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Institutional Rules

Secure Unit of the Inselspital

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1 General provisions

1.1 Legal basis

These Institutional Rules are based on the Swiss Criminal Code of 21 December 1937 (StGB, SR 311.0), the Swiss Juvenile Criminal Code of 20 June 2003 (JStG; SR 311.1), the Swiss Criminal Procedure Code of 5 October 2007 (StPO, SR 312.0), the Swiss Juvenile Criminal Procedure Code of 20 March 2009 (JStPO, SR 312.1), the Act on the Penitentiary System of 23 January 2018 (JVG; BSG 341.1), the Ordinance on the Penitentiary System of 22 August 2018 (JVV; BSG 341.11), the Act on Measures Restricting Freedom in the Juvenile Penitentiary System and in the Imposition of Child Protection Measures of 16 June 2011 (FMJG; BSG 341.3), the Military Criminal Code of 13 June 1927 (MStG; SR 321), the Military Criminal Procedure Code of 23 March 1979 (MStP; SR 322.1), the Police Act of 8 June 1997 (PolG; BSG 551.1), the Swiss Civil Code of 10 December 1907 (ZGB; SR 210) and the Federal Act on Foreign Nationals and Integration of 16 December 2005 (AIG; SR 142.20).

The relevant legal bases can be obtained in print format from the management of the Secure Unit.

In the case of juvenile detainees, the precepts of juvenile protection are taken into account.

1.2 Scope of application

These Institutional Rules are applicable to the Secure Unit of the Inselspital of the Canton of Bern (BEWA) and to all types of detention enforced in this facility.

1.3 Organisation

The Secure Unit reports to the Office of Penitentiary Affairs (AJV) of the Ministry of Police and Military Affairs of the Canton of Bern (POM). The management of the Secure Unit is wholly accountable to the superior authority of the Office of Penitentiary Affairs.

Subject to the consent of the Head of the Office of Penitentiary Affairs, the management of the Secure Unit may appoint advisory bodies on a situational or permanent basis.

The Ministry of Police and Military Affairs of the Canton of Bern is the supervisory authority of the Secure Unit.

The management authority in charge of the proceeding in accordance with the Swiss Criminal Procedure Code monitors the enforcement of pretrial detention and detention for security reasons in the Secure Unit and inspects it once a year. It notifies the management of the Secure Unit of any shortcomings. The management of the Secure Unit arranges for such shortcomings to be remedied. Above and beyond this, supervisory law and the supervisory obligations of the Office of Penitentiary Affairs and the Ministry of Police and Military Affairs of the Canton of Bern are applicable.

The responsibility for medical care is the responsibility of the Department of General Internal Medicine (KAIM) of the Inselspital. The KAIM coordinates cooperation with other departments and out-patient departments of the Inselspital and possible external institutions.

1.4 Management of the Secure Unit

The management of the Secure Unit is constituted by the primary and secondary management level. The primary management level consists of the Director and the Deputy Director. The secondary management level includes persons appointed by the Director, as a rule the department heads (cf. organisational chart in Appendix I).

1.5 Director

The Director performs the following duties: he/she

- a. bears the overall responsibility,
- b. ensures that the facility is run in conformity with fundamental rights,
- c. regulates internal competencies and issues internal provisions,
- d. represents the prison to the outside world.

When the Director is absent, the responsibility is borne by the Deputy Director.

1.6 Staff

The members of staff act in accordance with ethical directives, the management principles and mission statement of the Secure Unit.

They must not conclude any legal transactions with detainees; in particular, they must not have detainees do any work or provide any services for private purposes.

1.7 Unusual situations

In unusual situations – notably in cases of fire, natural disasters, escape, infringements from the outside, mutiny, hostage-taking or medical emergencies – the management of the Secure Unit, with the consent of the superior authority of the Office of Penitentiary Affairs, may take measures that deviate from these Institutional Rules.

In urgent cases, the consent of the superior authority of the Office of Penitentiary Affairs may be obtained later.

2 Functions

The Secure Unit exclusively serves to accommodate detainees with medical indications.

The following cases are admitted to the Secure Unit for inpatient treatment:

- people with somatic and psychosomatic illnesses and victims of accidents;
- detainees from the regional prisons, juvenile homes, custodial facilities and psychiatric clinics of the Canton of Bern who require hospitalisation.

Detainees from other cantons are only admitted in so far as places are available.

3 Legal status of detainees

3.1 Detainees' rights

Detainees are entitled to have their personalities and human dignity respected. Detainees have the right to be heard in personal matters and the right of proposal in operational matters.

Detainees who are entitled to vote may obtain the relevant documents from their municipality of residence in writing and thus exercise their political rights. They are not permitted to participate in elections conducted in an assembly.

