

Most relevant aspects of interviews with persons detained in police stations of the Police of the Generalitat - Mossos d'Esquadra

A total of 12 detainees (5 women and 7 men), and one court-appointed attorney, were interviewed.

Generally speaking, detainees have only expressed complaints regarding the treatment or care received from the officers responsible for their custody in two cases:

First, one prisoner stated that he "had been the object of derisive remarks, and received a blow in another station,". He did not wish to file a complaint on the matter, and provided no other information; and second, another prisoner who stated that station personnel "had threatened him in the booking room because he did not want them to take his fingerprints without his attorney being present." This prisoner also complained because the previous night he had asked to see a doctor, and was not given medical attention until several hours had passed.

In any event, the complaints of some prisoners usually refer to the allegedly disproportionate behavior of police agents at the time their arrest was made, off police premises. One of the prisoners also complained because he did not want to wear handcuffs. Another stated that the handcuffs pressed too tight on his wrists.

Most detainees interviewed complained about aspects related with their legal aid. On one hand, those arrested by court order do not understand why they cannot receive legal aid. On another, two prisoners complained that they had been hindered from calling the attorney appointed to them, while others claimed that they had not been informed of the time at which they could receive legal aid.

Last, one of the prisoners complained about the "infected odor" of the blanket and mat given to him, and stated that he did not "understand why the officers could smoke and (he) couldn't.". Another prisoner stated that "if (the police officers) call a family member to notify them of the arrest and they do not answer, they don't call them back" or that "when (a detainee) asks to see a doctor, (the police officers) don't always take them".

LOCAL POLICE FORCES

Guàrdia Urbana de Barcelona (January 9, 2013)

Police station	Guàrdia Urbana de Barcelona. Ciutat Vella Precinct
Date	January 9, 2013
Town	Barcelona

The visit took place as part of the follow-up on compliance with the recommendations made for this facility in the 2011 report of the Catalan Authority for the Prevention of Torture.

The Guàrdia Urbana's Ciutat Vella Police Station was first visited on April 14, 2011. On this second visit, an improvement in the overall facility was detected. Station personnel informed on the remodeling actions planned to be carried out in the near future, and the pre-installation for video surveillance cameras was observed.

Prisoner custody area

- The custody area continues in the building's basement. Plans are to close off the stairways that now serve as one of the two entryways for detainees because, being narrow with a steep incline, they are a hazard for the detainee and the custody officer. Further, at this time it is an area not monitored by a surveillance camera.
- The distribution and structure of the custody area is still the same. The Task Force observed that certain improvements had been made, such as painting the walls, but all other deficient aspects taken up in the 2011 Report were still present. Station personnel informed that there were plans to install an internal audio and video recording system (the wiring necessary for the installation was visible), the closure of some spaces, provision of mats in the cells (although the intention is for the time spent in the station to be the minimum possible) and a certain food dispensation system.

General remarks

- The protocol still stipulates that they perform the initial police inquiry procedures with the prisoner at the police station, later transferring them to the Les Corts Police Station once they are finished. This means that the prisoner is informed of their right to legal aid, but that they are notified that this right will be made

effective as soon as they are transferred to the Mossos d'Esquadra.

- Station personnel ensured the Task Force that prisoners understand the content of the rights in Article 520 of LECrim because they have copies of them in several different languages. They did not have any interpreting service at that time, but they stated that there was a police officer who worked on the morning shift who spoke four languages.
- Medical care is only provided to the prisoner if they specifically request it. There is nothing to keep them from delivering the prisoner to the Mossos d'Esquadra without the medical exam report.
- Restraint devices continue to be the same (helmets), although on this occasion they informed the Task Force that in most cases, restraint is performed directly by the officers because they have received the training necessary to do so. They still did not have the immobilizing mattress they reported on during the last visit.
- Station personnel stated that in some very exceptional cases detainees can notify a relative.
- Detained minors remain in the waiting room on the second floor of the police station.
- The Task Force asked to see the detainee custody book. On this visit, they found that the average prisoner stay at the police station had been reduced with respect to the previous visit. Nevertheless, station personnel's attention was called to the fact that some records were missing the time of prisoner discharge. They attributed this to a lack of diligence at the time the data were transferred.
- No prisoners were present at the time of the visit.

Conclusions

- It can be concluded that the detainee custody area is in a transition phase, as certain improvements have been made, and plans are to continue remodeling to guarantee and ensure a space suited to detainee custody. For this reason, further follow-up is necessary.
- Without prejudice to the foregoing, as a consequence of the cooperation protocols between

the Guàrdia Urbana and the Mossos d'Esquadra, the detainee's right to receive legal aid from the initial moment of their detention is still being violated.

Policia Local del Prat de Llobregat (Januray 16, 2013)

Police station	El Prat de Llobregat Local Police
Date	January 16, 2013
Town	El Prat de Llobregat

The Prat de Llobregat Local Police have exclusive competencies in traffic violation arrests. Competency in arrests for gender violence is shared with the Mossos d'Esquadra.

Prisoner custody area

- The custody area is in the building's basement. It can be accessed in two ways, from the parking garage or from inside the police station itself. The Task Force entered from inside and found that it was not duly signposted.
- The custody area is divided into two parts: the first has an anteroom, booking room and another room where pat-downs are performed (there is only video surveillance in the anteroom, but no informative sign); and the second part, which is the cell area.
- There are no offices or rooms prepared for attorneys to speak with prisoners. One of the offices of the police station used to receive complaints is the site for such interviews.
- There are a total of five cells, four of which have capacity for two detainees.
- In this area, there is only video surveillance in the corridor.
- The structure of the cells is made up of grilles. In an adjoining space there is a room with no door, equipped with a sink, shower, and squat toilet. The system provided to notify the police is to face the surveillance camera installed in the corridor and speak in a loud voice.
- Women and minors do not enter custody in this area. Rather, they remain in one of the rooms of the anteroom area. This zone, however, does not have a restroom.

General remarks

- Transfers of detainees to the Mossos d'Esquadra can be done at any time of day, once the police inquiry has finished.
- The different arrest books/registers were checked. There is a specific one for minors. The Task Force saw that the average stay for a detainee in this police facility is around 6-8 hours. For minors, it was an average of five hours. Station personnel stated that in some cases, police officers will have finished their inquiry proceedings, but the minor remains waiting to be picked up by someone from the juvenile center they have escaped from, or for instructions from the Prosecutor's Office on how to proceed.
- There were no detainees, at the time of the visit, but the Task Force witnessed the following events: two persons who had been waiting on one of the police station benches were taken into the custody area. Station personnel stated that they were not arrested directly because they were being investigated for their possible relation with bicycle theft. Nonetheless, the Task Force held that they were formally detained, as they had been deprived of their freedom of movement. From the camera control area, the Task Force could view the footage of what occurred in the anteroom with the two persons there.
- As for the use of blankets, station personnel stated that they were single-use, but at the time of the visit, the Task Force observed that some were in the cells without any kind of protection or wrapping to prove this.
- No coercive devices are used; any immobilization effected is personal, and done by the officers themselves. There are provisions to call EMS if necessary.
- It is not mandatory to take the detainee to a medical facility to carry out the exam. This is only done if the prisoner specifically requests it.
- There are no provisions to provide prisoners with food. In the event that the detention period coincides with meal times, station personnel say they can distribute a sandwich from the café or a restaurant in the area that they have arrangements with.

Conclusions/recommendations

- They do not have an appropriate facility for the detention of women or minors at this time. In this regard, there is a risk that, in the event that more than one minor or woman is held at the same time, the existing men's cells can be used. Nonetheless, it must be remembered that minors should be held in premises other than those used for adult men. For this reason, it is recommended that the necessary measures be taken to furnish a space that fulfills the conditions to ensure detention of minors and women in absolute safety.
- As there is no video surveillance camera in the pat-down room, it would be recommendable that one be installed to eliminate as many blind spots in the custody area as possible. It is also necessary that the legally-mandated informative signs be installed in each of the areas where there is video surveillance.
- As there is no door in the restroom area or the showers, it would also be recommendable to install a system to ensure detainee privacy.
- The average stay of prisoners in the custody area for the processing of the initial police inquiry proceedings is superior to what could be considered reasonable; especially in cases of minor detainees. For this reason, it is also necessary to insist on the detention period of a person being the minimum indispensable. Once the police inquiry proceedings are complete, everything possible must be done to transfer them immediately to the pertinent judicial authority. If the delay is attributable to other causes, record must be made of them.

Martorell Local Police(February 18, 2013)

Police station	Martorell Local Police
Date	February 18, 2013, 5 pm
Town	Martorell

The local police station was opened in 2008. It is in a former office building. The building's previous distribution was kept. Therefore, some of the police station areas are not appropriate for the purpose they were conceived for, such as the prisoner custody area, which is on the upper floor.

There is not a specific route or entrance for detainees to enter from outside. Rather, they enter from inside the police station, through the same area used by all other personnel who work there.

Prisoner custody area

- Station personnel informed that the custody area was a transit area because detainees remain there the minimum time indispensable while the first police inquiry proceedings are completed. When the local police arrests a person, the written notice of their rights and medical report are necessary in order to transfer them to the Mossos d'Esquadra. There are also provisions for the local police to write up the incident report in the Mossos d'Esquadra station while another pair of officers takes the prisoner to see a doctor.
- The custody area is distributed over two spaces: an anteroom and the custody area where the cells are located. It does not have a booking room or a specific room for pat-downs. Although the entire area is equipped with video surveillance cameras, there are no signs advertising their presence.
- It has a total of two cells, to hold men, women or minors, indistinctly. The cells are connected by a shared restroom. The doors do not allow the detainee to see outside of the cell. Detainees are supervised from the outside through a viewing window.
- The furnishings in the cell consist of a concrete bench on which to lay. There were no mats, because prisoners never spend the night in the cells, according to station personnel.
- The condition and maintenance of the custody area were satisfactory in every regard. Nevertheless, the toilet was dirty.

General remarks

- The blankets were stacked in a cardboard box in the custody area anteroom. They are not single-use, and are changed depending on their condition.
- They have no restraint devices. Any immobilizations are personal, and performed by the officers themselves.

- They have an agreement with a local café for cases in which they have to provide a prisoner with a sandwich.
- There were no prisoners at the time of the visit.
- They have two types of registers for detainees. The hard-copy register is for the beginning and completion of judicial and administrative proceedings. In this regard, the information on the prisoner, the complainant, investigating officer and grounds for arrest is recorded. The Task Force observed that there was no record of the exact time of the arrest, or the prisoner's admission to or discharge from the custody area.
- They were shown the police inquiry proceedings from one of the entries in the hard-copy book. The Task Force saw that the time of beginning and completion of the inquiry proceedings were indicated, but not the time of the arrest or the admission into the police facility. Station personnel stated that it was probably a detainee transferred directly to the Mossos d'Esquadra. On another note, the information it contained did not match that of the hard-copy register.
- At their request, the Task Force was shown another incident report. On this occasion it was an inquiry procedure for transfer to the Mossos d'Esquadra, but although the detainee had passed through the local police station, there was no record of their time of admission or discharge. The Task Force suggested that they keep a register book in which to take down the incidents and all matters relative to a person's detention process. The police and commanding officers were receptive to this proposal, and agreed to do so.

Conclusions/recommendations

- Given the state of dirtiness of the toilet, it is recommended that it be disinfected, and that the appropriate measures be taken to keep it clean.
- Aside from the records that they already work with, they should have a computer application on which to take down all of the details relative to a person's detention, from the time at which they were arrested, those relative to their stay in the police facility, and even their later transfer to the Mossos d'Esquadra.

- The installation of signs advertising the existence of video surveillance cameras is also recommended.
- The detainee having to enter through the general entry door to the police station, and follow the same route as the personnel who work there, is not considered appropriate from a safety or privacy standpoint. It is recommended that they find some alternative space through which these detainees can enter.
- As long as there is no strict separation between men and women, adults and minors, it is recommended not to use the custody area for female or minor prisoners. In this regard, it is recommended that they prepare a room where the prisoner can remain while their parents or the Prosecutor's Office are called, in the case of minors, or the initial police inquiry proceedings are completed, in the case of women.

Mataró Local Police (March 7, 2013)

Police station	Mataró Local Police
Date	March 7, 2013
Town	Mataró

This is the only local police department in Catalonia that performs the entire inquiry proceedings for all the arrests it makes. In this regard, it is the only local police department that directly transfers the detainees it holds to judicial facilities, under its responsibility.

Although the Public Safety and Police Coordination and Cooperation Agreement formalized between them and the Catalan Ministry of Home Affairs does not provide for it, they have been operating as judicial police for some time.

Prisoner custody area

- The custody area is in the building's basement. Vehicles transporting detainees access the custody area directly through the parking garage.
- There are video surveillance cameras in the parking garage and throughout the custody area, except the visiting area where detainees meet with their attorneys and the booking room. They are identified with an informative

sign, except in the area of the parking garage, where there is no sign.

- The custody area is divided into three parts. An initial, general part from which they supervise the recordings, deposit the prisoners' personal belongings, and where the booking and visiting rooms are located.

- A second part made up of a cell for minors or women and a restroom with a shower and sink.

- Last, a third part where the rest of the cells are located (a total of seven). It is a spacious area, with natural light and a heating and cooling system. The characteristics of the cells are similar to those of the Mossos d'Esquadra. The only difference is that the squat toilet is located right at the entrance and therefore, though the video surveillance camera is not focused there, it does not protect the prisoner's privacy from the sight of outside persons.

- The good state of conservation and maintenance of this facility was highly acceptable.

General remarks

- The mattresses are made of fireproof material, and the blankets are not single-use. Rather, they are changed at the criteria of the custody officer.
- The only restraint device they have is a helmet, because if it is necessary to subdue a detainee, it is done personally by the officers. If necessary, the detainee is transferred directly to the hospital.
- As regards the food provided to the prisoners for lunch or dinner, there are provisions to buy a sandwich from a café near the police station, or a pastry and coffee for breakfast.
- They also have a register for the admission and discharge of prisoners, which is different from other books inspected in that a sheet is completed for each of the detainees. It was inspected, and no irregularities were found.

Conclusions/recommendations

- Some measure must be taken to conceal the toilet inside each cell from the view of outside persons. Its current placement is not considered

appropriate to conserve the privacy and dignity of detainees.

- The blankets provided to prisoners must be washed following every use, or a different replacement system designed and implemented.

