

REGULATION 30 August 2023 no.7

PRISON REGULATION

TITLE I GENERAL PROVISIONS AND PRISON ORGANISATION

CHAPTER I GENERAL PROVISIONS

Art. 1 *(Purposes)*

1. This Regulation shall govern the measures implementing Law no. 78 of 4 May 2023 reforming the Prison System and lays down provisions on the organisation of the prison.
2. For the purposes of this Regulation, the principles and definitions set out in Law no. 78 of 4 May 2023 shall apply.

Art. 2 *(Order and security in prison)*

1. Order and discipline in prison shall guarantee security, which is a condition for the fulfilment of the purposes pertaining to prisoners' treatment.
2. The prison Director shall ensure the maintenance of security and compliance with the rules by resorting to the prison staff in accordance with their respective competences.
3. The prison Director shall periodically adopt circulars, with which he shall adopt measures implementing this Regulation.

Art. 3 *(Register of Lawyers)*

1. The updated Register of Lawyers of the Republic of San Marino and the list of public defenders and lawyers providing free legal aid shall be kept at the prison. The Register and lists shall be posted so that prisoners can see them immediately.
2. Prison staff shall be prohibited from influencing, directly or indirectly, the choice of the defender.

Art. 4 *(Circulars of the prison Director)*

1. The prison Director shall adopt circulars regulating:
 - a) opening and closing times of the prison for external persons;
 - b) schedules relating to the organisation of the prisoners' daily lives;
 - c) arrangements for the performance of the various services provided for prisoners;
 - d) times when prisoners shall stay in common areas;
 - e) times, shifts and manner in which prisoners shall stay outdoors;
 - f) specific times and arrangements for visits and correspondence, including by telephone;
 - g) fees related to telephone correspondence;
 - h) postings allowed and the relevant modalities;
 - i) permitted activities;
 - l) the manner in which searches are conducted, implementing the guarantees referred to in paragraphs 2 and 3 of Article 41 of Law no. 78 of 4 May 2023;
 - m) list of objects and foodstuffs allowed to be held, purchased and received by prisoners;
 - n) list of objects that may be brought into prison.
2. The prison staff shall provide any clarification that may be necessary for the prisoners to properly understand the provisions governing life in prison.

CHAPTER II PRISON ORGANISATION

Art. 5

(Cleaning of living and sleeping areas and of sanitary facilities)

1. Prisoners who are in a physical and mental condition that permits it shall be directly responsible for cleaning and caring for their cell and shall participate in the cleaning of the sanitary facilities according to a shift schedule set up by the prison Director.
2. To this end, the prison Director shall provide the necessary material for cleaning the cells and shall check the hygiene conditions of the premises.
3. In the event that prisoners are in such a physical or mental condition that they cannot autonomously clean their cells and sanitary facilities, the prison Director shall resort to other prisoners as part of their treatment. Where this is not possible, the prison Director shall take any appropriate measures to ensure the hygiene of the areas referred to in paragraph 1.
4. In any case, the prison management shall guarantee the hygiene of common areas.

Art. 6

(Lighting of the premises)

1. The living and sleeping areas shall be equipped with windows that allow direct natural light and air.
2. Shielding to prevent the above shall not be permitted. Only in exceptional cases and for proven security reasons, it may be possible to use shielding, which shall not be adherent to the walls of the building, but which allows sufficient direct air and light.
3. Buttons shall be provided for artificial lighting of the cells both on the outside, for the staff, and on the inside, for the prisoners.
4. For night-time staff checks, the lighting shall be dimmed.

Art. 7

(Personal hygiene, clothing and linen)

1. Prisoners shall be required to maintain personal hygiene appropriate to community life in prison.
2. Basic items for personal care and cleaning shall be provided by the prison management to prisoners who, for any justified reason, are unable to obtain them.
3. Prisoners shall be allowed to use their own clothing and linen.
4. If prisoners are not in a position to obtain decent civil clothes suitable for the climate at their own expense, the prison shall provide them, including with the help of charity organisations for the promotion of human development.
5. Such clothes shall not under any circumstances be degrading, humiliating or indicating the status of a person detained in prison.