Detainees' constitutional and statutory rights may only be limited as far as the purpose of their detention requires and as far as this is necessary for a safe and orderly life together in the Secure Unit.

Detainees are entitled to spend at least one hour a day in the open air.

3.2 Detainees' obligations

Detainees have to comply with detention provisions and with any instructions issued by the management and staff of the Secure Unit, the referring authority and the doctors and care staff of the Inselspital.

Detainees have to refrain from anything that may jeopardise the orderly execution of their sentences and the maintenance of security and order.

3.3 Accident insurance

The Canton of Bern does not insure detainees itself. The collective accident insurance of the Canton of Bern only covers detainees in a subsidiary fashion.

4 Admission

4.1 Requirements

For detainees to be admitted as inpatients or outpatients, the management of the Secure Unit requires the following documents:

- all the personal data,
- list of offences and the reasons for detention,
- information about the sanction and about the duration of detention,
- contact details of the competent authority in charge of the proceeding / referring authorities,
- current health insurer, if any, and office responsible for settling claims.

4.1.1 General remarks

As a rule, detainees are only admitted to the Secure Unit on the strength of a written referral report by the competent physician of the custodial facility or of the psychiatric institution concerned.

The decision concerning definitive admission is made by the competent senior physician of the Inselspital in consultation with the director of the Secure Unit. The competent senior physician informs the Secure Unit about the planned admission at an early stage.

The custodial facility is informed in advance and at an early stage about a detainee's return after the examination or treatment has been concluded.

The agreements required for a detainee to be presented for outpatient or inpatient examinations and treatment in the inpatient and outpatient departments are exclusively made by the administration of the Secure Unit.

In cases of emergency, detainees are directly presented at the gate of the University Emergency Centre of the Inselspital Bern, after the administration of the Secure Unit has been notified of the case. Until the detainees' definitive admission to the Secure Unit, the detainees' safety and surveillance are organised and guaranteed by the referring custodial facility.

Decisions concerning the necessity and execution of treatment are exclusively made by the medical staff of the Inselspital in accordance with the competence regulations of the KAIM of the Inselspital.

Decisions concerning the necessity and extent of the required security measures during the medical examinations or treatment are exclusively made by the management of the Secure Unit.

If security measures involving the police are required, the necessary units of the Bern Cantonal Police will be organised by the management of the Secure Unit or the stand-by service of the Secure Unit.

4.1.2 Special provisions concerning pretrial detention and detention for security reasons

The transfer of detainees in pretrial detention to another custodial facility, to the Secure Unit or to another medical institution takes place after prior consultation with the authority in charge of the proceeding. In urgent cases (such as a medical emergency), notification is made after the event.

4.2 Detainees' personal effects and assets

4.2.1 Assets

Any cash is taken from the detainee. In principle, this money is available to the detainee during his/her stay in the Secure Unit if or when required, particularly for shopping in the kiosk, etc. If a detainee does not have any cash on admission, money is ordered from the competent authority or the authority which keeps the accounts. Larger amounts which are not needed to satisfy daily requirements during the detainee's stay in the Secure Unit are credited to the free account. When the detainee is released, the remaining assets are returned to the custodial facility.

Organisational units from other cantons have the option to transfer the money to the general account of the Secure Unit.

4.2.2 Objects

Any objects (effects), ID documents, valuables and cash in foreign currencies brought in by or forwarded to a detainee are recorded in a directory whose completeness and correctness is confirmed by the detainee's signature. Whenever possible, the detainee is present when the directory is being drawn up. The directory of effects is confirmed by the double signature of the detainee and the competent reference person. If the detainee is not present, the directory is confirmed with the double signature of the competent detention officer and another member of staff of the Secure Unit.

The management of the Secure Unit determines the type, size and number (cf. Fact sheet concerning everyday life in the Secure Unit) of the objects that are admissible in the Secure Unit and decides which objects may be taken into the cell. The management of the Secure Unit decides whether and which objects taken from the detainee will be stored in the Secure Unit. Detainees can have any other objects stored, dispatched or disposed of outside the Secure Unit at their own expense. Otherwise these objects will be professionally destroyed. The confiscation of objects in accordance with Art. 263 of the Swiss Criminal Procedure Code is reserved.

Detainees are themselves responsible for any personal effects taken with them into their cells. The Secure Unit, the Office of Penitentiary Affairs and the Canton of Bern do not assume any liability for any objects taken into a detainee's cell which are subsequently lost, have disappeared or have been damaged.

In principle, detainees are prohibited from taking any technical devices into the Secure Unit (cf. Appendix II). In justified cases, the management of the Secure Unit may grant exceptions. Detainees in pretrial detention or detention for security reasons additionally require the consent of the authority in charge of the proceeding in accordance with the Swiss Criminal Procedure Code.