Montcada i Reixac Local Police (March 3, 2013)

Police station	Montcada i Reixac Local Police (follow-up visit)
Date	March 20, 2013
Town	Montcada i Reixac

Follow-up report

This was the second visit made to the police station to follow-up on the works planned for the space where detainees have been held in custody up to now.

Station personnel stated that the works had recently finished, and this was found to be so. In the area, a concrete-block bench has been added, a squat-type toilet (made of stainless steel, roughcast and tiled with microcement, having steel-bar legs) a surveillance camera able to record video, and a display and supervision monitor.

The action protocol in force stipulates the entry of the detainee from the parking garage, and their ascent up the steps to the floor where the rest of the police facilities are located. In the case of traffic violation arrests (the majority), the detainee remains in the room prepared for temporary custody, without doors, and three benches, while the police inquiry proceedings are underway. If any element of risk is detected, the prisoner remains in the custody cell, and the supervision is carried out through the physical presence of a police officer, and through the security and surveillance cameras.

They do not have a specific arrest book. Rather, all of the information on the arrest of a person is included into the police inquiry proceedings.

Conclusions/recommendations

- A positive view was taken of the remodeling works completed, in comparison to the previous condition of the area. The pertinent informative sign must be installed.

- It is also necessary to provide the police station with a specific arrest book, aside from the police inquiry proceedings or incident reports they complete. They are two different records that are compatible between them that ensure that they have all the information regarding a prisoner's detention process.
- It is recommendable that, when delivering the prisoner to the Mossos d'Esquadra, the exact time is recorded in the police inquiry proceedings.

Esplugues de Llobregat Local Police (April 3, 2013)

Police station	Esplugues de Llobregat
Date	April 3, 2013
Town	Esplugues de Llobregat

The local police do not have a custody area. Rather, they transfer prisoners directly to the Mossos d'Esquadra Police Station in Esplugues de Llobregat. Therefore, the incident reports are completed on those premises.

It is established this way in the Public Safety Coordination and Cooperation Agreement between the Mossos d'Esquadra and the Local Council.

There is not a computer record of the arrests made every day. The information on the arrest is only recorded in the incident report that they complete, and that is incorporated into the police inquiry proceedings.

Vilafranca del Penedès Local Police (April 4, 2013)

Police station	Vilafranca del Penedès Local Police
Date	April 10, 2013
Town	Vilafranca del Penedès

The local police station occupies a former farm remodeled for this purpose.

Prisoner custody area

- The detainee enters the prisoner custody area from the parking area, where there are video surveillance cameras.
- The area is identified with an informative sign, and has a gun rack.

- The custody area is made up of an initial entryway, a room adjoining the cells, used as a visiting room, and the cell area.

- The entryway is the site provided for patting down the detained person. There are no video surveillance cameras. For this reason, depending on the attitude in which the prisoner is admitted, there are provisions to perform the pat-down in one of the cells, where there are cameras. Strip searches are only performed in exceptional cases.

- There are cells that are not identified as being for men, women or minors. The three video surveillance cameras are installed outside the cells, in the corridor, focused directly on each cell. Each one is equipped with a mattress (covered by a single-use sheet) and a blanket. There is only one restroom (with a squat toilet, shower and sink) outside the cells.

- In the case of minors, station personnel reported that they are only admitted if there are no detainees. If there is a prisoner, the minor is made to wait in a room of the police station.

- In the case of women, if there are any men in the cells, they are transferred directly to the Mossos d'Esquadra.

- The room adjoining the cell area is used as a visiting room for family members to communicate with prisoners.

General remarks

- Station personnel stated that prisoner custody is not prolonged beyond the time indispensable to complete the incident report or police inquiry proceedings.

- There were no prisoners at the time of the visit.

- The inquiry proceedings for traffic violations are completed by the local police. Detention only occurs when there is concurrence of more than one crime, or if the criminal offense is of greater magnitude than the traffic violation. If not, they release the detainee or place them in judicial provision. In all other cases, they transfer them to the Mossos d'Esquadra police station.

- The Vilafranca Local Police and the Mossos d'Esquadra have developed a joint inquiry process by which the local police take prisoners to see a doctor if they have any injury or when the detainee specifically requests medical care. In all other cases, local police deliver detainees to the Mossos d'Esquadra with a written notice of their rights and inventory of their personal belongings.
- The only restraint devices that they have are zip-ties only used in extremely exceptional cases. They had a helmet, but it has not been replaced since being damaged by a prisoner.
- They have an agreement with a local café for cases in which they have to provide a prisoner with a sandwich.
- The facility is cleaned daily, whether or not there are detainees. Along these lines, the condition and maintenance of the custody area were seen to be satisfactory.
- They have two of their own arrest books, a specific one for minors and another for adults. The Task Force observed that the average stay of a prisoner in the custody area lasts approximately three hours.

Conclusions/recommendations

It must be underscored that adults cannot be mixed with minors inside the custody area. Women must also be held separately from men.

Cornellà de Llobregat Local Police (May 22, 2013)

Police station	Cornellà de Llobregat Local Police
Date	May 22, 2013
Town	Sant Feliu de Llobregat

The local police do not have a custody area. Rather, they transfer prisoners directly to the Mossos d'Esquadra Police Station in Cornellà.

It is established this way in the Public Safety Coordination and Cooperation Agreement between the Mossos d'Esquadra and the Local Council.

Rubí Local Police (July 4, 2013)

Police station	Rubí Local Police
Date	July 4, 2013
Town	Rubí

Prisoner custody area

- The custody area is located on the same floor as all other police station facilities. It is not signposted. Small in size, it is made up of a single space in which there are two cells and a shower separated by a masonry wall. The space is separated from the rest of police facilities by a chipboard door, which is only closed when there is a detainee occupying a cell.
- Prisoners enter the police station from the outside without any type of signage or video surveillance camera. Station personnel reported that they were awaiting the installation of a button on the entry door to the custody area.
- The area has natural light and natural ventilation, heating, and there is no dirtiness or unpleasant odor. Nonetheless, the custody area, and especially, the walls of the cells are in a highly deteriorated condition. It was the worst condition the Task Force had seen until then.
- There is no separation between adults and minors. Station personnel stated that, depending on the characteristics of the minor, the investigating officer in charge of the police inquiry proceedings determines whether they are admitted into the custody area or made to wait in one of the police station rooms (office of the duty officer, or briefing room) while awaiting instructions from the Prosecutor's Office.
- The cells have a concrete bench on which to sit or lay, a toilet and a sink. One of the two cells has the toilet in plain sight, even though the surveillance camera is not trained on it.
- The gun rack is inside the custody area, next to the shower. Because of its placement, the officer can only deposit their service handgun once the prisoner has entered the cell.

- There are two video surveillance cameras that record 24 hours a day, trained on each of the cells.
- There is no specific room for pat-downs.
- On their visit, the Task Force observed some extinguishers in the corridor outside the cells. When attention was called to their presence, the sergeant of the Local Police admitted that they should not be there, and agreed to move them elsewhere. The sharps container was also on the floor.

General remarks

- As a general rule, in cases of arrests made by the local police, they conduct the initial inquiry proceedings: the notice of rights of detained persons, the inventory of personal belongings (if appropriate), the medical report and notification to the bar association of the arrest. The legal aid is provided, nevertheless, in the Mossos d'Esquadra police station, unless they are the ones who place the prisoner in judicial provision. They only perform the inquiry proceedings and hold the prisoner until they are taken into judicial provision or released in cases of traffic violations and gender violence.
- While the police inquiry proceedings are being completed, the prisoner is their responsibility until they are formally turned over to the Mossos d'Esquadra. The prisoners are held in the specific custody area.
- Transfers of detainees to the Mossos d'Esquadra can be done at any time of day, once the police inquiry proceedings have finished.
- The coercive devices they have consist of four helmets and a metal detector.
- The Task Force checked the adult and minor arrest books. In the adult book, they tallied 30 persons held in custody in the period between March 28, 2013 and June 30, 2013. As for minors, there had been a total of six between September 2010 and March 2013. The Task Force saw that the average stay for a detainee in this police facility was around 8 hours. In some cases, prisoners have spent more hours, up to a maximum of 18, without their constitutional rights and especially, legal aid. The sergeant admitted that on occasion it may take them

more time to transfer a person to the Mossos d'Esquadra police station due to a lack of police personnel or other service needs.

- No prisoners were present at the time of the visit.

Conclusions/recommendations

- As in other locales, it would be desirable for the Rubí Local Police to not hold prisoners in custody, and that all of the persons they may arrest in the course of their duties be taken directly to the Mossos d'Esquadra Police Station, where the local agents could write the relevant incident report.

- Until the protocol that would make this possible is written, the custody procedures and facilities of the Local Police station must be adapted in the following manner:

a) A prisoner's average time of stay in the custody area for the processing of the initial police inquiry proceedings often exceeds the minimum indispensable time. Therefore, it must be insisted that, once the police incident report or police inquiry proceedings are completed, the necessary measures be taken to immediately transfer the prisoner to the Mossos d'Esquadra police station, or if relevant, the judicial authorities. It is not acceptable that, once the police inquiry proceedings are completed, the detainee cannot be transferred for a reason beyond the will of the police department, and all that is done is to make express mention of it in the arrest book and computer application.

b) For security reasons, no one should enter the custody area with firearms under any circumstances. Therefore, the current placement of the gun rack is not considered ideal. It is necessary to relocate it to a point immediately outside the custody area entrance.

c) The custody area must be signposted with the relevant informative signs.

d) As long as no protocol is developed with the Mossos d'Esquadra, it will be necessary to adopt a measure to ensure that the toilet of one of the cells is sufficiently protected from the view of outside persons to ensure respect for prisoners' privacy and dignity. It will also be necessary to paint the cell walls.

e) The current placement of the sharps container is not considered the most appropriate, either. A space adjoining the custody area must be arranged for its placement.

Sant Feliu de Llobregat Local Police (July 11, 2013)

Police station	Sant Feliu de Llobregat Municipal Police
Date	July 11, 2013
Town	Sant Feliu de Llobregat

The first visit to the Local Police station was made on September 12, 2012. Pursuant to the recommendations made in the previous report, the goal of the visit, among others, was to check the status of their implementation.

Follow-up report

- They had painted the cells and line-up area. The cages were gone, but the bicycles were still in one of the cells. There was still only one operative cell. The other three were filled with mattresses, televisions and chairs. When this was pointed out to the duty officer, he replied that the custody area had "diverse uses".
- There is no gun rack in the custody area. Station personnel stated that they had requested one.

General remarks

- With respect to the previous visit, a noteworthy advancement has been the approval of the memorandum on custody and treatment of detainees. The objective is the organization and operation of the action protocol with persons arrested by the Local Police, but also the treatment given to prisoners who enter judicial provision, as a detainee lock-up area. It is also noteworthy that, pursuant to the recommendations of the Task Force, the local police department has equipped itself with its own arrest book.
- If a prisoner is admitted in a very aggressive state, they place them in the line-up room to prevent self-harm.
- The restraint devices they use are a helmet, handcuffs and restraint straps for the feet.

▪ The telephone, identification and arrest books were checked. The Task Force observed that the stays of detainees oscillate between 35 minutes and 2 hours, 30 minutes. No irregularities were seen in the rest.

Conclusions/recommendations

- Of the four cells that the custody area has, it would be appropriate if at least three were operative.
- A gun rack must be installed outside the custody area.

Sant Boi de Llobregat Local Police (July 11, 2013)

Police station	Sant Boi de Llobregat Local Police
Date	July 11, 2013
Town	Sant Boi de Llobregat

The first visit to the Sant Boi Local Police station was made on September 13, 2012. In light of the recommendations made in the prior report, the Local Council of Sant Boi informed the Task Force that a number of measures had already been implemented. Therefore, a second visit was made to check the status of these changes.

Follow-up report

- The two rooms that had been built for prisoners have been equipped as a driver education store room and requisition store room, respectively. Given the purpose for which the confiscated property store room had been conceived, it was proposed that they change the name of the sign to "confiscated material".
- None of the other implemented changes could be checked at that time, as they did not have the keys to the rooms, nor did they know where to find them.
- As for the chair, the Task Force saw another one that was also broken, with sharp plastic edges, posing a safety hazard. The duty officer was informed of this situation. He confirmed that it was a hazard, removed the chair and tossed it into the garbage dumpster.

- Initially, there was a contradiction regarding the use made of this space. While one officer stated that prisoners have been allowed to sit while the police inquiry proceedings were completed, the corporal claimed that it was never used in this manner. Along these lines, the corporal produced a flowchart of the possible interventions with prisoners. From its content, it could be concluded that prisoners, once they had been to the hospital, are transferred directly to the Mossos d'Esquadra.

Conclusions

- It is contradictory for there to be a chair in this area when it is used as a store room. Further, its condition is a safety hazard for any person.
- It is unacceptable that the information provided by the station itself on the use of the space visited is contradictory or different depending on the police officer present at that time. This contradiction generated confusion and doubt among the Task Force regarding the real usage made of this space.
- It must also be noted that the rest of the measures implemented inside each of the rooms could not be checked, as they did not have the keys, without any reasonable or comprehensible explanation or justification.

Tremp Local Police (July 15, 2013)

Police station	Tremp Local Police
Date	July 15
Town	Tremp

The premises of the Tremp Local Police are housed in the basement of the town hall building.

The two rooms that exist have been arranged, in practical terms, as store rooms, and therefore, are not used. They are still registered as custody areas, though the reasons why are unknown.

Station personnel stated that there had not been any detainees in a long time. This information was confirmed by the Tremp Mossos d'Esquadra police station, which assumes the competencies for the custody and transfer of prisoners to the judicial district.

Conclusions/recommendations

- The local council should permanently close the custody area, and identify the area as a store room or other like purpose with the relevant signs.

Granollers Local Police (September 5, 2013)

Police station	Granollers Local Police
Date	September 5, 2013
Town	Granollers

Prisoner custody area

- The custody area of the Granollers Local Police is in the basement. Though they have surveillance cameras in part of the facilities, they are not duly signposted.
- There is a room with a small wooden bench, where prisoners are patted down, and asked to hand over any objects with which they could injure others or themselves. The room has a video surveillance camera, and they stated that they never perform strip searches. Adjoining the room, on one hand, is the cell area, and on another, a room or office where the officer completes the information, and where there are prisoner admission and discharge record books and the custody book.
- The gun rack is in the same room (inside the custody area, not before entering it). This is an anomaly that must be corrected in the immediate future for the safety of the officers as well as the persons being held in custody.
- The custody area has two cells with toilets and a third, independent room, with a shower and a toilet. The cells do not have video surveillance cameras. There is no heating, but they have mattresses and blankets. The blankets are changed every three or four uses because they deteriorate easily. Generally speaking, the level of cleanliness was satisfactory.