Art. 8

(Daily food)

1. Prisoners shall be provided at least three meals per day, according to the timetable set by the prison Director through a circular.
2. Minors shall be provided four meals per day at appropriate intervals.
3. The quantity and quality of daily food shall be determined on the basis of appropriate tables established by the dietary service of the Social Security Institute (hereinafter SSI).
4. Any changes to the dietary regime, necessary for health reasons, shall be prescribed by the doctor.
5. The prison doctor shall supervise the feeding of prisoners.
6. Meals shall be eaten, where permitted, in premises intended for that purpose, which shall be used for a small number of prisoners. The prison Director shall establish how prisoners have access, even in shifts, to the premises where meals are eaten.
7. The daily consumption of wine in the amount of 150 ml or beer in the amount of 330 ml for the two main meals shall be allowed, unless any contraindications are established by the

prison doctor. The consumption of such beverages shall take place in the premises where meals are eaten. The accumulation and exchange of alcoholic beverages shall be prohibited. Prisoners shall have access to drinking water at all times.

8. Food shall be always guaranteed even in the cases referred to in Articles 34, 37 and 40 of Law no. 78 of 4 May 2023.

Art. 9

(Receipt, purchase and holding of objects and foodstuffs)

1. The list of objects and foodstuffs permitted to be held, purchased and received shall be prepared by the prison Director with a circular.

2. Prisoners may be permitted by the prison Director to keep objects of particular moral or emotional value.

3. Objects not included in the circular referred to in paragraph 1, and not admitted in accordance with paragraph 2, shall be collected by the prison Director, who shall deposit and keep them in a safe place; unless they constitute a body of crime, they shall be handed over to the prisoners upon their release.

4. Prisoners, whose objects are stored in a safe place, shall sign the inventory specifically drawn up in triplicate and translated into a language they understand. A copy of the inventory shall be provided to the prisoner, one to the Judicial Authority and one shall be kept in the personal file.

5. Possession of money shall be prohibited.

6. The prison Director shall take appropriate measures to preserve the objects collected pursuant to paragraph 3.

7. If the objects are in a poor sanitary condition and cannot be preserved, the Director shall destroy them, after informing the prisoner thereof, and a record of the destruction shall be made in the personal file. The recording of the destruction of foodstuffs shall not be required.

8. Parcels containing clothing or foodstuffs for common consumption in unopened packages may be received, provided they do not require cooking.

9. Items and objects coming from outside the prison shall be inside packages, which are controlled before being delivered to prisoners.

10. All objects of personal use may be purchased or received only to an extent not exceeding normal needs of prisoners.

11. The reception of alcoholic beverages from outside the prison shall be prohibited.

12. The right to hold newspapers, periodicals and books referred to in paragraph 7 of Article 19 of Law no. 78 of 4 May 2023 shall in any case be granted in the cases referred to in Articles 34, 37 and paragraph 1, letters a) and b) of Article 40 of Law no. 78 of 4 May 2023, unless a reasoned decree is issued by the Judicial Authority.

Art. 10

(Transfers between prisoners)

1. The transfer and receipt of sums of money and objects between prisoners shall be prohibited.

Art. 11

(Outdoor stay)

1. Outdoor areas within the prison facility may be used for sports, cultural or recreational activities, according to the programme prepared by the Observation and Treatment Group (also briefly OTG), and for spending part of the prisoners' free time there, except for any changes made by the prison Director in particular cases, subject to formal notification to the OTG and to the competent Judicial Authority.

2. In the cases of solitary confinement referred to in paragraph 1, letter b) of Article 40 of Law no. 78 of 4 May 2023, two hours of outdoor activities per day shall in any case be guaranteed.

Art. 12
(Library service)

1. The prison shall be provided with a library containing books and periodicals, to which access shall be granted with full freedom of choice of such books and periodicals. Access to borrowing books from the State Library shall also be encouraged.
2. When choosing books and periodicals, the prison Director shall ensure that cultural pluralism is represented as much as possible.

Art. 13
(Manifestation of religious belief)

1. Prisoners may freely participate in the rites of their religion, in compliance with the principles and limits established by Law no. 78 of 4 May 2023.
2. Prisoners who so wish may display books, publications, images and symbols of their religion in their individual cell or in their own space in the multi-person cell.
3. Individual prisoners may worship their religion during their free time, provided that they respect the general principles of the legal system and do not behave in a way contrary to prison order and security.

Art. 14
(Communication of illness and death)

1. In the event of serious physical or mental illness or death or transfer to the hospital or other facility of a prisoner, the prison Director shall immediately inform the person indicated by the prisoner, at the Administration's expense.
2. As soon as the prison Director becomes aware of the serious illness or death of a relative of a prisoner, or of another person with whom such prisoner is habitually in contact, he shall immediately inform the prisoner in the most appropriate manner.
3. In the event of the death of a prisoner, the prison Director shall immediately inform the competent Judicial Authority and the relatives; the prison Director shall report the death to the Registrar of the Vital Statistics Office.
4. If no one provides a suitable burial of the deceased prisoner, the Administration shall do so at its own expense by order of the competent Judicial Authority, in accordance with the Mortuary Police Regulation.

