



## Appenzell Ausserrhoden Cantonal Prison

### Prison rules

- remand
- preventive detention
- accelerated execution, closed prison
- closed prison
- short custodial sentences
- police custody
- custody for the purposes of preparation, expulsion, enforcement or extradition



# Prison rules

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## Prison rules, Appenzell Ausserhoden Cantonal Prison

The Department of Home Affairs and Security of the Canton of Appenzell Ausserhoden issues the following prison rules based on Art. 16 para. 2 of the cantonal law on prison and probation (Gesetz über den Justizvollzug, bGS 341.1) dated 22 September 2014:

### Preamble

You have just arrived at Appenzell Ausserhoden Cantonal Prison, hereinafter referred to as “cantonal prison”, and are entering a unique phase of your life. In the interests of all prisoners, certain rules must be abided by. We therefore require you to read these rules and adhere to them, as well as to the corresponding directives and any instructions from prison staff in oral or written form. You expect to be treated correctly by prison staff and your fellow inmates. We expect the same in return.

These prison rules are binding. They are oriented towards the European Convention on Human Rights and based on the following laws, regulations and guidelines:

- the Swiss Criminal Code
- the Swiss Criminal Procedure Code
- the Foreign Nationals and Integration Act
- the Cantonal Law on Prison and Probation and the corresponding ordinances
- the Cantonal Police Law
- in principle, the guidelines set out by the Penal Committee of Eastern Switzerland (Ostschweizerische Strafvollzugskommission, OSK)

The prison rules describe the general provisions. Where required, specific provisions are set out for the different custody and execution types. Some articles contain references to directives or agreements that can be found in the annex.

In order to facilitate reading, all personal designations are stated exclusively in the masculine form.

## 1. Organisation

### Art. 1

Mandate	1.1. This cantonal prison is a state-run organisation tasked with the mandate to house and care for persons who have been sentenced to the following custody and execution types in particular: <ul style="list-style-type: none"><li>• remand</li><li>• preventive detention</li><li>• accelerated execution, closed prison</li><li>• closed prison</li><li>• short custodial sentences</li><li>• police custody</li><li>• custody for the purposes of preparation, expulsion, enforcement or extradition</li></ul>
Scope	1.2. These prison rules apply to all cantonal prison inmates. Special provisions apply to some custody and execution types.
Operation	1.3. Gmünden Prison is operated by the canton of Appenzell Ausserrhoden. This cantonal prison is considered one of the Gmünden prisons, which are subordinate to and run by the cantonal public authorities and form part of the Department of Home Affairs and Security.
Responsibilities	1.4. Management is responsible for managing the cantonal prison and representing it externally. It is responsible for orderly operations and issues any instructions necessary to achieve this.

The supervisors of the departments sentence execution, care and security, social work and healthcare, as well as work and occupational mentoring, aid the prison director in managing the cantonal prison. Taken together, these parties are considered the “management”.

## 2. Admission

### Art. 2

- |                              |     |  |
|------------------------------|-----|--|
| Data collection and checks   | 2.1 | On admission, the required personal details pertaining to the inmate are recorded, photos are taken, and the inmate’s identity verified. In principle, a urine sample is also taken at this time. The inmate is subjected to a body search.  |
| Personal property            | 2.2 | <p>The inmate’s personal property is checked. Identification documents, keys, mobile phones, chargers, foreign currency, etc., are stored separately. These items are recorded in an inventory. Any changes to this are confirmed by signature. If there are any uncertainties as to the origin of valuables, a check may be conducted.</p> <p>In principle, clothes, personal items and skin care products are given back to the inmate once checked. Please note in this regard the directive featuring a list of prohibited items that are not permitted for safety/security reasons. → Directive on prohibited items</p> <p>Excess baggage may be rejected, i.e. sent to the inmate’s relatives at his cost.</p> |
| Matters of medical relevance | 2.3 | On admission, inmates complete a survey as to the state of their health. Usually, an admission check-up is conducted by the prison doctor in the first week after admission to cantonal prison. Before the admission check-up, any medicines (including over-the-counter drugs) and prescriptions brought to prison are checked and supplied in line with the doctors’ prescriptions provided.   |
| Cash                         | 2.4 | Inmates are prohibited from carrying cash in prison. Any cash in Swiss currency brought to prison is credited to inmates’ prison accounts. If there are any uncertainties as to the origin of cash, a check may be conducted.  |
| Admission talks              | 2.5 | In principle, admission talks are held in the various areas and departments in the first week. The inmate is provided with all relevant information, made aware of the framework conditions imposed by the remanding authority and given the opportunity to ask questions or voice concerns.   |
| Cell inventory, key          | 2.6 | Cell inventory is standardised. Whenever a cell is newly occupied or switched, as well as at release, a record is compiled. The inmate receives a key to a locker in the cell in which to store his personal belongings. The inmate is charged for any damaged or missing items or keys.   |