Detainees may be relieved of objects at any time for reasons of security, law and order or health and hygiene.

4.3 Notification of relatives and legal representatives about referral and transfer

4.3.1 General remarks

Detainees are entitled to notify relatives, close acquaintances and, where appropriate, their legal representatives of their admission to the Secure Unit or to have them so notified. This notification may be effected through their lawyer.

If a detainee is transferred to another prison, the Secure Unit ensures that any relatives or close acquaintances involved so far and the legal representative are appropriately informed.

4.3.2 Special provisions concerning pretrial detention and detention for security reasons

The transfer of a detainee who is in pretrial detention or in detention for security reasons to a Regional Prison, another custodial facility or another medical institution has to be carried out in accordance with the instructions provided by the authority in charge of the proceeding.

5 Accounting

During a detainee's stay in the Secure Unit, the management of his/her accounts remains with the custodial facility from which the detainee was transferred or which is responsible for the management of the detainee's accounts at the time of admission.

The details of the account management are governed by the provisions of the individual custodial facility or the referring authority.

6 Personal expenses

Detainees' personal expenses are not directly connected with the enforcement of the sentence. Detainees bear their personal expenses.

In particular, these include expenses for a stay and the medical treatment in a hospital or a clinic, outpatient medical treatment, medical treatment by external specialists, medication, medical aids, dental treatment, health insurance premiums, deductibles, contributions to the old-age and survivors'/disability insurance scheme (AHV/IV), personal effects, contributions towards integration such as professional expenses, costs of external training courses or leisure activities, as well as expenses during short leave or leave, the rental and storage of furniture, alimony, court proceedings, damages and restitution.

7 Form of detention

Owing to the special situation, a stay in the Secure Unit usually takes the form of closed standard detention. In addition, special forms of detention may be applied in individual cases owing to the state of health and the reasons for referral of the detainee who has been transferred to the Secure Unit.

8 Daily schedule, accommodation, catering, personal hygiene

The accommodation of all detainees is subject to the separation provisions.

In exceptional cases, the management of the prison, in consultation with the referring authority, may depart from the separation provisions if it is in the overriding interest of those concerned and if this is not precluded by any special provisions.

8.1 Daily schedule

In essence, the daily schedule is governed by the general hospital rules, the physicians' instructions, the care work to be done and the instructions issued by the management of the Secure Unit.

The daily schedule is laid down in a fact sheet and is handed and explained to detainees by the Secure Unit staff on admission (cf. Fact sheet concerning everyday life in the Secure Unit).

8.2 Accommodation

Detainees are allocated a uniformly furnished single-bed cell or a shared cell. Cells have to be kept tidy in accordance with the instructions issued by the staff of the Secure Unit.

8.3 Exercise yard

Detainees are entitled to at least one hour a day in the open air (exercise yard), provided that their mobility and health allow for this. Juvenile detainees are guaranteed two hours in the open air subject to their given mobility and state of health. The point in time and the necessary security measures are determined by the day managers of the Secure Unit.

8.4 Catering and kiosk

Detainees are catered for by the Secure Unit. Detainees who require special food on doctor's orders are specially catered for. Particular requirements which result from religious affiliation, or owing to a consistent vegetarian diet, are taken into consideration by the kitchen of the Inselspital to the best possible extent.

Within the limits of their personal financial resources, detainees may make additional purchases from the range of products offered by the Secure Unit kiosk. The kiosk payment modalities are regulated in special provisions issued by the management of the Secure Unit.

8.5 Clothes care and personal hygiene

Detainees wear the clothes and indoor footwear provided by the hospital.

Daily personal hygiene is carried out in the cell. Showers can be taken in accordance with the daily schedule of the Secure Unit unless the ward doctor or the care staff have issued other instructions.

The management of the Secure Unit may oblige detainees to attend to their personal hygiene for hygienic or odour-related reasons.

In the case of lengthy stays, detainees' personal washing can be taken to the hospital laundry by Secure Unit staff, under exclusion of any liability.

A hairdresser is only available in the case of a lengthy stay at the detainee's request and expense.

8.6 Smoking

As in the entirety of the Inselspital Bern, smoking is prohibited in the Secure Unit.

8.7 Pets

Detainees are not permitted to keep pets.

9 Outpatient treatment of detainees

9.1 Appointments for treatment and examinations

The necessary arrangements for the presentation of detainees for outpatient or (partially) inpatient examinations or treatment in the individual inpatient and outpatient departments are exclusively made by the administration of the Secure Unit. Therefore the consultations prescribed as necessary by the physicians of the custodial facilities must first be sent exclusively to the administration of the Secure Unit. The physicians of the custodial facilities and the inpatient and outpatient departments of the Inselspital must therefore refrain from fixing any direct appointments between themselves. Keeping any appointments organised by the referring institution during a plannable stay in the Secure Unit is the referring institution's responsibility with regard to organisation, presentation and security.