Art. 15
(Permits)

1. Permits shall be granted under the conditions laid down in Law no. 78 of 4 May 2023.
2. In the order granting the permit, the competent Judicial Authority shall lay down the requirements it deems appropriate and specify whether or not the prisoner shall be escorted for all or part of the time of the permit, taking into account the characteristics of the person concerned and the nature of the offence of which he or she is accused or has been convicted.
3. Escort operations shall be carried out by the Police Corps. The modalities of the permit may be specified in the order granting the permit.
4. Under Article 203-ter of the Code of Criminal Procedure, the prisoner may lodge an appeal against the decree rejecting the application for the permit.

CHAPTER III
ENTRY INTO PRISON AND TREATMENT MODALITIES

Art. 16
(Personal file and medical record)

1. A personal file shall be set up for each prisoner, the compilation of which shall start when the prisoner enters the prison. The file shall be kept and archived at the prison management.

2. The personal file shall contain: the personal data, the recording of fingerprints, mugshots and any other information necessary for the precise identification of the person, judicial data (reason for detention, indication of the Authority ordering imprisonment, date and time of entry into prison), clinical data that are strictly necessary to ensure the health and safety of all prisoners and those working in prison, as well as any additional information referred to in Article 5, paragraph 2 of Law no. 78 of 4 May 2023.

3. For the purposes of personalised treatment, the personal file shall include the general and specific data and indications of prison treatment, the personalised re-education programme prepared by the OTG, referred to in Article 16 of Law no. 78 of 4 May 2023, and the results achieved, as well as any significant element relating to the life of the prisoner.

4. The personal file shall include the expenses incurred by the prisoner, both personally and exceptionally advanced by the prison management through a dedicated fund, as well as any sums received in favour of the prisoner.

5. The prisoner's clinical data shall be noted in the personal medical record by the prison doctor or the designated health professionals. Also foreign prisoners shall be guaranteed a medical record, limited to the period of detention, and therefore they shall be provided the service referred to in Article 14 of Law no. 78 of 4 May 2023. The medical record shall be in electronic format.

6. Access to the medical record shall only be allowed to health professionals, and, at their specific request, socio-health workers may be allowed to consult it.

Art. 17

(Modalities of entry into the prison facility)

1. At the time of entry into prison, the Director shall make the communications referred to in Articles 5 and 6 of Law no. 78 of 4 May 2023. A report of the communications shall be drawn up in duplicate in Italian, and translated into a language that the prisoner understands, as per Annex A to this Regulation. The same form shall also be used and compiled - and therefore signed by the person concerned - by police officers in respect of persons subject to restriction of their personal liberty for the lawful performance of any tasks in accordance with the law, as soon as the restriction is imposed. This is to demonstrate that the persons concerned have been notified - in a language understood by them and irrespective of their age, without prejudice to the further protections applied to minors - of the right to inform a relative or acquaintance of the restriction suffered, of the right to immediately resort to a lawyer and of the right to be assisted, where necessary, by a doctor, possibly even a trusted one.

2. The prisoner shall undergo a general medical examination within 24 hours of entering the prison. The result of the medical examination shall be entered in the prisoner's medical record. The significant information referred to in Article 5, paragraph 2, letter f) of Law no. 78 of 4 May 2023 shall be transcribed in the prisoner's personal file.

3. Upon entry into prison, and in any case no later than 48 hours, the psychologist shall interview the prisoner to verify whether, and if so with what precautions, he or she can adequately cope with the detention. Any personal or family critical issues requiring immediate assistance shall be specifically highlighted. The outcome of the interview shall be recorded in the prisoner's personal file and immediately communicated to the members of the OTG referred to in paragraph 5 of Article 16 of Law no. 78 of 4 May 2023.

Art. 18

(Personalised re-education programme)

1. The OTG shall be responsible for drawing up the personalised programme, which consists of all re-education interventions proposed by the various professionals, for the purposes of the re-education treatment of the prisoner from entry to release.