## 3. Accommodation and leisure time

### Art. 3

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|-----------------|-----|---|
| Daily timetable | 3.1 | Management defines the daily timetables for the different custody and execution types. Daily timetables include wake-up, lock-up and work times, etc. → Directive on daily timetabling  |
| Cell rules      | 3.2 | <p>Cells must be kept tidy, with the adherence to cell rules easy to check at all times. The inmate must clean his cell on a regular basis. The staff give instructions in this regard. Any images or objects that do not adhere to custom or common decency or may breach cell rules are removed. In the interests of safety in particular, the cell is accessible to prison staff at all times, including in the inmate’s absence.</p> <p>The inmate is liable for any negligent or deliberate damage to the cell in general, but also for any damage to furniture or bedding (burn holes, etc.). He is responsible for his area within the cell and for his personal belongings. The prison rejects all liability in the event of theft or damage, etc., by fellow inmates or third parties.</p> |
| Television      | 3.3 | In principle, the inmate may hire a television provided the respective fee can be covered by the funds available. Different provisions apply depending on the type of   |

execution. Upon receipt of the television, the inmate signs a binding agreement. If the inmate fails to adhere to this agreement, the television can be taken away. No changes may be made to the television or remote control. The inmate is liable for any damage to devices. Inmates may not use their own devices or swap their televisions with other inmates. Televisions are to be set at room volume. In principle, in the event of illness or accidents, televisions are collected. → TV hire agreement

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|---|-----|---|
| Private media, devices, peripherals, software | 3.4 | Should an inmate wish to bring any private devices, the corresponding peripherals or software into prison, this requires authorisation. The inmate signs a user agreement. The agreement outlines the conditions for the use of private media. The permitted devices and accessories are listed. The agreement includes details of hard- and software checks as well as general rules regarding the media products. If the inmate fails to comply with the agreement, devices, peripherals and/or software can be taken away on a temporary or permanent basis. → Private media user agreement  |
| Meals   | 3.5 | Mealtimes are defined in the daily timetable. Meals are usually consumed in the cell. Upon admission, the inmate may choose from conventional, vegetarian or Muslim meals. In principle, the option chosen is binding for the duration of the stay. The prison doctor can prescribe a specific diet. Inmates must behave in an orderly manner at the food counter, while eating and clearing up. They clear away themselves after eating and clean the table at which they were sat.  |
| Clothes, laundry, hygiene                     | 3.6 | In principle, inmates wear their own clothes at their own expense and must wear clean clothes. Prison clothes are usually provided for the execution types remand, police custody and preventive detention. Clothes and bedding are washed on prison grounds according to the department plan. The prison cannot be held liable for any lost, discoloured or shrunk laundry items. Dry cleaning is not possible. Having clothes washed externally is not permitted.<br>Showers are available in the cells. Daily personal hygiene upkeep is expected. Persons on remand, in preventive detention or in police custody may only shave under staff supervision. |
| Leisure activities                            | 3.7 | For custody types remand, police custody and preventive detention, contact with fellow inmates may only be granted with authorisation from the director of proceedings. Otherwise, inmates may spend their leisure time together in the designated areas (e.g. the gym) and, at certain times, outdoors (e.g. courtyard) in principle.  |
| Prepaid card                                  | 3.8 | In principle, the inmate is given a prepaid card to which a certain amount has been credited. The card can be used for phone calls. On remand, in preventive detention and in police custody, the prepaid card may only be issued with authorisation from the director of proceedings. In the event of damage to or loss of his prepaid card, the inmate assumes liability.   |
| Kiosk   | 3.9 | Everyday items can be purchased at the kiosk. The opening dates and times can be found on the information board.  |