General remarks

- There were no detainees at the time of the visit. Station personnel stated that the detainee movement is on a temporary basis, with stays lasting 2-3 hours, which the Task Force confir-

med by checking the admission and discharge book. They handle an annual average of 80 prisoners.

- Station personnel stated that they always inform prisoners of their rights. They are taken to the hospital for the necessary medical exam and the Mossos d'Esquadra are notified of the detention. The bar association is also notified of the detention, although the legal aid is provided directly at the Mossos d'Esquadra station.

- As regards the detention of minors, although at first station personnel stated that they were left in custody intake area, isolated from other possible prisoners, they later stated that they hold them in the room next to the PBX, on the ground floor, and that the Prosecutor's Office is notified.

- They do not have any vending machines. Therefore, food, when offered, is a sandwich from a nearby café, considering the personal circumstances of each detainee.

- They have a protective helmet to keep prisoners from injuring themselves. If a prisoner is admitted in a state of hyperactivity, drunkenness or under the influence of a high dose of illicit drugs, they call a doctor, who then determines the steps to take, and whether the prisoner should be brought to the hospital. The reference health care centers are the Primary Care Clinic of Avenida del Parque, or the Hospital General. Whenever such a transfer is to be made, the health care center is called first to notify them of this circumstance.

- They never take the competencies for the custody and transfer of detainees to the judicial district. This is always done by the Mossos d'Esquadra.

Conclusions/recommendations

- The video surveillance area must be identified with the appropriate signs.

- The cells must have video surveillance cameras.

- The gun rack should be placed outside the custody area.

Sant Cugat del Vallès Local Police (September 19, 2013)

Police station	Sant Cugat del Vallès Local Police
Date	September 19, 2013
Town	Sant Cugat del Vallès

The Sant Cugat del Vallès Local Police station is housed in the building on Avenida de Gràcia, but plans are to relocate it to another site next to town hall in early 2014. With this relocation, the local police will have an optimum facility because, as could be seen at the time of the visit, the facilities they now have are insufficient and unsatisfactory. Regarding this relocation, station personnel stated that in the initial phase they will not have a custody area and therefore, detainees will be transferred directly to the Mossos d'Esquadra. In a second phase, there are plans to equip the local police with custody cells.

Prisoner custody area

- The custody area is located on the same floor as the offices. Prisoners enter the custody area on foot through the rear of the building, as cars cannot access this area. The entryway door leads directly into an entry hall that serves as a pat-down room, and does not have a video surveillance camera. In this room there is a table, chair and a helmet, as the only restraint device. Strip searches are not performed.

- If a prisoner is admitted in a state of hyperactivity, drunkenness or under the influence of a high dose of illicit drugs, they are not admitted to the cell, and the health care center is called.

- To the left there is an old cell now used as the local police's store room, where the gun rack is kept. The corporal told the Task Force that, due to the shortcomings of the facilities, they usually perform the pat-downs among four police officers, and to avoid having to go to the gun rack, they always perform them armed. They justify this procedure by stating that the service handguns they use have holsters with three security measures and it is very difficult to take them out.

- To the right side, there is a single detention cell with a mattress, blanket and squat toilet. In an adjoining area, there is an independent shower tray. Station personnel stated that the blankets are changed once a week, and are

taken to the dry cleaner's. The cell has a video surveillance camera (it only records video). The cleanliness was satisfactory.

- They do not have a vending machine, which is why the food offered detainees is a sandwich from a café that they have an agreement with.

- As they only have one cell, if there is more than one prisoner of different genders, the Mossos d'Esquadra are called to transfer the woman. Normally, in cases of minor detentions, they are made to wait in a room of the police station, except in very serious cases in which the cell is empty, when they are admitted into the cell.

- No prisoners were present at the time of the visit. The last arrest had been made on September 16th. There are 3-4 detainees per week, and the traffic is temporary, with average stays of 2-3 hours. This was confirmed in the admission and discharge books. There had been 5 minors detained in 2012, and this year, there had been 7.

- Station personnel stated that they always inform the prisoners of their rights, and they are taken to the hospital for the medical exam, and once the police inquiry proceedings are completed, they are transferred to the Mossos d'Esquadra at any time of day.

Conclusions/recommendations

- The facilities that the local police department now has are clearly insufficient, and it is recommended that they relocate to the new premises as soon as possible.

- Once they have relocated to the new headquarters and the new protocol of relations with the Mossos d'Esquadra (consisting of the direct transfer of detainees to the Mossos d'Esquadra) is enacted, it is recommended that they weigh the possibility of making this the final protocol and foregoing their own custody area.

- In the event that they establish a custody area at the new headquarters, it must have a direct access to the area, with a surveillance camera and proper signage, in the same manner as the pat-down room. The gun rack must be placed before the custody area and the cells must have an area for minors and women.

- A positive view was taken of the short waiting time by detainees in the custody area before being transferred to the Mossos d'Esquadra.

Manresa Local Police (September 25, 2013)

Police station Manresa Local Police

Date September 25, 2013

Town Manresa

Prisoner custody area

- The Manresa local police station is on the third floor of the town hall building. The custody area is also on these premises, although it has been arranged as a store room, and therefore, is not used, despite the fact that its condition, maintenance and spatial distribution could be considered highly satisfactory if compared to other municipal custody areas visited.

- It must be said that that the custody area is shared with other facilities which, according to an agreement with the County Council, are used for victims of domestic violence. It operates as an apartment (there are two bunk beds, a bathroom and a kitchen) where the victims can stay for a few days in emergencies. On the downside, the personnel assigned to guard this facility are from the local police, at a time when there has been a reduction in the number of officers.

General remarks

- The station personnel stated that the facilities are underused because they are practically never used. Along these lines, they have signed an agreement with the Mossos d'Esquadra to transfer their prisoners to the ABP Manresa, although there are no written instructions on the rules of action or procedure for the presentation of prisoners. Despite all this, in practice, the persons detained are presented to the ABP with their medical exam, written notice of rights and incident report all completed.

- The only exception to this are persons arrested for traffic violations, as the local police department has exclusive competencies in this area. Station personnel stated that in these cases it is difficult for the prisoner to be admit-

ted in the custody area. In any event, they make the detainee stay in the Citizen Services office while they complete the police inquiry proceedings.

- There is not a specific arrest book. Rather, it is shared with the one used by the Citizen Services Office to record any administrative procedure. Station personnel showed, and the Task Force confirmed, that the actions that have led to the opening of police inquiry proceedings are referenced this way. Therefore, to consult the information relative to an arrest (place, time, events, etc.) a copy of the police report must be checked.

Conclusions/recommendations

- The local council should permanently close the custody area, and identify the area as a store room or other like purpose with the relevant signs. In the same regard, in light of the size of the custody area, the most appropriate solution would be for the Local Council to consider converting the space and using the facility for another purpose.

- It would also be recommendable for the local police to develop instructions or a memorandum to define the rules of procedure that affect prisoners and the transfers of detainees under their responsibility.

- Last, and in relation with the foregoing recommendation, it is suggested that the local police also have a specific, single register of detainees that could then be requested at any time by a judicial authority, the Prosecutor's Office or the Ombudsman.

El Vendrell Local Police (October 3, 2013)

Police station	El Vendrell Local Police
Date	October 3, 2013
Town	El Vendrell

The detainee lock-up area is part of the Local Council building, on the ground floor.

The area consists of a small room with two cells. It is identified as a "security room", and is used as an area where prisoners are made to wait while they perform the initial police inquiry proceedings.

Prisoner custody area

- The detainee enters through the parking garage, where there are no video surveillance cameras.

- The area is identified as "security area". Inside there are two cells and a small area where pat-downs are performed, and where the restraint mechanisms (helmets) are stored in plain sight, as well as a sharps container and a few blankets. This area is equipped with a security camera.

- The two cells are for individual use, with a concrete bench to sit on, and a toilet on the inside. They have no windows. The door is made of iron and does not allow the detainee to see outside. The lighting of the entire area is artificial, and there is no ventilation. The toilets in the cells are placed facing the cell door without any sort of visual protection.

- The area has two entry doors, that of the prisoner and another that connects to one of the rooms of the police facility. The Task Force observed that its lower part was broken, probably as a result of being kicked by a prisoner.

- There are no mats or mattresses, though there are conventional-use blankets.

General remarks

- They do not have a prisoner custody service, which is why prisoners never spend the night in the cells. It has been used little since they signed their cooperation agreement with the Mossos d'Esquadra. There were no prisoners at the time of the visit.

- If more than two persons are arrested, the cooperation of the Mossos d'Esquadra is always requested. In the case of minors, protocol dictates that they are not admitted to the custody area, and that they be transferred directly to the Mossos d'Esquadra police station.

- Station personnel stated that the custody of the prisoner is as brief as possible while the police inquiry proceedings or incident report are written. The most recent arrests made were consulted, and an average stay of 2-4 hours was deduced.

- In the September 2-17 period, there had been two prisoners in the custody area.
- The detention process for a person consists of the following phases: admission into the security area, pat-down, transfer to a medical center, and if necessary, transfer to the Mossos d'Esquadra station.
- The administrative management of the lock-down has been computerized for the past three years. Station personnel showed the different software applications that they have. The information on the detention is only taken up in the police inquiry proceedings. Therefore, they do not have any specific one for the incidents relative to the admission in the custody area.

Conclusions/recommendations

- Given that the number of persons admitted into the custody area arranged for this purpose is low, that the space does not offer all of the guarantees to hold prisoners and that it does not have a proper custody service, the most recommendable course of action would be to transfer all persons arrested by the local police to the Mossos d'Esquadra station, considering, furthermore, the agreement signed between the two police departments contemplates such detainee transfers.

Sant Adrià de Besòs Local Police (October 17, 2013)

Police station	Sant Adrià de Besòs Local Police
Date	October 17, 2013
Town	Sant Adrià de Besòs

The local police does not have a custody area. Rather, it transfers prisoners directly to the Mossos d'Esquadra district police station in Sant Adrià.

The procedure for the presentation of prisoners to the Mossos d'Esquadra establishes that they transfer the prisoner with their notice of rights, and having been taken to the medical center for the mandatory medical exam.

There is not a computerized record of the arrests made on a daily basis. Rather, all of the information relative to the detention is recorded through the Citizen Services Office.

Mollet del Vallès Local Police (October 30, 2013)

Police station	Mollet del Vallès Municipal Police
Date	October 30, 2013
Town	Mollet del Vallès

Station personnel reported that plans were for the local police to relocate to another building over the course of 2014. This building will have cells, but they still do not know exactly what they will be like.

Prisoner custody area

- The custody area is in the building's basement. Prisoners enter from the parking garage, where there is no video surveillance camera. The only camera is outside and it is perimetral. There were no prisoners at the time of the visit. The area has numerous deficiencies as a prisoner lock-up.
- The area is not identified with any informative sign, nor does it have video surveillance cameras. The gun rack is located inside.
- The prisoner lock-down is a very large, outdated and deteriorated area, made up of a corridor where there are men and women's restrooms, a store room, a room with two chairs and the two cells.
- The cells are very small, approximately one square meter, with a narrow bench 30 centimeters wide, grille gate, and no ventilation. They are very claustrophobic. The Task Force found cobwebs in one of them. There is no toilet. Rather, detainees use the previously-mentioned restrooms escorted by an officer.
- In the anteroom, one of the doors had a hole that was probably caused by a kick. The Task Force also observed a few insects in this space.
- There are blankets available to prisoners. They were stacked in a cardboard box.
- Station personnel stated that detainees' stay in this facility lasts the minimum time necessary for them to complete the incident report and the initial police inquiry proceedings.

General remarks

- The local police only notifies an attorney in cases in which, as the examining unit, they have to take a detainee's statement, which is very exceptional.
- There are provisions to give prisoners food. In this regard, there is a vending machine, and if it is empty, they can take money from a safe to buy a sandwich in a nearby establishment.
- Minors are not held in the cells. Rather, they are made to wait outside while awaiting instructions from the Prosecutor's Office.
- They do not have a hard-copy admission and discharge book. Everything is computerized. The admission and discharge time of the detainee, and other details regarding their arrest, are included in the internal management program. The time at which they are handed over to the Mossos d'Esquadra, on the other hand, is included in the incident report.
- They showed the Task Force the form for a police report with detainee. The program generates the time for each of the inquiry proceedings performed. The dispatch time is the time at which the police report is concluded and the detainee transferred to the Mossos d'Esquadra.
- They have helmets for restraint devices.
- They carry out transfers in cases of traffic crimes with detainees.
- They only take prisoners to see a doctor in cases in which the prisoner expressly requests it, or if they are suffering from some sort of injury.

Conclusions/recommendations

- The custody area of the police station does not meet the minimum conditions necessary to hold detainees. In light of these circumstances, the most recommendable course of action would be to transfer prisoners directly to the Mossos d'Esquadra while they wait for the new station to open, and become familiarized with its condition and configuration.

Tortosa Local Police (November 21, 2013)

Police station	Tortosa Local Police
Date	November 21, 2013
Town	Tortosa

The detainee lock-up area is part of the Local Council building, on the second floor.

Custody area

- The detainee enters through the parking garage, where there are no video surveillance cameras. There is no camera in the corridor leading to the cells.
- The custody area consists of a small space with two cells. The area has a video surveillance camera, as does each of the two cells.
- There is a table and a chair in the anteroom. This is where the pat-downs are performed. Station personnel stated that they are superficial; they never perform strip searches. The arrest book is on top of the desk pad.
- The two cells are for individual use, with a concrete bench to sit on, and a toilet on the inside. They have no windows. The door is a grille gate. The lighting of the entire area is artificial, and there is no ventilation.
- They do not have mattresses, though they do have single-use mats kept in plastic bags.
- There was no odor problem, but the walls needed a coat of paint.
- Men and women share the custody area. As for minors, in most cases they make efforts for them to never be admitted. They have them wait in another room of the police facility, under the custody of the agent, and they wait for instructions from the Prosecutor's Office. When the detention is annulled, they also hand over a copy of the police report to the Mossos d'Esquadra. If the Prosecutor's Office asks for it, they transfer the minor to the Mossos d'Esquadra, who are responsible for transferring them to the Tarragona Prosecutor's Office.
- The Mossos d'Esquadra always notify the bar association of the arrest.