2. In relation to each prisoner, the re-education programme shall take into account:

- a) the report on the medical condition by the prison doctor;
- b) the report by the psychologist carrying out the initial assessment of the prisoner;
- c) the medical history and the report on the social condition compiled by the social worker;
- d) the social and family situation in order to determine personal needs, including immediate and contingent needs;

- e) the identification of the prisoner's individual characteristics and attitudes, in order to develop an appropriate programme;
- f) the prisoner's critical review in relation to the offence(s) committed;
- g) the prison Director's report on the prisoner's behaviour;
- h) compliance with the therapeutic and re-education programme established with the professionals who follow the prisoner;
- i) the measures necessary to carry out motivating and stimulating activity programmes;
- l) the maintenance of a sufficient level of human and social contacts;
- m) the purpose of the programme related to an appropriate integration into society after detention, to be developed jointly by the Head of the Social Service for Adult Prisoners (also briefly SSAEP) and the social worker of SSAEP.

Art. 19

(Observation and Treatment Group – OTG)

1. The OTG shall be composed of the persons referred to in Article 16 of Law no. 78 of 4 May 2023. The prison doctor, the psychologist and the social worker of the SSI shall be identified by the SSI Directorate from among professionals with appropriate functional skills.
2. The OTG shall meet on a monthly basis in case there are prisoners and whenever necessary. The OTG shall be based at the prison facility, but may also meet in another place, provided it is located in San Marino.
3. The OTG shall be chaired by the prison Director, who shall convene its meetings and coordinate its activities in collaboration with the other members.
4. The meetings of the OTG shall be convened by written notice, including by electronic and computer means, at least two days before the scheduled date of the meeting. In cases of urgency and need, the OTG may also be convened verbally and without prior notice. The items on the agenda shall be indicated in the notice convening the meeting. External experts may also be invited to the meetings of the OTG in order to analyse in greater detail some specific issues in areas for which such experts have the necessary expertise. The participation of external experts in the meetings of the OTG shall be strictly limited to the topics for which they were invited.
5. Decisions shall be valid only if adopted by the OTG by a majority of its members.
6. The prison Director shall designate a Secretary to draw up the summary minutes of each sitting, which shall be transcribed in a special book signed by all members present, kept at the headquarters of the OTG and forwarded to the competent Judicial Authority.

Art. 20

(Observation of the prisoners' personality)

1. The prisoners' psychological, social and health condition shall be assessed by the psychologist of the OTG and by the other members according to their respective competences.
2. For the purposes of observation, judicial, prison, clinical, psychological and social data shall be acquired.
3. At the beginning of the execution of the detention measure, the observation shall be specifically aimed, with the prisoner's collaboration, at inferring the necessary elements for the development of the personalised treatment programme.
4. The observation shall be intended to assess the prisoner's condition in order to draw up the personalised programme and any changes thereto.

Art. 21

(Volunteer assistants and external community participation)

1. The authorisation referred to in Article 18 of Law no. 78 of 4 May 2023 shall be granted to those who show interest and sensitivity for the human condition of those subject to custodial measures and measures restricting personal freedom and have demonstrated their ability to assist people in need.
2. In the authorisations referred to in Articles 18, paragraph 2, and 52, paragraph 1, the Enforcement Judge may specify the type of activities to be carried out, or delegate their coordination to the prison Director.
3. The authorisation shall be valid for one year and may be renewed.

4. If volunteer assistants prove unfit for the proper performance of their duties, the OTG shall propose to suspend the authorisation and shall request its revocation, notifying the Enforcement Judge thereof.

CHAPTER IV COMMUNICATION WITH OUTSIDE THE PRISON

Art. 22 (Visits)

1. Prisoners serving a sentence shall have the right to receive the **visits** of family members, friends or other persons when there are reasonable grounds, as well as of their trusted lawyer or public defender.
2. Prisoners shall be allowed – except for the visits of the defence lawyers – at least one visit per week, each for a maximum of one hour and with no more than two visitors per visit. This rule may be derogated from in case of relatives or cohabiting partners in particular circumstances, following the prison Director's assessment.
3. The prison Director may, if necessary, postpone a scheduled visit only when there are exceptional reasons.
4. Convicted prisoners shall be guaranteed visits with family members, cohabiting persons and appointed lawyers, in the manner laid down by the prison Director. Requests for visits for convicted prisoners with persons other than family members, cohabiting partners and appointed lawyers shall be notified in advance to the Enforcement Judge, who may deny the authorisation only if he considers that there are no reasonable grounds for the visit.
5. Prisoners in pre-trial detention shall exercise the same rights to visits as convicted prisoners, except where the competent Judicial Authority has previously adopted specific and reasoned restrictive measures; in this case, any visit other than that of appointed lawyers or public defenders shall take place only with the authorisation of said Judicial Authority.
6. Admitted visitors shall be identified and shall be subject to controls to guarantee that no dangerous instruments or other not-allowed items be introduced into the prison.
7. During the visits in specifically designed areas, correct behaviour shall be maintained in order not to disturb others.
8. Surveillance personnel shall interrupt the visit in case of improper or harassing behaviour.
9. The visit shall be recorded in the prisoner's personal file and in the register of visits.
10. In exceptional cases and in proven circumstances, the visit may be exceptionally replaced by remote meetings using any appropriate available technological means, following notification by the prison Director to the competent Judicial Authority, in order to protect the prison staff and all prisoners.