9.2 Call-up and delivery

The administration of the Secure Unit calls up the detainees for outpatient and (partially) inpatient treatment in the Secure Unit through the competent authority of the custodial facilities. The custodial facility and the transport service of the Office of Penitentiary Affairs are responsible for the transport and the timely delivery in the Secure Unit. The return transport is organised by the Secure Unit.

If required, the return transport with the health service police is accompanied by the cantonal police. The health service police call in the cantonal police themselves if necessary.

9.3 Stay and catering

Waiting detainees stay in the relevant waiting room. If necessary, food is organised by the Secure Unit.

9.4 Checks

The management of the Secure Unit may conduct checks in accordance with Art. 31 JVG.

10 Contact

10.1 Visits

10.1.1 General provisions

Visits are permitted for at least one hour per week. The management of the Secure Unit may determine a different regular regime if visiting times are correspondingly extended. During visits, visitors may hand over to detainees such objects as the management of the Secure Unit declares admissible, as well as cash (cf. Fact sheet concerning everyday life in the Secure Unit).

For reasons of security and order in the Secure Unit, visits may be made contingent on visitors permitting themselves to be checked for inadmissible objects (cf. Fact sheet concerning everyday life in the Secure Unit).

People who jeopardise security and order in the Secure Unit or violate visiting provisions can be barred from visiting by the management of the Secure Unit for a maximum period of three months, in the case of recurrent offences permanently. Spouses and life partners, children, parents and siblings must not be barred permanently.

Children and juveniles under 18 years may only visit if accompanied by an adult (parent, relative or legal representative).

Official visits are not deducted from the visiting quota (cf. Fact sheet concerning everyday life in the Secure Unit).

10.1.2 Special provisions for pretrial detention and detention for security reasons

Visits to detainees in pretrial detention and detention for security reasons are subject to permission in accordance with the Swiss Criminal Procedure Code / Swiss Juvenile Criminal Procedure Code issued by the authority in charge of the proceeding, which can impose stricter visiting modalities.

10.2 Correspondence

10.2.1 General provisions

Detainees are entitled to send and receive letters. Restrictions are only permissible on the basis of excessive checking work. Juveniles' correspondence is not restricted.

Outgoing letters have to be handed in unsealed. Incoming letters are opened, checked for inadmissible objects and then handed over. In the case of suspected abuse of correspondence, incoming and outgoing letters can be checked for content.

Correspondence with courts, authorities, government offices, clergy, doctors, lawyers, notaries public and legal representatives is handed over to detainees sealed but is checked for inadmissible objects.

Detainees are informed of any letters that are not forwarded.

If an incoming letter is inadmissible, the detainee is informed of the fact. Such letters are either being kept by the Secure Unit, destroyed or returned to sender at the detainee's expense.

10.2.2 Special provisions for pretrial detention and detention for security reasons

All the checks on letters of detainees in pretrial detention and detention for security reasons, as well as any restriction of correspondence, are exclusively the responsibility of the authority in charge of the proceeding in accordance with the Swiss Criminal Procedure Code.

10.3 Parcels, presents, cash

10.3.1 General provisions

Unlimited amounts of cash can be handed in for the benefit of detainees. These cash amounts are credited to the detainees' free accounts.

Decisions concerning the sending or handing over of any foodstuffs are made by the management of the Secure Unit in individual cases. Such decisions have to take into consideration the medical setting prescribed by the physicians, as well as the limited space available in the Secure Unit.

Parcels and presents are checked for content. If the management of the prison has an objection to a parcel, the detainee in question will be informed of the fact. In the case of inadmissible objects, the management of the Secure Unit decides whether they are to be confiscated, stored or destroyed. Detainees may have any objects that are left over stored outside the Secure Unit at their own expense or may return them to sender.

The confiscation of objects in accordance with Art. 263 of the Swiss Criminal Procedure Code is reserved.

Persons who hand over goods for detainees have to produce an official ID document on every such occasion.

10.3.2 Special provisions for pretrial detention and detention for security reasons

The parcels received by detainees in pretrial detention and detention for security reasons are checked by the authority in charge of the proceeding in accordance with the Swiss Criminal Procedure Code or, with their consent, by the Secure Unit. The authority in charge of the proceeding may impose further-reaching restrictions on admissible objects.