General remarks

- Station personnel stated that the custody of the prisoner lasts the time indispensable for them to write up the incident report or police inquiry proceedings, 1-3 hours.
- The local police do not transfer prisoners into judicial provision. Rather, the cooperation agreement with the Mossos provides for the transfer of the prisoner to their facility.
- The admission and discharge book for adults and minors was checked. The Task Force saw that, for one detainee, the times of admission and discharge were the same. After inquiring about this, it was concluded that it was an error. This error notwithstanding, station personnel were reminded of the importance of the information contained being strictly correct and accurate, to avoid possible responsibilities that could be derived.
- If necessary, there are provisions to provide food to prisoners. It comes from the catering service of the public hospital in Tortosa.
- The only restraint mechanism that they have is a helmet.
- If the detainee asks for medical care they are taken to the medical center. If not, they are taken "ex officio" when they have some kind of injury.
- Station personnel stated that they have approximately 100 detainees per year. There were no prisoners at the time of the visit.

Conclusions/recommendations

- Security cameras must be installed in the parking garage, at the prisoner entrance point, and another in the corridor that leads to the detention area, along with the informative signs advertising the installation of video surveillance cameras.
- The prisoner lock-up or custody area must be identified with a sign.
- For security reasons, it is considered most appropriate that the gun rack be placed immediately outside the entry to the custody area, in the parking garage.

- It is recommended that there be a specific arrest book for minors.
- It is necessary to paint the walls of the custody area.

Móra d'Ebre Local Police (November 21, 2013)

Police station	Móra d'Ebre Local Police
Date	November 21, 2013
Town	Móra d'Ebre

The station was visited, but there was no custody area, and the local police do not make arrests, either.

b. Penitentiary centers

Women Penitentiary center (February 6, 2013)

Center	Centro Penitenciario de Mujeres (Women's Penitentiary Center)
Date	February 6, 2013
Town	Barcelona

This was the second visit made to the center. The first was on January 12, 2011.

All premises and facilities were visited. Prior to beginning the visit, the Task Force spoke with the director, who stated the following:

- There had been a notable increase in the number of women admitted to the center with significant physical and mental deterioration.
- Women admitted from police stations do so in poor condition, especially from a hygiene (they have not been able to wash themselves or shower) and nutritional (they have only eaten sandwiches) standpoint.
- The level of occupancy among the inmate population is similar to that of other years. She said that there had been a spike at the beginning of the year, but that this was not significant as it is a recurring phenomenon in this period.
- One new development is that the children of inmates under three years of age attend a recently-opened public day care center, loca-

ted in front of the penitentiary. They have an agreement with them to reserve sufficient openings.

- There is good cooperation with the Juvenile Affairs Prosecutor's Office, which visits the center periodically.
- Another new development is that the cells of the Special Department (SD) are used to serve sentences of permanent monitoring under the weekend house arrest regimen. When continued service of the sentence is agreed, the inmates are incarcerated in a standard system with the other prisoners.

Facility visit

The following facilities were visited: mothers' unit, pre-trial unit, infirmary, multi-use unit, Special Department, Disciplinary Ward, productive and activity workshop, laundry, classrooms, dining halls, communication room, sport and leisure time facilities.

Among other elements identified, attention must be directed to:

- At the time of the visit there was an inmate serving a disciplinary penalty in the SD, who was interviewed by the Task Force.
- The SD cells are only used for temporary isolation and to serve disciplinary measures. When an inmate returns to first degree she is transferred to Brians 1. Once her conduct stabilizes, she returns to the center.
- The overall appearance of the SD denotes infrequent use. To the contrary of the previous visit, there were no unpleasant odors, even though the Department is on the lower-ground floor.
- The maximum capacity of pre-trial inmates is 90. There were 92 on the day of the visit, but plans were for two of them to be released that day.
- The main problem in the pre-trial unit is still the level of occupancy of the cells (with up to 7 beds each).
- Some prison officers were not wearing identification.

Conclusions

- The center, with its small size, still has the same overcrowding problem as in prior years, especially in the pre-trial unit.
- One of the new developments since the first year it was visited was the use made of the SD cells, which explains why this year no unpleasant odors were detected in this space.
- The need for all prison officers to wear identification must be reiterated, for reasons that go beyond friendly, cordial treatment that could exist between the inmates and prison officers.
- The inmate interviewed did not have any complaints.

Lledoners Penitentiary center (March 25, 2013)

Center	Lledoners Penitentiary Center
Date	March 25, 2013

The Task Force visited the closed-system and disciplinary modules, with 24 and 12 cells, respectively. There were 25 inmates incarcerated there on the day of the visit.

The Task Force observed that the officers of the Closed-system Department (DERT) and the different commanding officers that accompanied the Task Force on their visit were wearing identification.

Closed System Department

- The module is located to one side of the central axis or street that crosses the entire penitentiary center.
- The module houses inmates classified in the prison systems established in Articles 93, 94, 243 and 75 of the Penitentiary Regulations.
- It is made up of a single floor, arranged in a U-shape with the following distribution: five blocks, three with eight cells, and two with six. The first cell of each block is equipped for individual restraint. All of the blocks have the same characteristics, except that used to house first-degree inmates (Art. 94) who are in phase 2. This block, the exercise yard and the dining hall or multi-use room are connected.

- As opposed to the other modules or departments in the closed system, there are no cells equipped for temporary isolation. Rather, this is done in each of the respective standard-system modules.
- The restraint cells have a bed bolted to the floor in the middle of the room, a toilet and alarm button. They also have a video surveillance camera. The mattresses are made of fire-proof material, and in general the maintenance is satisfactory, although the toilets were not very clean.
- Mechanical restraint is performed with "psychiatric ward" straps, in accordance with the memorandum from the Directorate General for Penitentiary Services, which regulates this procedure.
- All first-degree or disciplinary cells also have the same characteristics: bed bolted to the floor, concrete furnishings, sink and shower separated by a wall a half-meter high. What objects are authorized will depend on the system the inmate is serving under.
- The DERT regulations are posted on the inside of the door to each cell for inmates to be aware of them. On the outside, there is a control sheet listing those who have passed through the DERT. Center personnel stated that the admission of an inmate into one of the cells is done with their prior signature, and they confirm awareness of its condition. This procedure is designed to prevent possible complaints that could arise on this matter.
- All of the doors have an automated security grille. There are also video surveillance cameras in the corridors and multi-use rooms.
- Two inmates were interviewed, one classified in Article 93 (PR) and another Article 94 (PR), phase I, chosen at random from the list of inmates in the DERT on the day of the visit.

Conclusions

- A positive view was taken of the fact that the cells of the DERT have the internal regulations of the department posted on each of the doors and that all officers were wearing identification.

- One of the inmates interviewed reported that he had been a victim of alleged abuse in 2010, and another complained of a lack of medical care. It must be noted that the interviewed inmates had previously addressed the Catalan Ombudsman, and their complaints are being processed from this office.

Men's Penitentiary center of Barcelona (June 13, 2013)

Center	Centro Penitenciario de Hombres de Barcelona (Men's Penitentiary Center of Barcelona)
Date	June 13, 2013

The Men's Penitentiary Center of Barcelona was visited on December 15, 2011. On this occasion the visit was made during the night shift, beginning at 10 pm.

Within the framework of follow-up of the first visit made, the sixth gallery and Infirmary-Psychiatry Department were visited.

One of the most relevant facts was that it continues to suffer from the overcrowding problems already reported by this organization and other international bodies, although the number of inmates has been reduced. Thus, with capacity for 1,100 inmates, it was reduced from 1,782 to 1,517 on June 12, 2013.

By galleries, center personnel stated that the first gallery is still the most overcrowded, with six inmates per cell in some cases. The second gallery also has a high occupancy rate, with five inmates per cell. There were 584 inmates in the two galleries on the day of the visit.

At the time of the visit, aside from the head of services and officers at the access points, there was a duty officer on each of the six galleries (six total officers). To the contrary, during the day shift there are 7-8 officers per gallery.

Sixth gallery

- The sixth gallery houses inmates classified as first-degree, disciplinary unit inmates, temporary isolation inmates (T/I) and the system established in Article 75 PR. There were no inmates in the T/I unit in the system described in Article 75 PR. They were all disciplinary unit and first-degree inmates (ground floor and

separated) and those classified by Article 94 PR (second and third floors).

- The three cells set aside for immobilization were inspected again. No elements were different with respect to the prior visit. Along these lines, the bed has built-in hand, feet and waist restraints. There is a security camera, duly identified with the mandatory sign.
- One of the cells used for the T/I was inspected. Contrary to the others, it does not have a security camera, and has the features typical of a first-degree cell.
- The pat-down room was also inspected. There is no security camera and the gowns are hung outside. The most striking aspect is a very strong odor, resulting from the lack of ventilation, although there is a window.
- Last, none of the exercise yards of the Department for any of the prison systems have any place for the inmates to shelter themselves in case of rain. One of the exercise yards was dirty.
- The registers for gallery inmates, immobilizations and incidents were checked. They are hard-copy books used by the prison officers. Further, this information is kept on computerized record (disciplinary records, notifications to the director, inmates' prison life systems, coercive measures, etc.), although it is not possible to extract total lists of inmates by subject.
- Permission was requested from the penitentiary supervision judge to consult the most recent notifications of coercive measures used. Initially, center personnel stated that this documentation is in the hands of the head of services. Then, the director said that he was unaware of where they were. Finally, he remembered that they were in a unit of the Treatment Office. He offered to send the Task Force a copy the next day.

Infirmary and Psychiatry Department

- The Infirmary and Psychiatry Department is located on the same gallery, with a capacity of 80 beds. There were 65 inmates admitted there on the day of the visit, including organic disease and psychiatric patients. Both facilities were visited. Most of the patients were asleep,

and so the Task Force sought to disturb them as little as possible. Once again, the only noteworthy feature was the lack of ventilation and a certain dirtiness on the floor of one of the dining room and common areas of the Psychiatry Department.

- Center personnel stated that the on-call doctor and a registered nurse (from a staff of 10 doctors), in addition to the medical coordinator, are always physically on the premises.
- The Task Force asked to see the medical record of an inmate. Center personnel stated that, although most medical information is computerized, there are still hard-copy medical reports in the files, because it has not been possible to scan them.
- The Task Force asked about their practices regarding x-rays. The on-call doctor stated that there were two types: medical x-rays, which they order; and disciplinary x-rays, which are not for medical reasons, but due to the suspicion that the inmate may be carrying an illicit product in their bodies. In this case, the doctors supervise and interpret the x-ray, but they do not order it, and the informed consent of the inmate is requested. The number of x-rays of either type performed on them is indicated in inmates' medical records.

Conclusions/recommendations

- Despite the fact that at night the inmates are locked up and the atmosphere is one of calm and safety, it cannot be overlooked that altercations or incidents could occur. For this reason, it is considered that the number of prison officers on the night shift is completely insufficient in proportion to the number of inmates.
- It is necessary to insist again on the need to install security cameras in the T/I cells, and in the pat-down cell.
- A positive view is taken of the fact that there is a doctor and a registered nurse on call every day of the week.
- The inmate population level has been considerably reduced in the past two years, but even so it is unacceptable that there are still cells with five or six beds, due to the lack of

privacy, hygiene, healthy conditions and safety entailed by this.

- It is necessary to implement measures to ensure proper ventilation and hygiene in the common areas of the Psychiatry Department.

Youth Penitentiary center (November 14, 2013)

Center	Centro Penitenciario de Jóvenes (Youth Penitentiary Center)
Date	November 14, 2013

This center was visited by the CAPT on February 15, 2011. Therefore, a follow-up visit focusing on the DERT was intended.

The center has capacity for 450 inmates, but according to information gathered last November 6th, there is now an occupancy of 354 inmates. At the time of the visit, there were 14 inmates in the Special Department, of whom eight were first-degree prisoners, and the rest, disciplinary.

Special department

- At the time of the visit there was an inmate whose hands and feet they had just immobilized, in a prone decubitus (face-down) position. The Task Force asked to interview him in private, behind closed doors. Next, two members of the Task Force meet with the director and the prison officer who has intervened in the subjection of the inmate.
- At the same time, the other Task Force members visited the cells of blocks 2 and 3. Each block is made up of eight cells, seven ordinary and one cell equipped as a temporary isolation cell, except block 1, where there are two cells for temporary isolation. Therefore, there are a total of four cells equipped for temporary isolation. All cells have windows with grille gratings that overlook an exercise yard. The windows of the isolation cells are the only ones with double grilles.
- All cells have the center regulations in them. There is a bed, sink, toilet and shower.
- The blocks are separated by exercise blocks, which inmates can access for a maximum of three hours. The DERT inmates are divided into three categories: 1) IOP, those in the initial observation period; 2) E1 3) E2. Only three

inmates from the IOP and E1 groups may access the exercise yard at the same time. Up to five inmates from the E2 group can go out. Inmates can waive their exercise yard privileges. In this case, they must sign a written waiver.

- Contrary to the last visit to the center, the Task Force observed that the video surveillance cameras of the isolation cells were correctly shielded by a cover, only removed when the inmate is in isolation.
- The Special Department has 30 security cameras distributed throughout the facility.
- The cells were quite clean, although a deterioration of the facility was observed, which was considered unusual for a relatively new center. A deteriorated condition of mattresses in the cells was detected.

Conclusions

- A positive view was taken of the change from the rag that covered one of the cameras in the isolation cells to a cover.
- The Task Force still detected that in the exercise yards there was no place for inmates to seek shelter in case of rain.
- Greater deterioration of the facility was observed, considering that it is a relatively new center. The lack of budgetary resources seems to justify the non-expenditure for improving the condition of the facilities.
- A positive view is taken of the posting of the DERT regulations on the door of each cell, and that the prisoner officers wear identification.
- No evaluation can be made of how the inmate was subdued and later immobilized. Nonetheless, while the inmate was immobilized, there were no marks or other outer signs of injury, other than the cut on his wrist that he claimed to have inflicted on himself. The center administrators showed a constant desire to cooperate. In this regard, it can be concluded that there has been transparency on all of the actions carried out.
- During the interviews held with the inmates, no reports of abuse were collected in any case, except the specific case of an inmate who claimed to have received a

blow while going down to the DERT, and who did not believe it worthwhile to complain because he was convinced that the complaints never led to anything. Responses regarding all other aspects of the center's operation and organization were disparate. Therefore, it cannot be concluded that there has been any irregular administrative action. Even so, an inmate stated that he had been immobilized an entire night, and another claimed to know of a young person who had immobilized for 24 hours.