## 4. Work

### Art. 4

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|---------------|-----|--|
| Duty to work  | 4.1 | In principle, prison inmates are obligated to work. Inmates serving a short sentence, e.g. in lieu of a fine, may also be obligated to work from a certain prison term onwards. Workstations are assigned by the supervisor of the work and occupational mentoring department, taking the inmate's skills and preferences into account to an appropriate extent, as well as operational requirements. Any regulations and all oral or written instructions from prison staff are to be followed. The inmate may only leave his workstation with the prison staff's permission. Refusal to work has disciplinary consequences. The FCOS work safety guidelines must be abided by. On remand, in preventive detention and in police custody, work is not compulsory and requires authorisation from the director of proceedings. |
| Working hours | 4.2 | Working hours are defined in the directive on daily timetabling. Working hours are to be strictly adhered to. Should the need arise from an operational standpoint, overtime may be required. In principle, this is to be paid. The supervisor of the work and   |

occupational mentoring department decides upon any separate remuneration.

Duty of care	4.3	The inmate is obligated to take care of any production materials, machinery, devices and equipment. He is held liable for any deliberate and/or negligent damage.
Remuneration	4.4	Remuneration is comprised of a basic salary component, the performance assessment and qualification. Work is evaluated on a monthly basis according to quality and quantity criteria. The salary component is calculated based on the requirements of the work assigned as well as the inmate's behaviour, commitment, discipline and performance, taking his ability to work into account. If an inmate is unable to work due to disciplinary measures, no remuneration is paid. Should an inmate have no work through no fault of his own, basic remuneration is paid. Remuneration is calculated and credited to inmates' accounts on a monthly basis.
Account, accessible and blocked accounts	4.5	<p>For persons on remand, in police custody, preventive detention or custody for the purposes of preparation, expulsion or enforcement, only one account is held. For inmates in closed prison, including those in closed prison as accelerated execution, one accessible and one blocked account is held. Remuneration is credited to the accessible and blocked accounts at a certain ratio. The ratio is defined in a directive. → Directive on the ratio between accessible and blocked accounts</p> <p>In principle, all outgoings during the prison stay, such as TV hire or kiosk purchases, must be paid from the accessible account.</p> <p>A reserve is accumulated in the blocked account for the early days upon release. If the blocked account balance meets the amount requirement set out by the Penal Committee of Eastern Switzerland, management may grant additional withdrawals for the following in particular:</p> <ul style="list-style-type: none"><li>- supporting the inmate's spouse, domestic partner or children</li><li>- paying debt</li><li>- rent or basic furnishing essentials for an apartment</li><li>- compensation payments to aggrieved parties</li><li>- healthcare costs not covered by health insurance, e.g. dentistry</li></ul> <p>The balance of the accessible and blocked accounts is paid out to the inmate upon release or, in exceptional cases, transferred to the competent authorities (e.g. probation or social services) upon agreement with these authorities.</p>

## 5. Contact with the outside world

### Art. 5

Letters	5.1	For remand, police custody and preventive detention, the director of proceedings defines the checks to be conducted on all incoming and outgoing post. Otherwise, inmates may send and receive unlimited letters in principle. Outgoing post must be stamped and the sender indicated. Stamps must be bought at the kiosk. Outgoing and incoming post may be subjected to spot checks. In principle, the content of any correspondence with the authorities or lawyers is not checked. The inmate is responsible for changing his address. No post will be forwarded after release or transfer.
Telephone	5.2	On remand, in police custody and in preventive detention, authorisation from the director of proceedings is required for telephone use. Phone calls may be made using the prison phones. They work with the prepaid card (see Section 3.8). Phone calls may be monitored for security reasons. Incoming calls for inmates are not forwarded. Inmates must make any phone calls during breaks or leisure time.
Newspapers and magazines	5.3	On remand, in police custody and in preventive detention, authorisation from the director of proceedings is required for newspapers and magazines. Subscriptions to newspapers or magazines are allowed, provided there is enough money in the account. Any envisaged orders must first be discussed with administration staff within the framework of monthly budget planning. Subscription magazines will not be forwarded after release.
External orders	5.4	In principle, inmates are not permitted to order goods from external parties. Incoming parcels that have not been authorised are sent back at the inmate's expense.