10.4 Newspapers, magazines, books

Detainees may subscribe to publications at their own expense. Subscriptions paid for by third parties are permitted. Publications with contents that are relevant under criminal law (particularly racism, pornography or the glorification of violence), jeopardise security and order or run counter to the purpose of detention are prohibited.

Detainees can borrow books from the in-house library. The borrowing modalities are regulated by the special library provisions issued by the management of the Secure Unit.

10.5 Electronic means of communication and appliances

10.5.1 General provisions

The Secure Unit provides detainees with a television set free of charge.

In individual cases, the use of further electronic devices may be permitted by the management of the Secure Unit. A fee may be charged for their use.

These electronic means of communication and appliances may be checked.

The use of private electronic means of communication and appliances is not permitted.

10.5.2 Special provisions concerning coercive custodial measures under the Foreign Nationals Act

In general, detainees detained under coercive custodial measures under the Foreign Nationals Act are permitted to use electronic means of communication and appliances within the capabilities of the Secure Unit. A fee may be charged for the use of such devices.

Such electronic means of communication and appliances may be checked and their use restricted or prohibited as soon as there are fears of abuse or of a threat to security and order or if their use runs counter to the purpose of the detention.

The management of the Secure Unit may permit the use of private electronic means of communication and appliances provided that they are incapable of making any video and audio recordings.

10.5.3 Special provisions for pretrial detention and detention for security reasons

The authority in charge of the proceeding may impose a stricter regime on detainees in pretrial detention or detention for security reasons.

10.6 Telephone calls

10.6.1 General provisions

Detainees may use the telephone subject to the special provisions of the Secure Unit. They may make telephone calls of a maximum duration of 10 minutes three times a week between 8 a.m. and 8 p.m. at their own expense. Telephone calls to official authorities are not deducted from the quota. Incoming telephone calls are not put through. Incoming telephone messages are only passed on in urgent cases.

The costs for the use of the telephone are borne by detainees.

Decisions about exceptions are made by the management of the Secure Unit.

10.6.2 Special provisions for pretrial detention and detention for security reasons

In general, detainees in pretrial detention and detention for security reasons are not permitted to make telephone calls on the premises of the Secure Unit. Telephone calls are the responsibility of the authority in charge of the proceeding. Incoming telephone calls are not put through.

11 Social care and healthcare

11.1 Social care

Within the scope of continuous care, detainees are able to benefit from social care provided by the competent official organs and the probationary and penitentiary services of the Canton of Bern (BVD), as well as from the social care provided by the Inselspital.

11.2 Healthcare

11.2.1 General provisions

Detainees' healthcare is provided by the KAIM. Detainees are not free to choose their doctors, and the principle of equivalence for the purpose of medical emergency care and primary healthcare is applicable.

Newly admitted detainees are assessed in a medical admission meeting.

11.2.2 Special provisions concerning coercive custodial measures under the Foreign Nationals Act

If a detainee requires inpatient medical treatment, the referring authority decides whether they will be transferred to the BEWA or another hospital or clinic.

12 Pastoral care and further religious care

12.1 Pastoral care

Detainees can avail themselves of pastoral care by clergy of the national denominations in accordance with the daily schedule of the Secure Unit. Visits by the clergy of the national denominations are not deducted from the visiting quota.

Detainees who are not affiliated to a national denomination are also entitled to pastoral care by clergy of the national denominations.

12.2 Further religious care

Visits by representatives of other religious communities may be permitted provided that they need not be precluded for reasons of security and order. The management of the Secure Unit decides in individual cases whether meetings or functions of further religious care take place as official or private visits.

13 Work

Detainees referred to the Secure Unit are not entitled to any work or occupation.

14 Checks and examinations

14.1 Adult detainees

14.1.1 Body search

The management of the Secure Unit may have detainees subjected to a surface body search by members of staff of the same gender, as well as having personal effects and a detainee's accommodation searched.

If detainees are suspected of concealing inadmissible objects on or in their bodies and particularly in orifices that are not observable, the management of the prison may order an intimate body search conducted by a doctor.

14.1.2 Checks and taking of samples

If detainees are suspected of abusing narcotic substances or alcohol, the management of the Secure Unit may order urine samples to be taken, as well as breathalyser tests, blood tests, hair tests and similar checks to be conducted by members of staff. The management of the prison may also order regular checks to be conducted at varying intervals.

14.1.3 Checks on cells and effects

Checks on cells and effects may be conducted at any time either in detainees' presence or absence. The members of the staff of the Secure Unit who conduct such checks document them in a log.

14.2 Juvenile detainees

14.2.1 Checks and examinations

The management of the Secure Unit or members of staff designated by it may order the following checks and searches of juveniles:

- checks of personal effects and the accommodation,
- breathalyser test,
- urine samples.