Art. 23 (Correspondence by mail and telegraph)

1. Prisoners shall have the right to send and receive correspondence.
2. To this end, the prison Director shall provide prisoners, who cannot provide it at their own expense, with the necessary equipment to write a letter and ordinary stamps on a weekly basis.
3. Prisoners shall write their name and surname on the envelope of the outgoing correspondence.
4. Incoming or outgoing correspondence, in a sealed envelope, shall be inspected for the presence of any values or other objects that are not permitted. The inspection shall be carried out in such a way as to ensure that there are no checks on what is written in the letter. Outside the cases referred to in paragraph 6, the prison Director shall allow the letter to be forwarded, retaining only the content not permitted and putting it at the disposal of the Judicial Authority, which shall be duly informed.

5. All incoming or outgoing correspondence shall be recorded in the prisoner's personal file, with the name and surname of the sender, the time of receipt and the time of delivery to the prisoner.
6. Where there is suspicion that the content of incoming or outgoing correspondence constitutes a criminal offence or may endanger order and security, the prison Director shall suspend the forwarding of the correspondence and shall immediately notify thereof the Judicial Authority competent to decide whether to carry out a check on what is written in the letter.
7. The correspondence suspended following the check ordered by the Judicial Authority pursuant to paragraph 6 or paragraphs 4 and 6 of Article 19 of Law no. 78 of 4 May 2023, shall be retained by decision of the competent Judicial Authority following a report by the prison Director.
8. The interested prisoner shall be immediately informed that the correspondence has been withheld and may, within two days, lodge a reasoned appeal against this order with the Judge of Appeal, who shall adopt a final decision no later than the 10th day after the appeal has been lodged.
9. The above provisions shall apply *mutatis mutandis* also to correspondence through other available means of communication.
10. Correspondence of prisoners addressed to international administrative or judicial bodies responsible for the protection of human rights, of which the Republic of San Marino is a member, shall not be subject to control.

Art. 24

(Telephone correspondence)

1. For prisoners serving a sentence and internees, telephone correspondence with family members and cohabiting partners shall be authorised by the prison Director. Telephone correspondence with third parties shall be authorised by the competent Judicial Authority. For prisoners in pre-trial detention, telephone correspondence shall be authorised by the competent Judicial Authority.
2. Prisoners shall be allowed to talk to their relatives on the phone once a day, only in case they have not received any visits from them.
3. Telephone correspondence may be authorised beyond the limits set out in paragraph 2 on special and urgent grounds.
4. Upon notification by the prison Director, where there is a reasonable suspicion that the content of the correspondence may constitute a criminal offence or may pose a danger to order and security, the Enforcement Judge shall order that telephone correspondence be listened to and recorded through appropriate equipment. Interlocutors shall be given prior notice of such listening and recording.
5. One or more telephone stations shall be installed in the prison.
6. Prisoners intending to make a telephone call shall address a written request to the competent Judicial Authority, indicating the persons with whom they intend to talk and, in the cases referred to in paragraph 3 of this Article, the reasons for the request.
7. The maximum duration of phone calls shall be fifteen minutes. Telephone correspondence shall be at the prisoners' expense and shall be recorded in their personal file. In the event that a prisoner does not have sufficient economic resources, the costs shall be advanced through a dedicated fund and recorded by the prison Director.
8. Expenditure shall be entered in the accounts for each telephone call and shall be charged to the prisoner's personal account.

Art. 25

(Use of radio devices)

1. Subject to the authorisation of the prison Director, prisoners shall be allowed to use a personal battery-powered radio device for listening to radio programmes, provided that communication is not possible.

