



State Comptroller and Ombudsman
Annual Report 70B | 2020

Criminal Detentions in Israel

Conditions of Detention in the Israel Prison Service

Summary

Conditions of Detention in the Israel Prison Service

Abstract

Background

The right to dignity and the right to liberty are recognized as fundamental rights and established as constitutional rights in the Basic Law: Human Dignity and Liberty. The arrest of a person who has not yet been convicted and still considered as innocent, violates the right to freedom in a most material way. The Israel Prison Service (IPS) - the incarceration organization of Israel - operates incarceration facilities throughout the country where detainees and criminal prisoners, security prisoners, and civilian prisoners are held.

Nachshon is the IPS's main unit for escorting incarcerated persons. The unit is responsible for securing the waiting wings in the courts, guarding the detainees in the courtrooms, transferring the detainees to detention centers and escorting them to police interrogations.

Key figures

33

Number of incarceration facilities operated by IPS across the country, including 9 detention facilities

9,020

Number of employment positions of IPS staff in 2018, of which 1,143 are within the Nachshon Unit

44,234

Number of detainees with criminal record which the IPS has absorbed in 2018; 62% of them were released as detainees for days

40%

The rate of short-term detainees released within about 24 hours

404,770

Number of inmates escorted by Nahshon in 2018 to about 200,820 legal hearings. Nahshon covers about 28,500 km in travelling daily

May 2020

The date set by the High Court for IPS compliance with the requirement to allocate a minimum living space of 4.5 square meters per inmate

2027

The year when, according to the government's decision 3595, the IPS will be able to meet the requirement to allocate a minimum living space of 4.5 square meters per inmate

700

Number of summonses of inmates for legal hearings are sent daily from court secretaries across the country to IPS







Audit Actions



From March to June 2019, the State Comptroller's Office examined the systemic treatment of various law enforcement agencies in the sphere of detention. This chapter deals with IPS audits and examines the conditions of detention and escorting prevailing in IPS and the interfaces between IPS and the Israeli police and the court administration. As part of the audit, representatives of the State Comptroller's Office visited six detention centers¹ and the Transition Division².


The Situation Reflected in the Audit Findings




-  **Compliance with the legal requirements regarding living area per inmate** - At the date of the second milestone (the final deadline) set by the High Court of Justice 3 for compliance in a full manner - May 2020 - only 50% of the inmates will have the required 4.5 square meters of living space. There is a shortfall of about 4,000 incarceration places between the actual number of places and the number of incarceration places that will be required according to the standard of 4.5 sq.m. per inmate in May 2020.
-  **Living conditions in detention centers** - A visit to the detention facilities revealed findings that indicate poor living conditions.
-  **Holding detainees in segregation** - Despite the guiding principle of the law, short-term detainees are not held separately from indicted detainees. Of the 2,370 detainees held by IPS in the wings of short-term detainees in each of the detention centers, only 1,117 were short-term detainees (about 47%), and the rest had been imprisoned in other detention wings, intended for indicted detainees.
-  **Conditions in court waiting cells** - In 12 out of 22 courts, prisoners are awaiting hearings in a congestion manner with less than one square meter per detainee. The situation is particularly severe in the Jerusalem Magistrates' Court and in the Tel Aviv courts.
-  **Arranging the work interface between the IPS and the Police** - Even after signing a new memorandum of understanding, detention issues regarding escorting detainees to the Execution Offices and regarding sentries 4 in hospitals for detainees with the status of "detainment until another decision", were not settled between the parties. The lack of a decision on these issues, harms both the IPS and the police operations.
-  **Escort of detainees by Nachshon unit** - The detainees' travel from detention centers to the courts is very long and involves being in transit - temporary detention facilities - with the average duration of detention hearings being about seven minutes. Thus, transport of a detainee who has to go a few tens of kilometers may take most of the day, while transport of a detainee over a distance of no more than 200 km. may take three and even four days.

1 The detention centers Kishon, Tel Aviv, Jerusalem, Nitzan-Maghen, Hadarim and Ohalei Kedar.

2 The transit wing of the Ayalon prison. A transit wing serves as an intermediate station for prisoners leaving their permanent confinement for various destinations.


 **Detainees with psychiatric backgrounds staying in the escort vehicles** - From the time the detainees are taken to the escort vehicle until they are examined in the psychiatric hospital, many hours (7-3 hours) elapse, during which they cannot be removed from the escort vehicle. Staying in the vehicle for long hours in harsh conditions, handcuffed, while movement is significantly restricted, constitutes a severe infringement of their dignity and right to basic living conditions.


 **Computer Interface for Summoning Detainees** - The court administration does not work to optimize the computer interface with the IPS, forcing both bodies to preserve outdated work procedures, which are not suitable for the information technology era and cause wasted public resources and burdens the IPS work.





IPS Interrogation Rooms - The State Comptroller's Office notes positively the progress of the preliminary (pilot) inquiry regarding interrogation rooms in the detention centers, as one of the alternatives for escorting prisoners by Nachshon unit, and the joint IPS and police efforts to achieve a result that first and foremost will help the detainees, and which will also lead to significant savings of public money.


Main Audit Recommendations

 The government should regard the implementation of the High Court decision as a national project aimed to secure the basic dignity of the inmates. It is desirable that planning and preparation procedures for formulating the response in the area of prison infrastructure be undertaken by IPS both to make up the shortfall in infrastructure in accordance with the High Court ruling (4,000 places) and in view of the long-term prison needs (about 8,000 places).

 IPS activity to improve conditions in detention centers in general and in the old detention centers and in the Jerusalem detention center in particular, must be based upon a comprehensive plan of action that will be formulated and budgeted after prioritizing the shortfalls required to be met and setting deadlines for implementation and detailed schedules.

 The court administration must map out which waiting cells in the courts contain a living area per detainee below the one square meter standard and formulate a plan to improve the living conditions of detainees awaiting their court hearings.

 The Ministry of Public Security must mediate the points that remain in dispute between the police and the IPS after the signing of the agreement between the two bodies and ensure that the parties meet their commitments and reach agreements by May 2021.

 IPS should review all of Nachshon's escort routes as soon as possible and analyze them in a computerized way so they may be optimized. It must also examine the extent of manpower required to perform the tasks, including the new tasks that have been detailed, as well as examine whether a systemic change of routes could reduce the number of Nachshon employees accompanying the inmates and the long journeys of the detainees to the courts. In addition, the IPS and the Ministry of Public Security must look into promoting alternatives to escorting detainees - using video conferences, building courts alongside detention centers and establishing police interrogation rooms in detention centers.



It is proposed that the court administration work to promote the development of the computer interface required between it and the IPS, so that the court secretaries can use it to obtain information from the IPS and reduce the burden of dealing with the summonses section.

Summary

The audit has revealed many findings regarding the IPS's detention and escort conditions. In light of these findings, it is worth noting the gaps between the progress in actions and the implementation of the High Court's decision on living conditions, and the planning in the area of prison infrastructure in the country, which is based on the forecast of the increase in the number of inmates.

The gaps between the number of incarceration places according to 4.5 square meters per detainee and the number of places that will actually be required according to the forecast by 2040



* According to a living space standard of 3 square meters

** According to a living space standard of 4.5 square meters

*** The year 2027 is presented relative to the incarceration forecast for 2040 according to a living space standard of 4.5 square meters

According to IPS data, processed by the State Comptroller's Office.