Visitors	5.5	On remand, in police custody and in preventive detention, authorisation from the director of proceedings is required for visitation. Visitation opportunities, registration procedures and the general rules applicable to visits are described in a separate directive. → Directive on receiving visitors Former inmates of the Gmünden prisons are not permitted to visit for at least the first six months after release.
Incoming goods and money	5.6	The regulations applicable to incoming goods and monetary gifts are categorised as follows: <ul style="list-style-type: none"> <li>a) Monetary gifts Per calendar month, a maximum of CHF 150 may be brought in by external third parties. The directive on monetary gifts applies. → Directive on monetary gifts</li> <li>b) Visitors Visitors may bring certain goods to cantonal prison. These are described in the directive on receiving visitors. → Directive on receiving visitors</li> <li>c) Parcels In principle, inmates may receive one parcel a month. Details regarding contents and parcel checks can be found in a separate directive. → Directive on receiving parcels</li> </ul>

## 6. Medical, therapeutic and pastoral care

### Art. 6

Healthcare department	6.1	The internal prison healthcare department forms the interface between the prison and doctors and is the first point of contact for health-related questions. Doctors' and dentists' appointments are made via the healthcare department. Inmates who feel ill are to contact prison staff.
Prison doctors	6.2	The prison doctor is responsible for inmates' medical care. The doctor usually does his rounds of the prison once a week. In urgent cases or for special examinations, inmates are taken to the prison doctors' practices. Prison doctors decide on whether to administer medicine (including over-the-counter drugs), the respective dosage and the incapacity to work where necessary. Inmates are bound by prison doctors' instructions.
Psychiatric consultations	6.3	The competent prison psychiatrists implement court-ordered out-patient treatment. Psychiatric consultations may also be attended on a voluntary basis. Inmates are usually referred to psychiatric consultations by the prison doctors. For court-ordered or voluntary forensic therapy, psychiatrists are obligated to provide the remanding authority with regular updates on therapy progress.
Dentist	6.4	In principle, only pain-relieving emergency treatment is provided. Any further treatment requires a cost approval, either from the inmate himself or immediate relatives, or from social welfare authorities.
Referral to external medical specialists	6.5	The prison doctors (physician, psychiatrist, dentist) may refer inmates to specialists where necessary. These external medical specialists are informed about inmates' status in prison, the relevant health insurer and party covering the costs. Transport to external specialists is usually provided by care and security services or the police. Upon request from the prison or the prison doctors, the remanding authority or director of proceedings decides on admission to hospitals or clinics. In emergencies, the prison doctors may order admission upon consultation with management. The remanding authority or director of proceedings is then informed as soon as possible.
Medicines	6.6	Prescription medicines (as well as over-the-counter drugs) brought to prison are checked against the prescription and the dose verified. Over-the-counter medicines are only dispensed in agreement with the prison doctors. Medicines are dispensed in the departments. Inmates are bound by the dispensation times visible on the information board. Prescribed medicines must be taken under supervision. They may not be retained or given to other inmates. Some medicines are dispensed as a solu-