CHAPTER V

ORGANISATION OF WORK AND PECULIUM

Art. 26 (Prisoners' work)

1. Within the framework of prison treatment, the access of prisoners to work inside or outside the prison shall be favoured.
2. Work shall have a re-education nature and shall aim at reintegrating the prisoner into society. To this end, the OTG shall carry out the necessary assessments so that the prisoner can start working, in accordance with the personalised programme drawn up pursuant to Article 18. For this purpose, the social worker of the OTG shall contact in advance the entity or organisation at which or on whose behalf the prisoner shall work, in order to establish the relevant modalities.
3. The OTG's assessments enabling the prisoner to start working shall be recorded in the specific minutes signed and transmitted to the Enforcement Judge for the adoption of the measure, by which the prisoner is allowed to work, with a view to concluding the agreement between the prison Director and the entity or organisation offering the job.
4. The agreements referred to in paragraph 3 shall indicate:
 - a) the kind of job;
 - b) the conditions under which the work is carried out (place, hours, etc.);
 - c) the period of validity;
 - d) the worker's training;
 - e) the remuneration, without any charge to public finance;
 - f) the arrangements for the payment of the monthly salary;
 - g) an undertaking by the employer to enter into a regular employment contract with the prisoner, and to comply with the related social security, pension and tax obligations, where possible;
 - h) an undertaking by the employer to take out appropriate insurance cover in accordance with the regulations on hygiene and safety at work.
5. The prisoner shall not work at night. In case of illness, the relevant medical certificate shall be transmitted to the employer and the OTG. Any delay or absence shall be promptly communicated and duly justified to the employer and to the OTG by the prison Director.
6. The organisation and methods of prisoners' work shall reflect those of working in free society, in order, where possible, to enable the prisoner to acquire appropriate professional training, thus facilitating social reintegration.
7. Prisoners who show handicraft, cultural or artistic abilities shall be favoured to exercise handicraft, intellectual or artistic activities on their own account.
8. The provisions on social recovery activities may also apply *mutatis mutandis*.
9. The social worker of the prison shall perform checks while prisoners work outside the prison, in order to verify that they comply with the requirements established for them and that the work is carried out in full respect for the rights and dignity of the prisoners.
10. The commencement of the work activity shall be established by a specific decree issued by the Enforcement Judge. Any changes to the requirements and the revocation of the measure, by which the prisoner is allowed to work shall be proposed by the OTG to the Enforcement Judge, who shall assess them and give his opinion by means of a specific decree. The latter decree shall be transmitted to the OTG and the prison Director for the performance of the activities falling within their competence.

Art. 27 (Work release)

1. Prisoners in permanent detention admitted to work release shall exercise the rights granted to free workers, except for the limitations resulting from the obligations inherent in the enforcement of the custodial measure.

Art. 28

(Peculium and levies on remuneration)

1. Prisoners' peculium, established pursuant to Article 25 of Law no. 78 of 4 May 2023, shall be deposited on a current account opened in the name of the prisoner with a San Marino Credit Institute chosen by the prisoner. Such current account shall be managed by the prison Director with a delegation to fully and exclusively operate thereon.
2. Where the prisoner has been allowed to work, 50% of the salary received shall be withheld by the prison management for the purpose of reimbursement of the costs of the proceedings and of maintenance in prison, as well as for the purpose of covering the sums due in respect of compensation for any damage caused.
3. The remuneration shall be credited to the current account referred to in paragraph 1. The portion referred to in paragraph 2 shall be deducted from the remuneration; one fifth of the remaining portion shall be allocated to the escrow fund. What remains shall be available to the prisoner, who shall provide the necessary written instructions to the prison Director for its use.
4. The peculium of convicted prisoners and internees shall be divided into escrow fund and available fund.
5. The escrow fund shall not be used during the enforcement of custodial measures. However, for special reasons, the prison Director may authorise the use of part of the escrow fund.
6. The available fund may be used to send money to family members or cohabiting partners, for authorised purchases, for correspondence, for expenses related to legal defence, for the payment of fines or debts, and for all other purposes related to prison treatment. The costs of legal defence shall be paid upon submission of the fees or a written request for an advance payment of the fees, indicating the details of the proceedings, if the proceedings are pending; a copy of the fees or of the request for an advance payment of the fees shall be kept by the prison management.
7. The defendants' peculium shall be entirely available and cannot exceed the limit of EUR 1,000.00 (one thousand/00).
8. Upon release, the prison Director shall hand over to the prisoner or internee the sum constituting the peculium and any remaining sums withheld.
9. Prisoners serving a sentence or internees admitted to work release shall be given cash sums from the available fund, in relation to the expenses incurred by them.
10. Prisoners or internees on leave shall be given a cash sum from the available peculium, to the extent required by the circumstances.