Most relevant observations from interviews with inmates

In the course of the interviews with nine inmates, only two specific reports of alleged abuse by prison officers were collected. One of the complaints had to do with events that had occurred in 2010, and another was from an inmate who claimed to have received a blow while he was going down to the DERT, and who did not believe it worthwhile to complain because he was convinced that the complaints never led to anything.

One of the inmates interviewed stated that he had no complaint regarding the prison officers, although he made it clear that there were good and bad ones, and some did not wear identification.

The rest of the inmates interviewed stated that the treatment, in general, was satisfactory, and that they were not aware of disproportionate actions of the prison officers toward their fellow inmates.

Two of the inmates did express complaints regarding the lack of medical care in the center. It must be stated that these inmates had already addressed the Catalan Ombudsman to express their complaints, and they were being handled accordingly.

One inmate stated that he had been immobilized an entire night, and another claimed to know of a young person who had immobilized for 24 hours.

c. Minor internment centers

Throughout 2013, the CAPT Task Force visited six centers of diverse types: intensive educational residential centers—IERC—(2), juvenile justice centers (2) and therapeutic centers (2). One IERC and the two therapeutic centers are privately owned and operated, but the Directorate of General of Child and Adolescent Services (DGAIA) refers young men and women to them under a subsidized occupancy system. Overall, 33 minors and three educators were interviewed, in addition to explanations gathered from the administrators of the various centers.

1. Intensive educational residential centers (IERC)

IERC El Pedrenyal (February 26, 2013)

Center	IERC El Pedrenyal
Date	February 26, 2013
Town	Santa Maria de Palautordera

General information

The El Pedrenyal IERC is a residential resource located in Santa Maria de Palautordera. It houses young people from 12 to 18 years of age requiring more intensive educational services.

It has been a collaborating center of the DGAIA since September 2002, when the Plataforma Educativa Foundation began with its management. It has been managed directly by the RESILIS Foundation since early 2008.

The center has a 20-bed capacity for young men. At the time of the visit, the center was occupied to capacity. According to center management, 80% of the young people admitted to the center have some sort of mental disorder. They are admitted from educational activity residential centers, psychiatric units or private homes. The staff includes a psychiatrist from Sant Joan de Déu Hospital, who sees patients every 15 days, in the afternoons.

Facilities

The building is made up of two blocks: a main block, made up of a ground and second floor, and a single-story annex. The main area is distributed over different zones or spaces:

- Educator spaces:

- Youth are forbidden from entering. There is a pharmacy with medications and a record of the medication each of the youths takes. One of the center educators is in charge of this matter.

There is also something of a parcel storage room to keep the personal objects and belongings that young people are not allowed to have during their stay at the center. They are taken from them every time they leave and re-enter the center. They have to sign the necessary documents in this regard.

- Youth space:

- *Ground floor*: dining room, kitchen, two recreation rooms, computer room and two immobilization rooms. Center personnel stated that these rooms are not used because they try to solve crisis or dangerous situations through dialog and, in any event, by separating the youth from the group long enough to calm them down. They intend to use them as rooms for tutoring sessions.

- *Second floor* (used as a youth dormitory): educators' office (from which the entire lighting system is centralized), rooms (1, 2 and 3 beds) and bathrooms.

The rooms are personalized, and have wardrobes for youths to leave their belongings in. They have natural light and heating, although at the time of the visit the radiators were not turned on. The windows of the rooms are covered by gratings.

The annex houses the center's classrooms and laundry.

The center also has an outdoor pool, a small zoo and garden. Center personnel stated that the zoo and garden are the products

of the youths' work. At the time of the visit, the Task Force witnessed a group of young people ages 16-18 working and performing various tasks on these projects. They are also aided by farmers from the area surrounding the center.

Supervision of the center is handled by a private external security company.

Conclusions

The visit focused on the interviews of inmates (eight youths, standing for 40% of the persons admitted there) and an educator, aside from the explanations of the assistant director, who accompanied the Task Force on the visit. The accounts of all of these persons is quite coherent, and makes it possible to confirm that, despite the rigors of the disciplinary system, there was no sign of abuse or degrading treatment at the center. Furthermore, the youths appreciated the clarity of the rules, and took a positive view of their interaction with the educators and management. There were no negative considerations regarding the private security company's supervision of the center.

The problems detected had to do with the insufficiency of the type of center to handle some youths that would require a different sort of resource, as they need intensive psychiatric treatment to manage behavioral problems derived from severe mental disorders.

IERC Els Castanyers (October 24, 2013)

Center	Els Castanyers IERC
Date	October 24, 2013

Introduction

The center director accompanied the task force throughout the visit. The CAPT had already visited the center on September 30, 2011, and found that the facilities were satisfactory, as the rooms and common areas were spacious, comfortable, ventilated and well-lit.

The publicly-owned center handles youths from 12 to 18 years of age. It has 42 beds, which are always occupied, although at the time of

the visit there were fewer youths because several had escaped. Despite repeatedly asking the center director as to the number of youths who had escaped, he never gave an exact response.

The youths are still distributed by age, as was being done in 2011. There are four groups: 1) Youngest: 9 beds (12-14 years); 2) Middle: 11 beds (14-16 years); 3) Oldest: 14 beds (16-18 years) and 4) Casa de en Pere (Pere's House): youths ages 15-18 with more advanced processes, where personal autonomy is developed.

The center has a staff of 36 educators.

Visit to center installations

- First, the Task Force visited the first floor where the visiting rooms are, the "oldest" group's dining room, the recreation room with four televisions, the sewing workshops, the office of the two center psychologists with a meeting room, the visiting room with the juvenile justice delegate, the laundry and kitchen.

- At the time of the visit, the cleaning crew was working, which was why a highly satisfactory state of cleanliness was observed.

- Next, the second floor, devoted to the "oldest" group, was visited. This floor has 12 individual rooms, and a double room, which is usually used for newly admitted youths. At the time of the visit, there were two beds in the double room, but one did not have a mattress. The center director stated that there was only one boy using the room at that time. The director was asked how long they remain in that room, and he responded that it was the minimum time necessary, or until another single room became free. Nonetheless, he stated that the youth occupying that room had escaped on Saturday, October 19th.

- In the middle of the second floor there is an office for the educators, where they hold the tutorial sessions, and where the medication and mobile phones of the youths are kept at night. If any youth refuses to take their medication, they are not forced. The situation is redirected with the mediation of center professionals or the psychiatrist, external to the center, who sees patients on Fridays.

- The center director stated that 60% of the youths and minors of the center receive care from the Child and Juvenile Mental Health Center (CJMH) and that 50% are on medication. He stated that there is a growing population of youths with mental problems, and that according to him, the number of protective custody cases is also rising. He stated that there had been four cases in the past year and a half.
- In the case of the escapes, the first step is to notify the Juvenile Affairs Prosecutor's Office, and then the Mossos d'Esquadra, the DGAIA, etc.
- Visits are always made on the ground floor, and are by appointment only. Depending on how the cases evolve, the youths may be allowed to have their visits outdoors, and even go into the town for lunch with their families.
- Center personnel stated that many weekend passes were granted.
- Last, the two restraint rooms were visited. The only furniture is a bed bolted to the floor with a mattress. The doors are locked with a high-security locking system, and according to the director, they are to be used only for the restraint of youths in altered states, and for the time strictly necessary. There are no video surveillance cameras or restraint devices like straps or helmets. According to the director, they do not advocate such restraint methods, which is why they do not have any such devices.
- They had a specific book in which to record information on the youths admitted to one of the two restraint rooms. In this record, they were to take note, according to its content, of the time of admission and discharge, the date, the time of educator intervention, the objects taken from them and any incidents arising. Nonetheless, the Task Force observed that for most entries, the time of admission or discharge was missing. This makes it impossible to know, in practical terms, the real number of hours that the youths remained in the restraint rooms.

Interviews

It was decided to interview six youths chosen at random. The Task Force divided into three groups to conduct the interviews.

Conclusions

- The center facilities were satisfactory. Especially noteworthy were the spaciousness, luminosity and ventilation of the areas and bedrooms. A highly satisfactory state of cleanliness was observed.
- The isolation of a youth in one of the restraint rooms should last the minimum time necessary, and for very specific reasons while the situation leading to their admission there is redirected. Under no circumstances should they be used as punishment, because this impinges on the youths' fundamental rights. Along these lines, the youths interviewed believed that the time they were made to spend there was excessive and disproportionate.
- It is also an infringement of the applicable regulations that the inmates can remain locked in their rooms, and for a prolonged time, which according to one of the youths interviewed, could be up to a week. During this time, the youth is deprived of the possibility to perform the activities established in their work program.
- The record book on the use made of the restraint rooms should be filled out in a more meticulous, disciplined manner, indicating their duration, because at this time, there is an obvious lack of procedures or proper control mechanisms, despite the presence of the stamp of the Catalan Ministry of Well-being and Family. This form of proceedings keeps the record book from serving its purpose, which is to record the application of restraint mechanisms and allow their supervision and control, and makes possible inappropriate use.

Recommendations

- More diligence is recommended in filling out the register used to document the use made of the restraint rooms, indicating the admission and discharge times.
- It is necessary to review the disciplinary system, to guarantee the foreseeability, proportionality and educational and rehabilitating function, in the framework of respect for minors' fundamental rights.

- It is necessary to guarantee proper treatment and respect of the educators toward the adolescent inmates who may have behavioral disorders derived from their pathology or extreme vulnerability.

It is necessary to insist on the obligation of distinguishing in absolute terms, on one hand, between restraint and spaces prepared for this purpose, as a last resort to be applied the minimum indispensable time; and on another, the application of disciplinary measures. It appears that at this center, this distinction does not exist.

2. Juvenile justice centers

L'Alzina Educational center (April 30, 2013)

Center	L'Alzina Educational Center
Date	April 30, 2013

General information

This was the second visit made to the center since May 2011. This is a closed and semi-open system center for youths who must serve internment sentences.

The main development since the last visit is the expansion of the centers following the Government Agreement of August 28, 2012, approving rationalization measures related with the reorganization of the educational centers of the Directorate General for Community Criminal Enforcement and Juvenile Justice of the Justice Department, which calls for a reorganization that will involve reducing capacity of the Montilivi and Els Til·lers educational centers and increasing capacity of three other educational centers. In the case of L'Alzina, the center has gone from an initial capacity of 60 beds to 87.

The increase in population has also led to a diminishment in the average age of interned youths. Along these lines, on the first visit in 2011, the average age was 18 years, 6 months. On this visit, it was 17 years.

This situation has led to adolescents (ages 16 - 17) living together with young adults (up to 21 years). Although center personnel stated that minors are housed in a module where they eat and sleep, and that their

activities depend on their educational needs, the situation contradicts the principle of separation between children and adults derived from the Convention on the Rights of the Child.

The occupation of the center at the time of the visit was 93 inmates, of whom 33 were Spanish and 50, foreigners. By origin, 24 were South American and 21 were Arabic.

The rise in minors and youths has been accompanied by a similar increase in educators. On a different front, the number of security guards has been reduced to one professional on the weekend shift.

What is more, for the past year the center has not had a cultural mediator, who was the figure who worked on links with the outer environment and families of the inmates, especially in the case of Maghrebis.

Facilities

The Anoaia unit is still the one most used for restraint, and where the most difficult and challenging youths are held, according to center management. It is also the only unit in which there are two permanently-posted security guards. Contiguous to this unit is the one called temporary intervention area (the acronym is ZIP in Spanish) where inmates serve isolation disciplinary measures in cells, or in cautionary separation from the rest of the group. At the time of the visit, there was a youth to whom mechanical restraint mechanisms were being applied, and nine under disciplinary measures. Two members of the Task Force were direct witnesses to the subjection of a Moroccan boy. When they entered the room, the boy was lying face down on the mattress of a bed, tied at the wrists and ankles. Center personnel informed that he had become very upset, spat on an educator and begun hitting himself. At the time they entered the room, the doctor, security guard and an educator were present. The director told the boy who the Task Force was, and asked if he wanted to speak. He declined, claiming that they could not help him. The Task Force members asked to remain alone with him, but he did not want to speak.

The Task Force was informed that inmates can appeal the punishments, either verbally

or in writing. In such cases, there is a cautionary suspension of the punishment while they await the judicial ruling. They may also request a video-conference with the judge.

Center personnel stated that they had complied with the recommendation on the incorporation of video surveillance into the center, with recording and footage storage systems.

Interviews

The Task Force interviewed three inmates from the ZIP module.

Conclusions/recommendations

- It is necessary that there be complete separation between adults and minors, in accordance with Article 37.c of the Convention on the Rights of the Child, which states that "every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so", and ensure an educational structure that is different for each group.
- It is necessary to ensure "contact with his or her family (...) save in exceptional circumstances" (Art. 37.c of the Convention on the Rights of the Child).
- It is necessary to rehire a culture mediator who will serve as liaison among Maghrebi youths (who stand for a third of the inmates) the educators and their families, given the negative impact that the elimination of this figure has had on the treatment of and relations with the youths.
- It is important to underscore the importance of ensuring that the exercise of surveillance and security of the center do not exceed their duties.

The Catalan Ombudsman has already handed down Decision 3790/2013 on this matter.

Can Llupià Educational center (September 12, 2013)

Center	Can Llupià Educational Center
Date	September 12, 2013

General information

The CAPT visited the center on September 5, 2012, when the closures of the Els Tilers and Montilivi centers had not yet been carried out, which was why the Task Force wished to check the restructuring of the center and the consequences it had led to.

The center now has a capacity of 120 beds, twice that of last year, with a maximum of 90 young men and 30 young women. At that time of the visit, there were 86 youths, of which only six were female. Aside from the 86 youths at the Can Llupià Center, they have an apartment on Girona Street in Barcelona where there are three young men and one young woman.

The center has four different functional units, organized by ages. The following units are on the second floor: Siroco (independent girls' unit) and Garbí (adolescents from 15 to 16 years of age). On the second floor there are two units, Levante and Mistral (youth from 16 to 20 years of age).