		tion or powder. In medically justified exceptional cases and with consent from the prison doctors, medicines may be kept and taken in the cell.
Co-therapeutic offerings	6.7	In principle, art therapy and animal-assisted therapy (with therapy dogs) are available within the prison. Registrations are taken by the administration. Participation is decided on by management.
Health promotion	6.8	Regular preventive work regarding infectious diseases (HIV/AIDS, hepatitis, etc.), drugs, alcohol, nicotine and nutrition is promoted. The healthcare department will be happy to provide information where necessary and supply relevant informative material. In the interests of infection prevention, giving and receiving tattoos is prohibited in cantonal prison.
Health and accident insurance, cost bearer	6.9	Inmates resident in Switzerland must have compulsory health and accident insurance as per the Health Insurance Law. During the prison term, a party must be designated to cover healthcare costs. Inmates who are unable to cover their healthcare costs themselves are registered with the social welfare authorities in their municipality of residence to have their costs borne. On admission, the insurance situation is clarified and rectified where necessary by the social work department. The inmate has a duty to cooperate. He must adhere to the social welfare authorities' requirements and disclose his accounts, for instance. Should inmates breach their duty to cooperate, medical treatments are kept to a minimum and any costs are paid from the inmate's account. Inmates not resident in Switzerland are registered with the competent authorities (e.g. social welfare office of the remanding canton) to have their healthcare costs borne. Social welfare authorities only ever cover costs on a subsidiary basis. The possibility of financial support from relatives is clarified. In addition, for individuals with no insurance at all, the canton of Appenzell Ausser-rhoden provides accident insurance.
Pastoral care	6.10	Protestant and Catholic pastoral care is available at the cantonal prison on a regular basis. Inmates may take advantage of this opportunity to talk. Those belonging to other religious communities may request pastoral care from a representative of their faith. Management decides whether to grant permission.

## 7. Rights, duties and bans

### Art. 7

Private conversations	7.1	The inmate has the opportunity to request a private conversation with the competent prison staff. Registrations must be made in writing, indicating the specific topic or issue.
Right to lodge a complaint	7.2	The inmate has the option to contact management in the event of any disagreements between inmates or complaints against prison staff. Complaints against management are to be made in writing to the Cantonal Department of Home Affairs and Security.
Conduct	7.3	In the interests of all prisoners, certain ground rules must be abided by. The inmate must abide by the prison rules and daily schedule, as well as oral and written instructions from prison staff. Inmates are expected to treat prison staff and fellow inmates in an appropriate, respectful manner. The emergency call system is to be used exclusively in emergencies. Misuse as well as the manipulation of other installations is punished.
Right to vote	7.4	Inmates who are entitled to do so may participate in votes and elections by letter. Inmates must request voting material from their municipality of residence. Political propaganda is prohibited across the cantonal prison's entire grounds and premises.



AHV (old-age and survivors' insurance) and IV (disability insurance)	7.5	<p>The prison strives to avoid any gaps in AHV contribution payments. For inmates staying in cantonal prison for at least a whole calendar year, it pays half of the minimum contribution, as long as the inmate pays the other half of the minimum contribution from his account / accessible account.</p> <p>Inmates in closed prison, including those in closed prison as accelerated execution, who receive disability benefits outside of prison must contact the competent IV authority. The benefits are interrupted for the duration of the prison term. Failure to notify the authorities can result in reclaims. With this in mind, the social work department checks the interruption and reregisters the inmate with the IV authority before release. If necessary, an application may be sent to the social welfare authority of the municipality of residence to cover healthcare costs during the prison term.</p>
Vehicles	7.6	<p>Inmates may not park any vehicles on prison grounds. Illegally parked vehicles may be towed subject to a fee.</p>
Drugs and alcohol	7.7	<p>The possession, manufacture and consumption of drugs or alcohol, dealing drugs or alcohol and bringing these into prison, as well as the misuse of medication (including over-the-counter drugs) is prohibited. Prison staff may conduct body checks, cell inspections or drug tests at any time. If narcotics are seized, the police may be involved. This ban also applies off cantonal prison grounds, e.g. during hospital stays or court proceedings.</p>
Smoking	7.8	<p>In the interests of health promotion, management is at liberty to define smoking and non-smoking areas on cantonal prison grounds and indoor premises.</p>
Cash	7.9	<p>Inmates are prohibited from carrying cash at cantonal prison. Cash brought to prison is credited to inmates' prison accounts upon admission. Monetary gifts from external third parties are also credited to the individual accounts (see also Art 2.4 and 5.6).</p>
Pornography	7.10	<p>The possession of any written materials, audio, imagery or other data carriers or objects that depict sexual acts with children, animals, human excrements or violence is prohibited.</p>
Smuggling	7.11	<p>Smuggling in unauthorised goods and objects is prohibited. Smuggled goods are seized and taken away from the inmate for either a definite or indefinite period of time. Any proceeds are credited to the inmate support fund. → Directive on prohibited items</p>
Legal transactions	7.12	<p>Legal transactions between inmates, such as purchases, trades, gifts, lending, loans, etc., are prohibited. The prison accepts no liability.</p>
Checks	7.13	<p>Prison staff may inspect inmates' personal property, clothes, cupboards and cells at any time. Body checks may be conducted at any time. If an inmate is suspected to have hidden objects in his body orifices, an examination by a medical specialist may be ordered. Drug tests, such as alcohol tests, urine samples, etc., can be ordered at any time. Urine samples are taken under visual control. Refusal to take the test is equated with testing positive for hard drugs. If the urine sample tests positive for one or more prohibited substances, the inmate is charged for the entire test.</p>