As a rule, checks of personal effects and the accommodation are conducted in the juvenile's presence.

14.2.2 Body search and blood sample

If a juvenile detainee is suspected of concealing inadmissible objects or consuming inadmissible substances, the management of the institution may order the following measures:

- surface body search,
- intimate body search,
- blood sample.

The surface body search is conducted by a person of the same gender, as a rule in the presence of a third person, in a separate room at the exclusion of any other parties.

The intimate body search is conducted by a doctor.

15 Disciplinary matters and special security measures

15.1 Disciplinary offences

15.1.1 Adult detainees

Detainees who culpably infringe penitentiary legislation, the Institutional rules, other detention provisions, the detention plan, as well as additional instructions and orders issued by the management or staff of the Secure Unit, can be sanctioned.

The following instances are regarded as disciplinary offences, in particular:

- escaping or preparing to do so;
- unlawful interventions in other people's assets;
- insubordination towards members of staff or the management of the Secure Unit;
- insults, threats and attacks on the physical or sexual integrity of members of staff or the management of the Secure Unit, fellow detainees and other persons;
- inadmissible contacts with fellow detainees and other persons;
- abuse of the right to receive visitors;
- import and export, procurement, procuration, production, possession of and dealing in, by circumventing checks, illegal objects such as weapons and weapon-like objects, documents, cash or any other objects declared inadmissible by the management of the Secure Unit;
- import and export, procurement, production, possession, consumption of and dealing in alcohol and narcotic drugs or substances with similar effects, as well as the abuse of medication;
- the improper use of electronic communication appliances, of consumer electronics appliances, of electronic hardware and software and of electronic storage media;
- the prevention or circumvention of checks or the falsification of check results;
- any other disruption to the facility's everyday life.

15.1.2 Juvenile detainees

Juveniles who culpably infringe penitentiary legislation, the Institutional rules, other detention provisions, the detention plan, as well as additional instructions and orders issued by the management or staff of the Secure Unit, can be sanctioned.

The following instances are regarded as disciplinary offences:

- physical, sexual or verbal violence against members of staff, other juveniles or any third parties present in the institution;
- dealing in, possession of and consumption of alcohol and narcotic drugs, as well as the abuse of medication;
- possession of inadmissible objects;
- unlawful interventions in other people's assets;
- disruptions at work, in school and in accommodation;
- the improper use of electronic communication appliances, of consumer electronics appliances, of electronic hardware and software and of electronic storage media;
- escaping or preparing to do so;
- abuse of leave.

15.1.3 Common provisions

Attempting to perpetrate, instigation to and aiding and abetting disciplinary offences may also be sanctioned.

Criminal prosecution is reserved.

15.2 Disciplinary sanctions

15.2.1 Adult detainees

The disciplinary sanctions:

- a written reprimand;
- if there is a factual connection with the disciplinary offence, a temporary withdrawal or restriction of
 1. leisure activities for up to two months;
 2. external contact for up to two months, although communication with authorities, legal representatives and pastors is reserved;
 3. the use of money for up to two months;
- a fine of up to CHF 200;
- arrest in the detainee's cell, an empty cell or a security cell prepared for the purpose for a maximum of 14 days.

Disciplinary sanctions can be combined, with the exceptions of

- the combination of a written reprimand in conjunction with another sanction,
- the simultaneous imposition of an arrest and a fine.

15.2.2 Juvenile detainees

The disciplinary sanctions are:

- a written reprimand;
- restriction of participation in leisure activities for up to a month;
- withdrawal or restriction of the right to receive visits and go on leave for up to two months;
- withdrawal or restriction of the permission to possess electronic communication appliances, consumer electronics appliances, electronic hardware, data carriers with software and electronic storage media for up to two months;
- cell arrest for up to five days;
- light arrest for up to 14 days;
- strict arrest for up to seven days.

Visits by family members may only be restricted if the disciplinary infringement is closely connected to the visit.

Detainees in light arrest only spend their rest and leisure time in the disciplinary unit, detainees in strict arrest also spend any other time in the disciplinary unit.

Disciplinary sanctions can be combined. Any kind of corporal punishment is inadmissible.

15.2.3 Suspended enforcement and early termination

Disciplinary sanctions can be suspended as a whole or in part during a probationary period of up to six months.

Suspended enforcement is revoked if the detainee commits another disciplinary offence during the probationary period and has to be disciplined.

An arrest sanction can be reduced if the objective of the disciplinary sanction has been reached early.

15.3 Special security measures

15.3.1 Adult detainees

If there is an increased danger that a detainee may intend to escape or use violence against third parties, himself/herself or objects, the management of the prison may order special security measures.