Facilities

- The Task Force visited the male unit (Siroco), the unit for the youngest inmates (Garbí) and one of the units for inmates over 16 years of age (Levante). All of the units have the same structure, with a dining room/lounge and bedrooms for two or four persons. The only difference is that the rooms of the second floor have bathrooms, while in the Siroco and Garbí units the restrooms are shared, and placed separately.
- In Siroco, there are only six youths, while in Garbí there were 29. At the time of the visit to the Levante unit, there were 10 youths in the lounge, accompanied by two counselors and a member of the security staff. Others were in their bedrooms.
- The former individual rooms are now double, and the double rooms are now for four persons, despite the fact that in the young women's unit, due to the low number of inmates, the bunk beds do not yet have mattresses.
- Contrary to last year, the Task Force found the rooms more personalized. There is a

bulletin board where the youths can pin up drawings or photographs. In general terms, the rooms are clean and orderly. Nevertheless, it was confirmed that there are no more shelves or wardrobes despite the increased number of youths occupying the rooms. Lockers have not been installed in the corridors, either.

- The intake unit, housed on the ground floor, was visited. It is made up of three admissions rooms and two restraint rooms, also used as disciplinary measures of separation from the group. The restraint rooms still do not have video surveillance cameras.
- There is a pat-down room, used by the Mossos d'Esquadra when they have to take a young person away. There is a toilet, sink and two hanging gowns in the room. There was a white one, with a label reading "girls" and another blue one, labeled "boys".
- The kitchen was also visited. It appeared to be very clean. The inmates' dinner was being prepared at the time of the visit. The dinner consisted of sautéed vegetables, garlic fried chicken, and as an alternative dish, "empanadillas" (pasties).

Interviews

It was decided to interview four minors and two educators from the center. The Task Force divided into three groups to conduct the interviews. The minors were randomly chosen from a list provided by the assistant director. As for the educators, the Task Force chose one that had come from another center, and another that had been working at Can Llupià for a long period.

Conclusions

- The center was at its maximum capacity at the time of the visit. This has led to an increase in the minor cohabitation problems in the rooms, although they cannot be considered serious ones. There are also problems related with logistics, and the personal treatment of inmates. Despite this, no increase in disciplinary problems was detected, which was viewed positively.

- Generally, no abuse or degrading treatment was detected at the center. Furthermore, the youth express satisfaction with the treatment received from the educators. Despite this, there were some reports of isolated incidents of abuse of authority, especially by the security guards, which took place in blind spots. Along these lines, it is imperative that video surveillance cameras be installed throughout the entire admission and restraint areas.

- The increase in inmates appears to have led to a less personalized style of education, and there may have been a change in the model of intervention.

- It seems inappropriate that the same room serve as a restroom and pat-down room, as this makes it impossible to install a video surveillance camera. The pat-downs performed by the Mossos d'Esquadra before taking an inmate away must be done in a specific room equipped with a camera.

- A positive view was taken of the youths being able to personalize their rooms.

- The communication deficit that exists for inmates when there is no cultural mediator must be insisted on once again.

3. Therapeutic centers

Font Fregona – Masía Maspons Therapeutic Center (June 4, 2013)

Center	Font Fregona – Masía Maspons Therapeutic Center
Date	June 4, 2013

General information

Masía Font Fregona and Masía Maspons make up a therapeutic community devoted to the behavioral modification and the treatment of mental disorders or pathologies derived from drug consumption.

It is located in Torrelles de Foix (Vilafranca del Penedès) and is one of the few centers in Catalonia for the treatment of youths and adults with these problems. Privately owned, it has subsidized capacity arrangements with the Provincial Government of Barcelona, the Directorate General for

Child and Youth Affairs (DGAIA), Juvenile Justice and other entities, such as the Council of Majorca.

There is not a specific profile of person who is admitted. Rather, young people under 18 and adults with varying disorders, referred here by the public administration or private citizens, all co-exist. Adults and minors are mixed together. Currently, most inmates are minors. Thus, on the day of the visit, the average age of the people admitted was approximately 16. Overall there are 47 inmates at Font Fregona and 24 in Maspons.

Those admitted do so under an internment system, as they cannot leave freely. The term of stay is 24 months for youths under 18, and 18 months for the rest.

Upon arriving at the center, the Task Force saw a group of inmates who had just finished an activity. Most were adolescents, some of whom appeared to be under sedation, while others walked with their arms supported by two fellow inmates.

Facilities

- The visit was limited to the Masía Font Fregona. Center personnel reported that there were no differences between the two centers. Along these lines, the staff of educators is the same for the two facilities. Nonetheless, the criterion used to refer a patient to one place or another is unclear.
- The main house was visited, where the bedrooms, dining room, meeting room, the kitchen and administration offices are found.
- The dining room is the area where the group meetings are held, and within their community work philosophy, it is the place where anything can be discussed.
- There are two sets of dishes that can be used for meals. A normal, or porcelain set and a plastic set. Center personnel stated that the plastic set is used as a preventive or "corrective" measure.
- There are chairs in the recreation room, some of which are placed facing away from the television. This is where the young peo-

ple subject to "correction" sit. The Task Force also observed that one of the two chairs was used for mechanical immobilizations. Handmade, it was built of wood and iron. It is robust and rudimentary, more typical of an authoritarian regime. It has built-in hand, feet and waist restraints. Center personnel stated that they place something of a mat on top of it to keep the youth from harming themselves. They also have a full helmet and stated that it is for when inmates spit, or also so that they do not harm themselves.

- Center management stated that the day of the visit had been calm, which contradicted the information provided by one of the youths interviewed, who informed on the practice of restraint that same morning, shortly before the arrival of the Task Force.
- Center management stated that the use of this chair was occasional, and that in any event, they use emotional restraint first. Second, the plan is to hold the person until they calm down, and if this is not achieved, then they are immobilized. They stated that immobilization was performed by an educator, aided by inmates, and that it lasted the minimum time necessary. The protocol calls for notifying the Generalitat and Juvenile Affairs Prosecutor's Office of the use of restraint. They also stated that it is forbidden to apply this method as an educational correction, and that a medical exam is given after any restraint is used.
- The rooms are shared, with open spaces, with six beds or more, in bunk beds, with a place to keep one's personal belongings. The ceilings are very low, and the feeling is that of being in a small space. Young women and men are housed in different rooms, but on the same floor, and without any physical separation. The only adult present in the center sleeps on the upper floor at night, in a hallway where the only video surveillance in the entire center (without any sign advertising its existence) can be found.
- In the space between the bedrooms is the desk of the night-shift educator, with a fold-up cot in case any inmate has to be watched while they sleep (by medical prescription).
- The showers and bathrooms are also open spaces.

Interviews

Four minors were selected at random, all of whom had been referred to the center by the DGAIA. Two of them were in the final phase of treatment, while the other two had entered the center just a few weeks before.

Conclusions/recomanacions

- The entire group is run under the same discipline and therapy (behavioral), without there being any sort of personalized care program based on the profile of the admitted patient and their typology.
- The intervention system is based on very strict discipline, which obliges inmates to incrementally progress in their well-being (footwear, food). There are provisions to recur frequently to punishment (although they call it "correction").
- It is clearly unacceptable that inmates take an active part in the supervision and restraint of their own fellow patients.
- The chair used for immobilizations is not certified, nor can it be used to redirect the behavior of young people who may become unstable at a given time. Furthermore, there is no criterion in the application of this punishment, or the use made of it, considering that other admitted youths also participate, and that the doctor is not always present at the center. It is also necessary to question the purpose of using the full helmet.
- It is also inadmissible that there be application of "corrections" related with the exercise of basic rights, for example food, going to class or seeing one's family, as well as the disproportion of these corrective measures. These are rights of the United National Convention on the Rights of the Child, the exercise of which cannot be predicated on the child's good behavior.
- There is no strict separation between adults and minors, nor between males and females. Although they are housed in different rooms, there is no physical separation between them, only open spaces.
- The youths do not have any reference educator. The only persons of reference are the

psychologist or the psychiatrist, who see them once a month.

- The inmates' dress code (warm-up suit, and in some cases, slippers or tennis shoes without laces) and the methods used to punish them could be a breach of the admitted youths' dignity. Furthermore, the disciplinary system is informal and does not have any possibility of internal appeal or supervision from outside the center.

This center has been the subject of a number of interventions by the Catalan Ombudsman, before and after the visit of the CAPT. The recommendations made, in terms of undue treatments as well as educational intervention, are featured in decision 4457/2013.

Vallcarca Drug Dependency Recovery Residential Center (October 10, 2013)

Center	Centro residencial de atención a las drogodependencias Vallcarca (Vallcarca Drug Dependency Recovery Residential Center)
Date	October 10, 2013

Introduction

This is a social-health care residential center affiliated with the Portal Private Foundation, of which Amalgama-7 takes responsibility for the administration and technical and professional management. This resource makes possible the simultaneous activity as a residential center and day center, where psycho-therapeutic, socio-therapeutic and educational activities are carried out.

The Task Force was greeted by the center director and the director of the three centers managed by the Amalgama Foundation, who was coincidentally in Vallcarca because there are coordination meetings on Wednesdays. The two executives accompanied the Task Force throughout the entire visit.

The center is housed in a three-story building with some 1,000 m² of useful space, and its own outdoor courtyard. The center has capacity for 19 beds, although it now houses 16 youths and minors, between 14 and 19 years of age. Of them, 15 are under

the guardianship of the DGAIA, and one is under a private regimen. Two of the patients are over 18, and the rest are minors.

The center has seven counselors/educators, who work the following shifts: three on the morning shift, three on the afternoon shift, and a single Counselor on the night shift. Further, they have a psychiatrist and a psychologist.

On the second floor of the center is the living/dining room, kitchen and medication room. On the third floor there is a study room, a young men's room and a restroom. On the ground floor there is an office for professionals, two restrooms and two rooms for young women.

Procedures

- The director of the center stated that the youths and minors can be admitted for up to three years, for example, one of the young women, who is 18 years old and waiting for an opening in an apartment appropriate for her situation. Center management expressed their disappointment at the lack of capacity at other centers to which they could refer young people once their intervention process is complete. Along these lines, they stated that on certain occasions, when the therapy or intervention with the youth or minor is over, they continue at the center due to a lack of capacity elsewhere. This lack of action by the Administration can often lead to a regression in the intervention with the young person, who does not see any incentive (leaving the center) in completing a positive evolution.
- Generally speaking, the young people who are admitted into the therapeutic center come from Amalgama's Valldaura Center (Berga), and they arrive with the number of visits and passes to leave the center already established. All of the youths and minors can be granted more visits depending on their evolution. Theoretically, all trips off the center premises are made accompanied by a Counselor/educator, but they admit that in some cases in which they see a very positive evolution of the youth or minor, they are allowed to go to a civic center to engage in an activity and return to the center unaccompanied.
- Center management stated that every month, the P06 protocol is sent to the DGAIA. It contains a very schematic description of the academic activity of the youth or minor, the medical exams performed, how the visits have transpired, etc., but they said the Administration never responds to them. They even stated that in some cases the DGAIA has told them that these reports do not reach them because they are kept by Children's Affairs Working Group (EFI).
- Twice a year they are visited by the public prosecutor and some member of the DGAIA administration team accompanied by a doctor. They do not tend to interview the admitted youths on these visits.
- As for restraint mechanisms, the director stated that they try to avoid them as much as possible as they are contrary to the center's philosophy, which is strongly rooted in dialog. She mentioned the "fishbowl conversation" meetings which consist of daily group therapy sessions, before dinner, at which the youths and minors talk about their concerns and events (positive and negative) of the day. Nonetheless, in the case of a dispute between two youths and/or minors, the first step taken by the educator is to separate the youths and place them in different spaces or rooms. In any event, they do not have any specific space or material to carry out restraints.
- They stated that in cases in which they do not think themselves capable of handling or solving the problem related with any of the youths or minors, they are referred to closed restraint centers, but that this is rarely done. In fact, in the past year, only two inmates were referred in a private regimen.
- All of the youths and minors have an assigned tutor, but this tutor is only a reference figure. In practice, all of the educators speak and interact with all of the youths. The tutor is responsible for completing the monthly P06 report.
- With regard to center cleanliness and maintenance, the youths and minors themselves are in charge of it, under the supervision of an educator. Generally speaking, the cleanliness of the center could be better.

Facilities

- First, the Task Force visited the upper floor, where the study room was located. At the time of the visit, six youths and an educator were preparing a mural for an exhibition. The classroom is small, although sufficient for the number of students.
- The center's only room for young men, which has capacity for six persons, adjoins the study room. It is furnished with three bunk beds placed one next to the other, perpendicularly, to maximize the available space. The Task Force observed that there were no wardrobes or any personal belongings of the youths and minors in the room. The center director stated that this was because they wished to prevent problems among the youths. There was a certain lack of cleanliness and an intense odor. Following the bedroom is a bathroom.
- The lounge/dining hall is on the second floor. It is furnished with three tables and stacked plastic chairs. In the same room, there are individual wardrobes for each of the youths and minors, where they keep their belongings. The wardrobes are locked, and only the counselors/educators have copies of the keys. The Task Force also observed a stereo system and a television in the lounge, both of which were also kept under lock and key.
- The kitchen was next to the lounge/dining room, which is not used very much because meals are provided by a catering company. The kitchen is only used to warm up meals or to conduct cooking workshops. The state of cleanliness was optimal. There is a store room for cleaning products and tools adjoining the kitchen.
- To the right of the center entrance there is room to store medication, which is kept in a cabinet under lock and key. Aside from that, the space of another cabinet is used to deposit the youths' more valuable belongings (mobile phones, i-Pods, etc.). Only center professionals have access to this area, and the youths and

minors may only enter one at a time to receive their medication or belongings. If anyone ever refuses to take their medication, they are made to sign an appearance statement certifying this refusal to take their medication: in most cases, they eventually take it, and written note is also made of this.

- Disabled access to the center is complicated, although it has an elevator. Nevertheless, center personnel stated that only the catering service uses it.

Interviews

It was decided to interview six youths chosen from the center. The Task Force divided into three groups to conduct the interviews.

Conclusions

- The center facilities are small, designed for maximum occupancy of 19 persons. In any event, it does not seem that the youths and minors were longing for more space. On another note, the center did not have an optimal state of cleanliness, although it must be considered that the cleaning and maintenance are performed by the youths and minors themselves.
- From the information collected, it appears that temporary prohibition of contact with family has been used as a disciplinary measure. If this were so, it would be a violation of Law 14/2010, on the rights and opportunities of children and adolescence, Article 142: "Content and purpose of educational measures: No corrective measures that involve direct or indirect [...] deprivation of the right to family visits shall be applied."
- The administration must be more diligent in finding a new center for youths and minors who complete their intervention therapy, in order to avoid any negative effects and relapses.