## 8. Disciplinary system

### Art. 8

Basic principle	8.1	<p>The disciplinary system is oriented towards the guidelines set out by the Penal Committee of Eastern Switzerland. It serves to maintain order and safety in the penal institutions. Cantons issue disciplinary regulations describing disciplinary offences, sanctions and the respective procedures.</p>
Disciplinary breaches	8.2	<p>Breaches of the prison rules and the corresponding directives are considered disciplinary breaches – in particular:</p> <ul style="list-style-type: none"> <li>a) escape, attempted escape and assisting escape</li> <li>b) acts of aggression against or threats to prison staff, fellow inmates or third parties</li> </ul>

- c) refusal to work and incitement to refuse work
- d) misuse of the right to visitation
- e) unauthorised contact with persons outside prison
- f) the possession, manufacture or forwarding of prohibited items, bringing these into or taking these out of prison, particularly weapons, weapon-like objects or written texts, mobile phones or unauthorised cash by circumventing checks
- g) damage to buildings or objects, wasting materials or lack of care when dealing with animals
- h) the possession, manufacture or consumption of drugs or alcohol, dealing drugs or alcohol or bringing these into prison, as well as the misuse of medication (including over-the-counter drugs)
- i) improper behaviour towards prison staff, fellow inmates or third parties
- j) breaches of oral or written instructions from prison staff
- k) behaviour that jeopardises or has the potential to jeopardise good order and security

Incitement to and complicity in disciplinary breaches are considered disciplinary breaches in their own right.

Disciplinary measures

- 8.3 Disciplinary measures are:
- a) written reprimand
  - b) temporary confiscation of or restriction of access to money
  - c) temporary withdrawal or restriction of leisure activities, particularly the use of televisions and/or audio and video players and the participation in group activities
  - d) temporary suspension or restriction of contact with the outside world, particularly bans on visitation (excluding contact with the authorities and legal representatives)
  - e) fines of up to CHF 200
  - f) cell lock-up of up to 14 days
  - g) detention of up to 20 days

Several measures may be combined. The inmate is informed of the accusations and sanctions and has the opportunity to make a statement. The written disciplinary order lists the applicable appellate remedies, prosecution and measures of the remanding authority or director of proceedings notwithstanding.

Procedure

- 8.4 In the event of a suspected disciplinary breach, the circumstances are clarified and documented in writing. If necessary to maintain good order at the prison, management or their proxy may put the inmate in solitary confinement or detention immediately.

The inmate may submit an appeal against the disciplinary order including written justification to the Department of Home Affairs and Security within five days. The Department of Home Affairs and Security of the Canton of Appenzell Ausserrhoden decides on whether to restore the suspensive effect.

Detention is carried out in a designated room with no option to work. Detention and cell lock-ups are carried out in a special department or in the cell. There, the inmate receives meals and information on any options to work. The inmate has the right to spend one hour a day outdoors, as long as this provides no cause for fear of harm to others or to the inmate himself and the inmate poses no flight risk.

The remanding authority is informed of disciplinary measures taken. Mention is made of disciplinary misdemeanours in the sentence report.