The following can be taken into consideration as security measures, in particular:

- arrest in the detainee's own cell, an empty cell or a security cell prepared for the purpose for a maximum of 14 days;
- withdrawal of furnishings and everyday items or clothes whose improper use is to be feared;
- a change of cells;
- restraint for the detainee's protection.

Special security measures may only be imposed as long as there is a compelling reason for them.

15.3.2 Juvenile detainees

If there is an increased danger that a juvenile detainee may intend to escape or use violence against third parties, himself/herself or seriously disrupt the life in the Secure Unit in any other way, the management of the Secure Unit may order special security measures.

The following are regarded as security measures:

- withdrawal of items whose improper use is to be feared;
- segregation from other juveniles;
- withdrawal of the right to spend time in the communal rooms;
- restriction of contact with the outside world;
- accommodation in a specially secured room or in an arrest cell.

15.4 Order

The management of the Secure Unit issues a disciplinary sanction and imposes special security measures by means of an order. Disciplinary sanctions on account of infringements against the director of the Secure Unit are issued by the Head of the Office of Penitentiary Affairs.

The facts of the case are clarified by the members of staff of the Secure Unit who are directly present and are reported in writing.

The management of the Secure Unit assesses the facts of the case and specifies the disciplinary offence. The management of the Secure Unit then grants the detainee an opportunity to make a statement concerning the reproaches (fair hearing). After weighing up the reported facts of the case and the detainee's statement, the management of the Secure Unit issues a disciplinary order when appropriate, in which it stipulates the disciplinary sanction as a legal consequence.

After the order for a special security measure that has to be taken with immediate effect, the facts of the case are also recorded and assessed by the management of the Secure Unit. After the detainee has been granted a fair hearing, the reasoned order is issued with information concerning the right of appeal.

Disciplinary orders and orders for special security measures are issued with a brief statement of the grounds and information concerning the right of appeal.

Juveniles, in particular, may inform their legal representatives or a close person who has attained his/her majority about the measure restricting their freedom, immediately after such a measure has been imposed.

15.5 Appeal

The detainee concerned may lodge an appeal against the disciplinary sanction with the Ministry of Police and Military Affairs of the Canton of Bern within three days of notification. Appeals against orders for special security measures have to be lodged within 30 days.

In the case of juveniles, appeals may be lodged within ten days after they have been notified of the measure restricting their freedom.

The appeal has to be written in German or French (official languages). It must contain an application, the reasons for it and the detainee's signature. The order that is being appealed against and any available evidence must be enclosed. Receipt of the appeal is confirmed by the members of staff of the Secure Unit with date, time and signature. The appeal must be submitted to the following address: Amt für Justizvollzug, Gerechtigkeitsgasse 36, Postfach, 3001 Bern.

Appeals against orders for special security measures and disciplinary sanctions do not have any suspensive effect unless the management of the Secure Unit or the Appeals Service of the Ministry of Police and Military Matters grants suspensive effect to the appeal for important ex officio reasons or at the request of the detainee concerned.

16 Departure and release from the Secure Unit

16.1 Obligation to readmit detainees

The referring custodial facility is obliged to readmit detainees back from the Secure Unit.

16.2 Departure

When detainees leave the Secure Unit, the return of inventoried objects (effects) is recorded in the directory and confirmed by their signature. If a detainee's signature is not available, the return will have to be confirmed by the detainee's representative or by the official who takes over the detainee on their departure.

16.3 Release

16.3.1 General provisions

Detainees are released on the basis of a written release order issued by the referring authority or the authority in charge of the proceeding in accordance with the Criminal Procedure Code or the Swiss Juvenile Criminal Procedure Code.

When detainees are released, the management of the prison decides in agreement with the referring authority whether the assets should be transferred wholly or in part to the released detainee or an appropriate authority. When detainees are released, their effects are returned to them in accordance with the directory against receipt. The detainee's assets are documented in a statement of accounts. Any balance is handed over to the detainee, their representative or the accompanying official against receipt.

Decisions concerning any other assets are made by the custodial facility which keeps the detainee's accounts.

Cash payments are made against receipt.

16.3.2 Special provisions concerning coercive custodial measures under the Foreign Nationals Act

The referring authority may decide that all or part of the detainee's assets that exceed CHF 1,000 are to be spent on paying for their repatriation costs.

17 Liability

Detainees are fully liable for any damage they inflict on premises and furniture with intent or by gross negligence. The amounts required to cover the costs of such damage may be directly debited to the detainee's free and special purposes accounts. A criminal complaint against the detainee for damage to property is reserved.

18 Final provisions

18.1 Supplementary regulations

The management of the Secure Unit may issue supplementary regulations on the basis of these Institutional Rules.