III. STATE OF COMPLIANCE WITH THE RECOMMENDATIONS MADE IN THE PRIOR YEAR

III. STATE OF COMPLIANCE WITH THE RECOMMENDATIONS MADE IN THE PRIOR YEAR

I. FOR PENITENTIARY CENTERS

General recommendations

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

Response from the Administration¹:

The Directorate General for Penitentiary Services believes that it has all the necessary mechanisms to conduct an immediate, impartial investigation that considers the events as described by the inmate and the relevant professional or professionals.

- The professional identity number of prison officers must be printed on all components that make up their uniform, or an identity card that can be worn hanging from a lanyard must be provided.

Response from the Administration:

Penitentiary services more than comply with this regulation, and if there have ever been any dysfunctions, they have been isolated cases, and proper action has been taken, citing or disciplining the offender.

- Video surveillance systems must be installed in all restraint and/or isolation cells, in rooms where strip searches are performed, in spaces where inmates and employees interact and, to the degree possible, on the stairways that connect the various accesses or floors.

Response from the Administration¹:

All restraint and/or isolation cells have video surveillance cameras. It may occur that, for reasons beyond the control of the center, a certain camera not work at a given time, but these are very exceptional and isolated cases. In any event, the Directorate General takes note of the considerations and will be even more conscientious toward this matter.

Regarding the installation of cameras in all other recommended areas, the Directorate General considers the interior of the centers to be sufficiently monitored. For the protection of individuals' privacy and image, and for economic reasons, it is impossible and ineffective to monitor 100% of prison life inside the centers.

- Informative signs advertising the presence of video surveillance systems must be installed in all penitentiary center facilities that have them installed.

Response from the Administration:

For security reasons, it is not considered convenient to publicize each and every one of the places where a camera is installed. Further, there are no hidden cameras, and all of them are in plain sight of the users. Clear notice of their video surveillance systems is given at the points of entry to penitentiary centers.

- Greater insistence must be made on immediate notification of the penitentiary supervision judge regarding the implementation of any coercive measure, even though penitentiary legislation does not stipulate a minimum or maximum number of hours. It would be advisable to make this notification via e-mail to ensure that it is done.

Response from the Administration:

The penitentiary services of Catalonia strictly comply with the terms of Article 72.3 of the Penitentiary Regulations on immediate notification of the penitentiary supervision judge on the use of coercive measures.

¹ Catalan Ministry of Justice (Directorate General for Penitentiary Services)

- The training received by prison officers for the performance of their duties must be reviewed to improve it and adjust it to the parameters of new alternatives for peaceful conflict resolution.

Response from the Administration:

Training of penitentiary personnel has been the object of implementation, study, evaluation, review and improvement for practically a decade. The most recent protocol on the professional competencies of specialized penitentiary services officers was drafted in 2010.

- Inmates must be provided with a minimum number of personal hygiene and care products for the time they remain in temporary isolation.

Response from the Administration:

Efforts are made to provide minimal products of this sort, and if they are not available, the inmate may request that they be provided to them.

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

Response from the Administration:

The inmate is entitled to request the presence of an attorney and the relevant disciplinary commission will assess the appropriateness of this, although it is a rarely-used practice. If this is the case, and it is considered appropriate, the center will articulate the mechanisms necessary to ensure the presence of an attorney.

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

Response from the Administration:

The terms of Memorandum 2/2010 are applied, which stipulate that recordings of footage be conserved for a maximum period of one month, except in cases in which behavior that could constitute a felony, misdemeanor or administrative violation has been filmed. In those cases, the procedure is to conserve the footage for it to be made available to judicial or administrative authorities or the Prosecutor's Office. If necessary.

- Instruments or mechanisms must be enacted that make possible interventions to diminish interpersonal conflicts and the climate of hostility and tension that could be generated in penitentiary center departments or units housing inmates considered maladjusted or dangerous.

Response from the Administration:

There is a specific protocol of professional competencies meant to prevent incidents and prevent and/or solve conflicts peacefully. This protocol also contains action guidelines for professionals, aimed at unique and/or more conflictive units, such as special closed system or disciplinary departments.

- It is necessary to increase the frequency of visits made by penitentiary supervision judges to each of the penitentiary centers.

Response from the Administration:

The Directorate General of Penitentiary Service, out of respect for the independence of the judiciary, abstains from assessing the frequency of visits made by penitentiary supervision judges.

Specific recommendations

- Lack of space and penitentiary capacity, and obsolescence of certain penitentiary centers such as Figueres, Girona and Tarragona.

Response from the Administration:

The Directorate General is in the midst of reviewing the plans for facilities planned for the 2004-2010 period. At this time, the main idea is to adjust the infrastructure plan to the current plan and the foreseeable evolution of the inmate population. The new plan considers the opening, as soon as possible, and depending on budgetary availability, of the new penitentiary centers, such as that of Puig de les Basses, with capacity for 1,000 inmates in standard-system, and a second phase, Mas de Enric, of similar characteristics to the first.

- Regarding the appropriateness of translating the informative sheet on the Center's living conditions of Quatre Camins (and other penitentiary centers) into different languages.

Response from the Administration:

The Directorate General takes note of the suggestion to translate the informative sheet on living conditions in penitentiary centers into different languages, and will study this possibility, given the diversity of languages which can now be found in penitentiary centers (especially Spanish, Catalan, French and Arabic).

- Regarding the specific considerations on complaints of alleged abuses at the Brians 2 Penitentiary Center.

Response from the Administration:

In short, the Directorate General respects the specific statements regarding complaints on alleged abuses in the Brians 2 Penitentiary Center, although it cannot accept them.

II. FOR EDUCATIONAL JUVENILE JUSTICE CENTERS

General recommendations

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

Response from the Administration:

The Government Agreement of August 28, 2012, approving rationalization measures related with the reorganization of the educational centers of the Directorate General of Community Criminal Enforcement and Juvenile Justice of the Catalan Ministry of Justice, does not call for the closure of any centers, but rather establishes a reorganization consisting of reducing capacity in the Montilivi and Els Til·lers educational centers. The agreement also calls for increasing the capacity of three educational centers: Can Lluçà, L'Alzina and El Segre.

Specific recommendations

- The installation of security cameras in the rooms set aside for temporary isolation and application of coercive measures in the Els Til·lers educational center.

Response from the Administration:

According to Government Agreement of 2012, only the therapeutic unit, which already has security cameras, has remained operative at this center.

- The installation of security cameras in the rooms set aside for temporary isolation and application of coercive measures in the Montilivi educational center.

Response from the Administration:

According to the Government Agreement, the center has been organized into an open unit of 12 beds for positively-evolving minors and youths with open-system internment regimens. Therefore, neither the isolation nor the restraint rooms will be used, so it will not be necessary to equip them with security cameras.

- The installation of security cameras in the rooms set aside for temporary isolation and application of coercive measures in the Can Llupià educational center.

Response from the Administration:

The recommendation to install cameras in the rooms set aside for isolation is accepted, but this recommendation will be conditioned to budgetary availability.

- The hiring of cultural mediators at Can Llupià.

Response from the Administration:

This service was provided at this and other juvenile justice centers until May 2012, through an external organization that received a financial subsidy. At present, and until the budgets are approved, there is no budgetary availability to hold a tender for a new subsidy package that would cover this service.

III. FOR ESTABLISHMENTS UNDER THE TUTELAGE OF THE CATALAN MINISTRY OF SOCIAL WELL-BEING AND FAMILY

For the Mas Pins shelter

- The maintenance condition of the restrooms and showers on the first floor (first phase) of the Mas Pins shelter is considered insufficient due to the presence of dirtiness and unpleasant odors. The dirtiness is also apparent in the room used to serve disciplinary measures or for temporary isolation. That is why, the cleaning service must improve the conditions of cleanliness and hygiene in the spaces determined to be insufficient.

Response from the Administration: Pending.

For the Riudeperes residential center for the mentally disabled

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

Response from the Administration: The night shift in this type of centers is managed in accordance with the personnel-to-inmate ratio established in the regulations in force for social services and Order BSE/127/2012, of May 9. The center complies with the established ratio.

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

Response from the Administration: Center personnel stated that there was an optional half-yearly rotation system for the posting of personnel working in direct care. They concluded that what is required is a specific request to enact this rotation.

IV. FOR POLICE STATIONS OF THE GENERALITAT POLICE – MOSSOS D' ESQUADRA

General recommendations

- The notification of the bar association by any of the police forces, autonomous or local, must be immediate, from the very beginning of the detention, and be made personally effective.
- The detention period of a person must be the minimum indispensable. Once the police report proceedings are complete, everything possible must be done to transfer them immediately to the pertinent judicial authority.
- In cases of arrest by court order, even though the detained individual does not have to make any statement, they should be informed of their right to legal aid, and the bar association duly notified.
- There must be coordination between the judicial and police organizations to examine the possibility of a twice-daily transfer system that would allow prisoners admitted in the morning to go into judicial provision in the afternoon, once the inquiry procedures are complete.
- A clear and effective coordination is required in the prisoner custody process among the different police agencies of a single municipality.
- The blankets must be single-use only, and must be wrapped in plastic bags.
- It is necessary to study the possibility of extending to the Generalitat Police - Mossos d'Esquadra stations the meal dispensation through hospital catering services that some local police departments in Catalonia have.
- It is necessary for Mossos d'Esquadra police stations that do not have one to condition an appropriate space to attend to children and adolescents. This recommendation was also made in the 2012 *Report on Children's Rights*.

Response from the Administration: Pending.

Specific recommendations

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Badalona

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

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Vic:

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

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in L'Hospitalet de Llobregat:

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

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Terrassa:

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

that will make it possible to ensure appropriate hygiene conditions and eliminate the unpleasant odors.

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Cerdanyola del Vallès:

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

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sabadell:

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

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sant Boi de Llobregat:

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

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Vilanova i la Geltrú:

- Even though they do not have to make a statement, prisoners should be informed of their right to legal aid, and if they desire, to be assisted by an attorney.
- Detentions should not be prolonged longer than is strictly necessary. Once the police reports are completed, every effort should be made to immediately transfer the prisoners to the judicial authorities.
- It is essential that some corrective measure be taken in the men's custody area of the Vilanova i la Geltrú police station that will eliminate the problem of unhealthy odors.

For the Police Station of the Police of the Generalitat - Mossos d'Esquadra in Figueres:

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

For the District Police Station of the Police of the Generalitat - Mossos d'Esquadra in Sant Vicenç dels Horts

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

For the Sant Feliu de Llobregat District Police Station:

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

V. FOR POLICE STATIONS OF THE LOCAL POLICE OR GUÀRDIA URBANA

General recommendations

For all local police forces:

- The notification of the bar association by any of the police forces, autonomous or local, must be immediate, from the very beginning of the detention, and be made personally effective.
- The detention period of a person must be the minimum indispensable. Once the police report proceedings are complete, everything possible must be done to transfer them immediately to the pertinent judicial authority.
- In cases of arrest by court order, even though the detained individual does not have to make any statement, they should be informed of their right to legal aid, and the bar association duly notified.
- There must be coordination between the judicial and police organizations to examine the possibility of a twice-daily transfer system that would allow prisoners admitted in the morning to go into judicial provision in the afternoon, once the inquiry procedures are complete.
- A clear and effective coordination is required in the prisoner custody process among the dif-

ferent police agencies of a single municipality.

- The blankets must be single-use only, and must be wrapped in plastic bags.

Response from the Sant Feliu Local Council:

The recommendations for the prevention of torture will be taken into account, disseminated and thoroughly monitored.

Response from the Sabadell Local Council:

- The immediate notification of an arrest as of the first phases of detention is systematized and protocolized, and is performed pursuant to the terms of Article 520 LECrim (once the detainee has given a statement, they have the right to meet with their attorney).
- Once the police report is complete, in some cases, the reception of the prisoner by the Mossos d'Esquadra can be delayed because they do not accept delivery until their approval is given. These procedures are managed within the effective coordination of detainee custody.
- The blankets of the Sabadell municipal police are single-use only and are wrapped in plastic bags.

None of the other local councils responded to the general recommendations.

For the L'Hospitalet de Llobregat local police

- Informative signs advertising the presence of video surveillance cameras in the custody area must be installed.

Response from the Local Council:

The Public Safety, Cohabitation and Civic Values Department has given the appropriate orders and taken the necessary steps to post the informative signs.

For the Sant Feliu de Llobregat local police

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

Response from the local council:

- The custody area is not used as a detainee lock-up area, as they are transferred directly to the Mossos d'Esquadra police station. It is only used for very brief stays, while the police inquiry proceedings are completed. That is why it does not have specific booking or visiting rooms.
- The cages for stray animals that were inside the custody area have been placed in an especially-arranged area in the police command center's parking area.
- All of the cells are painted. This includes the police line-up area.

For the Sant Boi de Llobregat local police

- Make certain that the custody area is not operative as it does not meet the minimum conditions necessary to house detainees with all of the guarantees.
- It is recommendable that they equip themselves with a computer registry fit for the arrests they make, and the incidents that may occur in the prisoner custody process.

Response from the local council:

- The two rooms of the custody area have been arranged as store rooms: the two toilets have been covered to impede their use. Cabinets and shelves have been installed to make the spaces functional. The entrance to each room has been posted with signs that identify the spaces as store rooms.
- The broken chair has been replaced with a new one.
- As regards the average number of arrests performed (which they were unaware of at the time of the visit), they informed that in 2012, the Sant Boi de Llobregat local police made 133 arrests.

- According to the Protocol for Coordination and Cooperation with the Mossos d'Esquadra, detainees are first transferred to the hospital, and later to the Mossos d'Esquadra station.

- The police actions are always recorded in the local police computer program, and are expanded when there is a Directorate General for Public Safety's criminal offense in the police information system (SIP).

For the Sabadell local police:

- Given that there is not a specific detention space for women, the necessary measures must be implemented to ensure strict separation between men and women.
- It is also recommended to install a security camera in the pat-down area.

Response from the local council:

- Strict separation of men and women within the detention center is already established and protocolized by the Sabadell local police, and is carried out according to the internal rules taken up in the custody and detention area regulations.

- As for the installation of cameras in the pat-down area, the possibility will be assessed depending on the budgetary situation.

For the Badalona local police:

- The judicial police headquarters should be used.
- It is necessary to equip the police station with a single record book which takes up the information relative to the custody of the detainee from the time they are admitted into the custody area until they enter judicial provision or are transferred to the Mossos d'Esquadra station. Further, it is necessary that the custody data be computerized.
- Arranging a room near or connected to the cells for pat-downs.