## 9. Release

### Art. 9

Release

- 9.1 For remand, police custody and preventive detention, the director of proceedings orders release. For custody for the purposes of preparation, expulsion, enforcement and extradition, the competent authority decides when to grant release. For custodial sentences and alternative custodial sentences of up to three months, release is

granted upon expiry of the actual sentence term as per the execution mandate from the remanding authority. Those serving the unsuspended part of a partially suspended sentence are also released on the end date of the sentence.

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| Release on parole                     | 9.2 | For custodial sentences and alternative custodial sentences of over three months, the remanding authority decides on whether to grant parole as per Art. 86 of the Swiss Criminal Code and in line with the guidelines set out by the Penal Committee of Eastern Switzerland or the competent remanding authority. Inmates are usually released on parole after having served two thirds of their sentence, after three months at the earliest. The prison compiles an application for parole, which is submitted to the remanding authority six to eight weeks before potential release on parole. The remanding authority decides whether to grant early release upon consultation of all relevant forecast circumstances. The remanding authority defines a probationary period and may impose conditions on parole. The decision is communicated in a written order, which mentions the relevant appellate remedies. |
| Release, personal property and cash   | 9.3 | Release usually takes place on the morning of release day after the formal cell handover, which consists of the cleaning of the cell in principle. The inmate is charged for any missing or damaged objects. The balance of the account, or of the accessible and blocked accounts, as the case may be, is paid out to the inmate upon release or, in exceptional cases, transferred to the competent authorities (e.g. probation or social services) upon agreement with these authorities. The inmate confirms with his signature that he has received his personal property and the statement pertaining to remuneration. If an inmate is transferred or relocated to another institution, the entire balance is transferred there.   |
| Personal property or cash left behind | 9.4 | Any personal property or valuables left behind (including remuneration) are recorded in an inventory and stored for a maximum of five years. In principle, personal property and money is only handed back or sent on to prisoners or handed over to authorised representatives upon consultation with the remanding authority or the director of proceedings. If an inmate is housed at another prison, his personal property and money is sent/transferred to the respective institution. If the owner of items left behind fails to get in touch within five years after release or escape, the personal property will be utilised or destroyed. Entitlement to cash left behind and remuneration also lapses after five years.   |

## 10. Final provisions

These prison rules were issued by the Department of Home Affairs and Security of the Canton of Appenzell Auserhodien and entered into force on 1 October 2019. They replace the previous prison rules.

Department of Home Affairs and Security, Appenzell Ausserrhoden

Hansueli Reutegger  
Cantonal Government Councillor



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### Directive on receiving visitors

#### Visitors (Art. 5 of the prison rules)

On remand, in police custody and in preventive detention, visitation authorisation must be sought from the director of proceedings for each individual invited to visit.

In principle, one visitation session of a maximum of 1.25 hours is possible per calendar week (Monday to Sunday). Visitation takes place in a room with a dividing pane. In principle, visitors may be received any day of the week between 8 a.m. and 4 p.m. Visiting times may be changed or limited for operational reasons.

All visitors must be registered by means of a form. In principle, complete registration forms must be provided to care and security services (Betreuungs- und Sicherheitsdienst, BSD) by 10 a.m. at the latest, five days before the planned visit. All visitors – a maximum of three adults and a maximum of two children aged up to 16 – must be listed by name along with their addresses. Unregistered visitors will not be permitted entry.

The prison staff requires all visitors to provide proof of identification. The following identification documents are accepted at the entry check provided they are valid and original:

- Identification documents for Swiss citizens: Swiss passport, Swiss identification card.
- Identification documents for foreigners: equivalent foreign identification documents (passports, ID).
- Residence permits for EU/EFTA citizens: categories L, B, C, Ci and G.
- Residence permits for citizens of third-party states: categories B, C, Ci, G, L, F, N and S.

In exceptional cases, stamped and signed copies of the listed identification documents certified by an official authority or foreigner accommodation may be accepted. Notices of the loss of the above-listed identification documents issued by the Swiss police are also accepted.