TITLE II PRISON REGIME

Art. 29

(Rules of behaviour)

1. Prisoners shall be obliged to comply with the rules governing prison life and with the instructions given by the prison Director and prison staff.
2. Prisoners shall behave correctly and respectfully towards each other, prison staff and visitors.
3. Respectful and appropriate language shall always be used in relationships between prison staff and prisoners.

Art. 30

(Compensation for damages caused to assets of the Administration or third parties)

1. In case of damage to movable or immovable property of the Administration, the prison Director, also by resorting to experts, shall carry out investigations to establish the amount of the damage and identify the person responsible, who shall be required to compensate it pursuant to Article 32 of Law no. 78 of 4 May 2023.

2. Following investigations, and after having heard the interested person, the prison Director shall notify to the guilty person, in writing, the amount due and shall invite him or her to pay compensation according to specific modalities, which can also entail payment by instalments.
3. In the event of damage to property belonging to other prisoners or internees, the prison Director shall endeavour to facilitate voluntary compensation.
4. Voluntary compensation shall be regarded as a mitigating circumstance in any possible disciplinary proceedings.

Art. 31

(Disciplinary violations and sanctions)

1. Disciplinary sanctions shall be imposed on prisoners and internees responsible for:
 - a) negligence in personal cleanliness and order, of the cell or of common areas;
 - b) harassing attitudes and behaviour towards the community;
 - c) prohibited games or other activities;
 - d) disease simulation;
 - e) traffic in goods that are permitted to be held;
 - f) unjustified delay in the execution of orders or instructions;
 - g) possession of or trafficking in prohibited objects or money;
 - h) fraudulent communication with the outside or inside of the prison;
 - i) obscene acts or acts contrary to public decency;
 - l) intimidation or bullying of other prisoners;
 - m) falsification of documents originating from the administration, which are entrusted to the custody of the prisoner or internee;
 - n) appropriation or damage of assets of the administration;
 - o) possession of or trafficking in offensive instruments;
 - p) offensive behaviour towards prison staff or other persons entering the prison for reasons related to their office or for visiting purposes;
 - q) failure to comply with orders or instructions;
 - r) unjustified delays in returning to the prison envisaged by legal provisions;
 - s) participation in disturbances or riots;
 - t) promotion of disturbances or riots;
 - u) prison escape;
 - v) acts provided for by law as a criminal offence, committed against other prisoners, prison staff or visitors.
2. Disciplinary sanctions may also be imposed when the violations listed above are attempted or failed.
3. The sanctions referred to in letters c), d) and e) of Article 34 of Law no. 78 of 4 May 2023 shall not be imposed for the violations referred to in letters a), b), c), d), e), f) and g) of paragraph 1, unless the violation was committed within three months of the commission of a previous violation of the same nature.
4. The competent Judicial Authority shall be informed of the sanctions imposed.

Art. 32

(Suspension and remission of sanctions)

1. Enforcement of sanctions may be conditionally suspended for a period of six months if it is assumed that the person responsible will refrain from committing further violations. If, within said period, the person commits other disciplinary violations, the suspension shall be lifted and the sanction shall be enforced; otherwise, the violations shall be extinguished.
2. If the health professional certifies that the person's health conditions do not permit him or her to bear the sanction of exclusion from joint activities, the sanction shall be enforced when the cause which prevented its execution ceases.

Art. 33

(Solitary confinement)

1. During solitary confinement exceptionally ordered pursuant to Article 40 of Law no. 78 of 4 May 2023, prisoners shall not receive any visits, except in the case where solitary

confinement ordered pursuant to Article 40, paragraph 1, letter b) is extended for more than 10 days; in this case, a weekly visit with family members or cohabiting partners shall be permitted where required, unless there are limitations based on demonstrated grounds of necessity substantiated by the Judicial Authority.

2. Continuous solitary confinement for health reasons shall take place, according to the circumstances, in special premises also outside the prison. The Judicial Authority shall, where necessary, order police surveillance. Solitary confinement shall be lifted by the ordering Authority as soon as the reasons for it have ceased to exist.

Art. 34 *(Searches)*

1. Search operations in prison shall take place in accordance with the procedures laid down in Article 41 of Law no. 78 of 4 May 2023.

2. Searches shall not be carried out when verifications can be made with control instruments.

3. Visitor control procedures shall ensure a fair balance between security and internal order, as well as respect for the intimacy of visitors.

