

The risk of the 'prison-emptying' effect in Italy due to the Covid-19 pandemic

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People who live and work or are detained inside restricted communities (including prisons) need to be considered as they are at a high risk of becoming infected with Covid-19 during this pandemic.¹ In Italy, the spread of Covid-19 has provoked numerous riots within the prisons and local detention centres, and there is a consequent increase in requests for inmates to be released and detained at home.²

On behalf of the Court, we analysed the individual cases, noting that those who made requests for home detention were suffering from respiratory diseases such as allergic asthma, diabetes, inflammatory bowel disease, drug addiction and HIV.

We therefore carried out a scientific bibliographic search, based on the data published in China,³ on their experience of home detention, as the outbreak occurred there before it came to Italy. We also reviewed the legislation dealing with prisons. Our research found that the aforementioned pathologies (particularly if they are not acute or active) do not always compromise patients who contract Covid-19. Further, the Ministry of Justice has had them in mind and considered the needs of prisoners but has issued even more stringent rules specifically designed to prevent the epidemic from spreading within prisons.^{3,4}

The most complex cases were those of an addict and an HIV-infected patient. However, both their pathologies were in the inactive phase, and epidemiological data revealed no particular needs.⁵

Furthermore, we concluded that there is less control over a person who is in a domestic environment, whereas the judicial police and prison staff are required to use PPE, and their movements are known and monitored. By contrast, prisoners' family members who are not subject to these restrictions and controls are more at risk of involuntarily contracting Covid-19 and acting as carriers.

Analysing both the conditions in local prisons and the complainants' situation within them, we concluded that in the absence of infectious outbreaks a local prison, equipped with health personnel who are there day and night, and given the pandemic, provides a protected environment. Further, patients would have

faster access to specialised hospital facilities if they need them.^{6,7}

Declaration of Conflicting Interests

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