- A gun rack should be installed at an entry point immediately outside the entrance into the security area.
- Appropriately differentiated and separated areas must be conditioned for the custody of women and minors.
- The cells must be equipped with a toilet separate from the shower that preserves prisoners' privacy

Response from the local council:

- The station has been equipped with a register book for adults and another for minors, which takes up information on the detainee's date of admission and discharge.

- A sign will be placed to advertise the area under video surveillance.

- Procedures have been begun to purchase a gun rack to place it in a spot outside the custody area entrance.

- As regards the custody of women, as these are individual cells, a partition will be installed in front of the entry door, and a female officer will be stationed in the custody area.

- Therefore, the establishment of a pat-down room in the custody area, and the separation of the cell toilets from the showers, will remain pending for structural reasons.

For the Vilanova i la Geltrú municipal police:

- The custody area of the Vilanova i la Geltrú local police must be nullified, as it lacks the resources and space necessary to operate as one.

Response from the local council:

- Temporary closure of the Vilanova i la Geltrú municipal police cell block until the deficiencies detected can be resolved.

- Transfer of persons arrested by the local police to the Mossos d'Esquadra station, as of June 7, 2013.

For the Terrassa Municipal Police:

■ In cases in which the case proceedings are the competency of the Mossos d'Esquadra, once again, the Task Force found a situation in which legal aid to prisoners is not guaranteed until they are transferred to the Mossos d'Esquadra, and the hours of detention with one police force are added to those of another.

Response from the local council:

- It is not believed that any delays are caused in the detention, except for the judicial presentation, which only occurs once. Throughout the detention process, and on an average basis, it takes nine hours until delivery at the Mossos d'Esquadra police department.

- In this city, the board of judges has decided for the sake of organizing the only police court, which changes weekly, that prisoners enter in a single shift in the morning on all days the court is in session (Saturdays and Sundays included).

- The operative coordination committees will work among themselves and the Terrassa bar association to come up with an improved, timelier way to coordinate and plan notification of the attorney.

Response from the local council:

- Improvement works have been carried out and the cell for temporary custody of detainees is operative. A concrete block and ceramic bench, a squat toilet, steel grille door, anti-vandalism lights and surveillance cameras, with video recording capacity and supervision and control monitor.

- The chief of the Montcada district police station informed that the protocol for the transfer of detainees to the Mossos d'Esquadra will continue to be the same, and under no circumstances will persons be delivered directly, except in the cases established in the protocol.

- Until the new, more appropriate facility for the local police is available, persons arriving following arrests made must be taken to the facilities that are available at this time, pursuant to the detention protocol developed on this matter.

For the Figueres local police:

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

Response from the local council: Pending.

For the Montcada i Reixac local police

■ Given that the Montcada i Reixac Local Police facilities meant to hold prisoners do not meet the minimum conditions, neither as a facility nor in terms of working resources, to operate as a police station with judiciary police duties for the custody of prisoners, it would be most recommendable to transfer prisoners directly to the Mossos d'Esquadra facility in Cerdanyola, or to the Montcada i Reixac district police station, who would later transfer them to the ABP.

For the Vic local police:

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

Response from the local council: Pending.

IV. GENERAL CONCLUSIONS AND RECOMMENDATIONS

IV. GENERAL CONCLUSIONS AND RECOMMENDATIONS

a. Police Stations of the Generalitat Police - Mossos d'Esquadra

Conclusions

- When an arrest by police officers is not made as a result of the investigation they are conducting themselves, which is what normally occurs, but rather the arrest order comes from a judiciary authority, it has continued to be observed that the prisoner is not informed of their right to legal aid.
 - It has continued to be observed that the request for legal aid from the bar association is made when it is time for the detainee to give a statement, and therefore, once the police officers have finished the inquiry proceedings.
 - From some of the interviews held with detainees, it has been deduced that they were impeded from designating the attorney of their choice.
 - It has been observed that in the arrest books of some police stations, the time of discharge of some detainees was missing. The justification given was that they were arrests made by the Investigation Unit, and it was probably an error.
 - Examination of the detainee arrest and custody books has made it clear that most detainees go to judicial provision within a maximum period of 24 hours, although there have been cases in which this term was exceeded, although it has never reached the maximum of 72 hours.
 - The practice of transferring the prisoners to judicial provision first thing in the morning after completing the police inquiry proceedings continues to be observed. For any arrests made outside the scheduled transfer times (9-10 am), the detainee has to spend another night in the police station, deprived of liberty, before going into judicial provision. In any case, it is only provided to place the prisoner in judicial provision in the afternoon when there is a specific summons from the judicial body.
- This organizational practice appears to have been assumed with normality, against the reiterated doctrine of the Constitutional Court, which established that a violation of Article 17.2 of the Constitution can occur not only for having exceeded the maximum period of 72 hours counting from the beginning of the detention, but also when, though this time has not passed, the time limit regarding the detention is exceeded, considering that it is no longer necessary, as the investigations meant to clarify the events have concluded and yet, the detainee is not freed or placed in judicial provision.
- There is no record of the practice of strip searches in the detainee record, nor of the specific causes that lead to its practice, beyond taking note of it in the police report, as it is believed that this procedure is sufficient, and the judicial authorities have not expressed any objections.
 - The Mossos d'Esquadra still fail to provide single-use blankets to detainees. The replacement system is not protocolized, and it depends on the administration of each police station to decide on the periodicity with which they are washed or changed. Further, it has been observed that blankets are stored haphazardly in different police station areas, usually the shower.
 - There is a recurrent problem of unpleasant odors in the cell area of most police stations visited that have their custody areas in the basement. To the contrary, it has been observed that cells for minors and/or women do not usually have this problem, nor do the police stations visited in the Terres d'Ebre police region, which stand out for their cleanliness and lack of unpleasant odors.
 - In some police stations, it has also been observed that, aside from unpleasant odors, signs of dirtiness and a lack of cleanliness affected the walls of the cells and the squat and "Western" toilets.
 - In the pat-down rooms of some police stations there is an informative sign advertising the existence of cameras to record video, but not audio.
 - Not all police stations have a personal care kits or basic hygiene products to provide to detainees if needed.

Recommendations

- It must be remembered that communication of the arrest to the bar association must be immediate as of the first phases in which the detention takes place, and made personally effective.
- It must be remembered that, in cases of arrests in compliance with a court order, the detainee must also be informed of their rights to legal aid, and the mandatory notification of the bar association must be made.
- It is necessary to ensure that no obstacles are placed in the detainee's designation of the attorney of their choice.
- It is necessary to diligently fill out all of the fields of the arrest and custody books, especially as concerns the detainee's time of admission and discharge from the custody area.
- The detention period of a person must be the minimum indispensable. Once the police report proceedings are complete, everything possible must be done to transfer them immediately to the pertinent judicial authority.

In order to guarantee the detainee's right to the non-prolongation of their deprivation of freedom beyond the minimum indispensable, it is necessary for there to be coordination between judicial and police bodies, in order to analyze and articulate the mechanisms to establish a twice-daily transfer system that would allow detainees to also go into judicial provision in the afternoon when the police inquiry proceedings have concluded.

- It is necessary to leave a record in the detainee arrest and custody book of the type of pat-down performed on the detainee, and in the event of strip searches, leave a record of the specific reasons that justify it.
- It is necessary to protocolize the blanket replacement system for all police stations, and develop a mechanism to replace the current blankets with other single-use blankets.
- It is necessary to adopt the proper measures to guarantee optimal hygiene and clean-

liness conditions in each of the police stations, and especially, in those that handle a considerable volume of detainees each year.

- A mechanism must be established to attempt to reduce the unpleasant odor problem existing in most police stations that have their custody areas in the basement.

b. Police stations of the local police or *guàrdia urbana*

Conclusions

- There is still no accreditation of fulfillment of Articles 520.4 and 765 of the LECrim, which stipulate immediate notification of the bar association of a detention. Along these lines, for arrests in which the local police or *guàrdia urbana* does not have exclusive competencies, as the bar association is not immediately notified of the arrest, the detainee custody process is uninterrupted. It is paradoxical that the detainee is informed of their right to the services of an attorney, but is also told that this right will be made effective when they are transferred to the Mossos d'Esquadra police station.
- Among the duties that the local police can perform as judicial police, there are a number of casuistries. Specifically, as regards the custody and transfer of detainees into judicial provision, the following was observed:
 - Local police departments which, while they carry out the arrest, identification, booking of the detainee and the police report, make the prisoner wait in the custody area and once they have concluded the police report, they transfer the detainee to the Mossos d'Esquadra for them to take responsibility for the custody and their later transfer to judicial provision.
 - Local police departments which directly transfer the prisoner to a Mossos d'Esquadra police station and once there, write the police report.
 - Local police departments that take responsibility for the inquiry proceedings of all the arrests they make and, in this regard, directly and under their responsibility, transfer the detainees in their custody to judicial provision.

- Local police departments which hold detainees for crimes in which they take responsibility for the investigation until the detainee is released or placed in judicial provision and, transfer the rest of detainees to a Mossos d'Esquadra facility.

- Most local police departments do not have a specific detainee arrest and custody book. Rather, the information and incidents relative to detention are taken down in the police report that they write, and that is added to the police inquiry proceedings, or the database of the Citizen Services Office. With regard to the police departments that do have a specific record book, there have been some cases in which the book was not duly filled out, or there was no specific book for minors.

- The action and coordination protocols between local police forces and the Mossos d'Esquadra are different and vary from municipality to municipality. There are municipalities in which the formalized cooperation agreement calls for the direct transfer of prisoners by the local police to a Mossos d'Esquadra facility. Others do not include this possibility.

- Most custody areas visited do not have any signs that identify them as such. If the area has video surveillance cameras, the absence of the relevant informative signs has also been observed.

- The rules on the detainee custody process differ among the local police departments visited. Some police departments have specified this process in writing, as instructions or a memorandum. In others, there are no provisions for such rules. Further, there is not a uniform criterion regarding matters such as the food supplied to prisoners, restraint devices, the use of blankets, etc.

- Most custody areas visited do not meet the minimum conditions, and have deficiencies, from the facility standpoint, in the separation of detainees and work resources, to operate as police stations for the custody of detainees in the role of judicial police, with all of the guarantees.

- The video surveillance system observed in most local police departments continues to be deficient. There are many spaces that

remain outside the recording range of the cameras, perhaps because they do not exist, such as in the parking garages of the police stations where the detainee enters in the police car.

- In some of the stations visited, the Task Force also observed that the gun racks were located inside the custody area, not immediately outside the entrance, with the risks that this entails for the security of the detainees and the police officers themselves.

- The 72-hour period starts being counted from the moment of the police arrest. Although it is never exceeded, for arrests made by the local police that later transfer the prisoner to the Mossos d'Esquadra, there is a paradox, in that the total time that the detainee has been deprived of freedom is greater than it would have been if only one law enforcement agency had intervened in the detention process.

Recommendations

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

- It is necessary to revise the protocols for action and coordination between the Mossos d'Esquadra and local police departments of the various local councils, to ensure equal and standardized regulations in the field of public safety, and specifically, on detainee custody and transfer.

- It is necessary for the local police to define the rules of action that involve the transfers and the custody of detainees in cases in which the responsibility for the inquiry is exclusively their own.

- The local police departments must equip themselves with a specific register book on all of the detentions made.

- It is necessary to identify the custody areas with the necessary signs, and install video surveillance cameras in the spaces

where they are not present now (parking garage, cells, lobbies, corridor, etc.).

- It must be remembered that gun racks should be placed outside the custody area, and in no case may officers enter with their service weapons.

c. Penitentiary centers

Conclusions

- The Task Force observed, for all purposes, continued non-compliance with the legal mandate of the one inmate per cell principle. Overcrowding of cells is especially severe and alarming in the cases of the Women's and Men's Penitentiary Centers of Barcelona.
- Despite the tendency for the inmate population to diminish, the occupancy rates of penitentiary centers are very high, especially at the most obsolete centers, the Women's and Men's Penitentiary Centers. Further, in the case of the Women's Penitentiary, as it is the only pre-trial facility for women, there is a paradox in that the occupancy levels of the inmate population do not vary.
- The Task Force observed that, generally speaking, prison officers comply with the rule to wear identification, except for some isolated cases at the Women's Penitentiary Center of Barcelona.
- It was observed that the restraint and temporary isolation cells visited have video surveillance cameras, except for those of the Men's Penitentiary Center of Barcelona, where there are no cameras.

Recommendations

- It must be remembered that all prison officers must wear identification.
- The necessary measures must be adopted to ensure fulfillment of the one-inmate-per-cell principle.
- It is necessary to install a video surveillance system in all of the restraint cells and/or temporary isolation.

d. Minor internment centers

Conclusions

- Generally, the facilities that the administration has and the subsidized centers for minors deprived of freedom are satisfactory in terms of space, resources and hygiene, but in some cases they are at full capacity, and the educator-to-inmate ratio can be insufficient.
- In some cases, the disciplinary measures or corrections levied on the minors are not foreseeable, clear and weighted enough. In some cases, punishments prohibited by law are applied.
- In some cases, the use of physical restraints is alarming, as is their purpose and the duration of their application.
- In centers where there are significant populations of immigrant inmates, the figure of a cultural mediator is lacking.
- The private centers subsidized by the DGAIA have supervision and follow-up deficiencies.
- At times, the admission of children and adolescents into the therapeutic centers lasts longer than their therapeutic needs.

Recommendations

- It must be guaranteed that inmate-educator ratios not increase, and to the extent possible, improve.
- The disciplinary system must be known, and punishment cannot be applied in an arbitrary or disproportionate manner.
- No punishments should be applied that affect the right to food (greater or lesser portions depending on behavior), the right to education (restrictions on involvement in the center's educational activity program), or the right to contact with the family (limits on calls or family visits).

The isolation of a child or young person in a restraint room must be only for the minimum indispensable time, and for very limited reasons, circumscribed to redirecting a

severe disturbance of the child or young person. Under no circumstances should restraint or isolation be used as a punishment, as this violates the fundamental rights of children and young people.

- Along these lines, it is essential that video surveillance cameras be installed in all restraint areas not yet equipped with them.
- In centers with significant immigrant, especially Maghrebi, but also South

American populations, it is necessary and urgent to reinstate the figure of culture mediator and benefit from their services.

- The administration must be more diligent when it comes to finding a new center or opportunity for youths and minors who complete their intervention therapy, in order to avoid negative effects and relapses.

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