Art. 35 *(Requests and complaints)*

1. Prisoners shall be facilitated in establishing contacts with the Authorities referred to in Article 42 of Law no. 78 of 4 May 2023.

2. Prisoners who so request shall be provided with the necessary instruments to draw up in writing requests and complaints to the Authorities referred to in Article 42 of Law no. 78 of 4 May 2023. Requests or complaints may also be submitted through or with the assistance of a lawyer.

3. If prisoners intend to use the closed envelope system, they shall close the envelope directly, shall write "confidential" on the outside and shall sign it.

4. In the event that the prisoner does not have sufficient economic resources for the postal shipment, the relevant costs shall be paid in advance through a dedicated fund and recorded by the prison Director.

Art. 36 *(Transfers and relocations)*

1. In transfers for reasons other than justice or security, account shall be taken of the requests made by prisoners and internees as to the destination.

2. On exit and re-entry, prisoners or internees shall be personally searched.

3. Before being transferred, they shall be examined by the doctor, who shall certify their psychological and physical state, in particular the conditions that make it possible to endure the journey or that do not allow it. In the latter case, the prison Director shall immediately inform the Authority ordering the transfer.

4. Upon transfer, the Director shall hand over to prisoners or internees the personal objects that they intend to carry with them.

5. The head of the escort shall receive the following from the Director:

- a) personal file;
- b) the certificate referred to in paragraph 3;
- c) note of the objects constituting personal luggage;
- d) peculium, in whole or in part, established in the available fund;
- e) certificate of the amount of peculium delivered;
- f) any personal medicines.

Art. 37 *(Use of physical force and of means of coercion)*

1. The use of physical force or means of coercion shall be permitted for the purposes indicated in Article 43 of Law no. 78 of 4 May 2023.

2. The security measures applied to individual prisoners shall be limited to what is strictly necessary to ensure their safe custody.
3. The security provided by physical barriers and other technical means shall be complemented by the dynamic security of vigilant staff familiar with the prisoners under their control.
4. In the event of exceptional circumstances of security risk or threat, prison staff may be supported by police officers patrolling the territory.
5. Containment tools shall only be used if permitted by law and shall only be imposed when no minor control would be effective in addressing the risks posed by a prisoner.
6. The containment method shall be as minimally invasive as possible and reasonably useful in controlling the movement of the prisoner, depending on the level and nature of the risks posed.
7. Containment tools shall only be used for the required period and shall be removed as soon as the risks are no longer present.
8. Cuffs, straitjackets and other body restraints shall not be used except:
 - a) if necessary, as a precautionary measure against escape during a transfer, provided that they are removed when the prisoner appears before a judicial or administrative authority, unless otherwise decided by such authority; or
 - b) by order of the Director, in the event that other means of control are no longer present, in order to protect a prisoner from self-harm, prevent injury to others or serious damage to property, provided that in such cases the Director informs the doctor immediately.
9. The use of chains, irons and other containment instruments that are intrinsically degrading shall be prohibited.
10. Containment instruments shall never be used on women during labour, childbirth or immediately after childbirth.
11. The use of containment instruments shall be regularly recorded in a specific register.
12. They shall be used under the supervision of medical personnel and with the use of restraint bands at the wrists and ankles. Containment tools shall not be applied for longer than is strictly necessary.
13. The nature and use of restraint bands shall be in accordance with those used, for the same purposes, at public psychiatric hospitals.

Art. 38
(Release)

1. The release of prisoners shall take place in the cases and in the manner indicated in Article 45 of Law no. 78 of 4 May 2023.
2. Upon release, the prison Director shall return to prisoners the objects owned by them, personal medicines, the amount of the peculium and any remaining amounts withheld pursuant to Article 28, net of any sums advanced by the prison Director. If the prisoner is unable to reimburse the expenses, the prison Director shall promptly inform the Enforcement Judge thereof.
3. Released prisoners who, according to the indications of the health professional, due to serious physical illness or mental impairment, need to be hospitalised in a care facility, shall be accompanied to the nearest appropriate hospital.

Art. 39
(Measures in the event of death)

1. The assets of the deceased prisoner shall be included in an inventory by the prison Director. This inventory shall be notified to the heirs by the prison Director.
2. The heirs who prove their status shall receive the deceased prisoner's assets, according to the legislation in force on succession.
3. If, one year after the prisoner's death, the heirs or other rightful claimants have not collected the assets, the latter shall be devolved to the prison.

Art. 40
(Repeal)

1. Prison Regulation approved by Congress of State Decision no. 42 of 26 May 1997 and subsequent amendments shall be repealed.