18.2 Entry into force

With the entry into force of these Institutional Rules as from 1 September 2019, the Institutional Rules for the Secure Unit of 1 June 2016 are repealed.

Bern, 20. August 2019

Office of Penitentiary Affairs

A handwritten signature in black ink, appearing to read 'R. Stämpfli', written in a cursive style.

Romilda Stämpfli
Head of Office

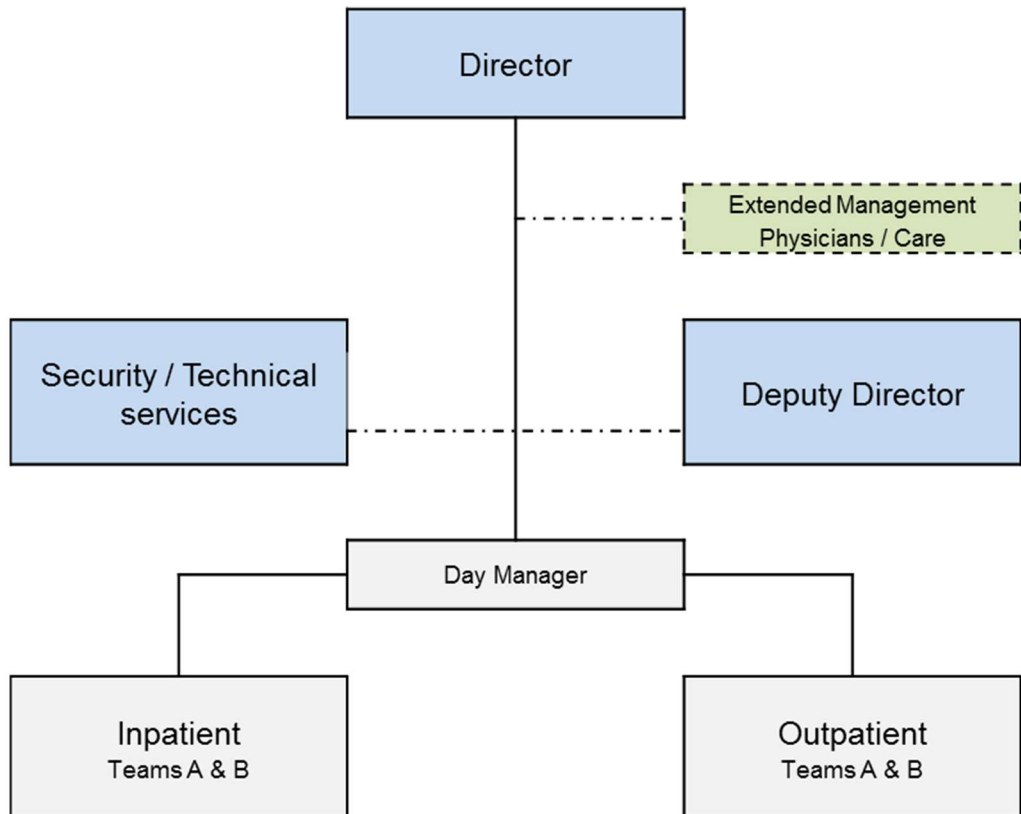
Appendices

Appendix I Organizational chart, Secure Unit

Appendix II List of inadmissible objects (not exhaustive)

Appendix I

Organisational chart Secure Unit



Appendix II

List of inadmissible objects (not exhaustive):

Foodstuffs

- Beverages, liquids, syrup, honey, jam or marmalade
- Perishable foodstuffs, fruit and vegetables
- Eggs, meat, milk and dairy products (butter, ice-cream, yoghurt, etc.)
- Fast food (pizza, doner kebabs, hamburgers, chicken, etc.)
- Unpackaged bakery products (bread, bread rolls, cakes, etc.)
- Nuts, chewing gum
- Home-cooked or home-baked food
- Dishes which have to be warmed or cooked prior to eating (instant soups, etc.)

Packaging material

- Tinned food (tins, glass jars, tubes, etc.)
- Aerosols (any type of pressurised container)
- Packaging made of or containing sheet metal (Pringles, tobacco tins, etc.)
- Glass packaging (bottles, etc.)

Weapons and weapon-like tools

- Tools, candles, lighters and matches

Electronic devices

- Mobile telephones
- Smartwatches, wristbands
- TV sets
- Radios, music systems, playback devices
- Cameras
- Video sets
- Games consoles
- Computers and notebooks with their peripheral equipment and accessories
- Electronic cigarettes

Narcotic substances

- Drugs, medicines, herbs and spices
- Alcoholic beverages
- CBD smoking products

Other

- Taxcard
- Any kinds of flowers and plants
- Pornographic, sexist, racist media or media glorifying violence
- Any objects that have a component that is relevant under criminal law