#### Gifts from visitors:

- clothes, shoes
- A sleeve of cigarettes or tobacco products (max. 200 g tobacco, plus cigarette paper, tubes); limit applies per visitation day, i.e. even when several groups of visitors are received.
- Personal correspondence, documents (on remand, in police custody and in preventive detention, authorisation from the director of proceedings is required).
- Money: The inmate may bring back or have sent to him a maximum of CHF 150 per month. Money brought in by visitors is collected in return for a receipt and credited to the inmate's account. The maximum amount of CHF 150 per month applies irrespective of the number of visitation days or visitors. For inmates in closed prison, including those in closed prison as accelerated execution, the CHF 150 is credited to the accessible account, while amounts exceeding CHF 150 are credited to the blocked account (see also Art. 4.5 of the prison rules).

Other items (e.g. craft supplies) may only be brought to prison with prior permission from management. The items brought in are checked by prison staff. Items not permitted are rejected. Personal property (e.g. clothes) brought in is checked before being handed over. Should the behaviour of the inmate or his visitors fail to adhere to custom or common decency, the visitation may be cut short. The respective visitors may be excluded from future visitations.

This directive is effective from 1 October 2019.



## **Directive on monetary gifts**

Per calendar month, a maximum of CHF 150 may be brought in by external third parties. Transfers may be made to a Post account, cash sent by post, included in the monthly parcel or handed over by visitors.

The monetary gift, to a maximum of CHF 150 per calendar month, is credited to the inmate's account. For inmates in closed prison, including those in closed prison as accelerated execution, the CHF 150 is credited to the accessible account. Amounts exceeding CHF 150 are credited to the blocked account (see also Art. 4.5 of the prison rules).

Inmates in closed prison, including those in closed prison as accelerated execution, receive an account statement at the end of each month featuring the current accessible account balance with which to plan the following month's expenditures. Any gift received during the current month can therefore, in principle, only be spent the following month. Exceptions may be made in the month of admission upon consultation with the administration.

Transfers from one inmate to another are prohibited.

This directive is effective from 1 October 2019.



### Directive on receiving parcels

The inmate may receive one monthly parcel per calendar month. Persons on remand, in police custody or in preventive detention require parcel authorisation from the director of proceedings.

The parcel must be packaged in a container and labelled "monthly parcel". It can be sent by post or handed over by visitors. It may contain the following items:

- clothes and shoes
- Personal correspondence and documents; on remand, in police custody and in preventive detention, no correspondence or documents may be handed over until corresponding authorisation from the director of proceedings has been received.
- A sleeve of cigarettes or tobacco products (max. 200 g tobacco, plus cigarette paper, tubes).
- Money: The inmate may have a maximum of CHF 150 brought or sent to him per month. The money is credited to his account. For inmates in closed prison, including those in closed prison as accelerated execution, the CHF 150 is credited to the accessible account. Amounts exceeding CHF 150 are credited to the blocked account (see also Art. 4.5 of the prison rules).

Other items (e.g. craft supplies) may only be sent to prison with prior permission from management.

Only one parcel per month is allowed. For parcels sent by post, the postage date, i.e. the postage stamp, is indicative. Parcels are checked before being handed over to the inmate. Express parcels are treated as normal post. Unauthorised parcels and prohibited goods are returned to the sender at the inmate's expense. If no sender has been indicated, perishable goods are discarded. Other items are deposited along with personal property. In principle, these items are not handed over until the inmate is released.

Customs fees charged for parcels are debited from the inmate's account.

If any illegal goods, such as drugs, weapons, etc., are found in the parcel, the police will be contacted. Such parcels will not be passed on to the inmate.

This directive is effective from 1 October 2019.



## Directive on daily timetabling, cantonal prison, Monday to Friday

6:30 a.m.	wake-up for everyone	
to	breakfast provided medicines dispensed	- locked in cell
7:30 a.m.	meal trays collected	- cells are opened (depending on occupancy)
7:35 a.m.		- Those inmates who work head to the respective work areas. Work areas are locked.
7:40 a.m.	work starts	- at the workstation and/or - cell cleaning - gym - walks in the courtyard - talks, official phone calls, etc. (depending on occupancy)
9:30 a.m.	(mandatory) break	- in cells/corridors, cell doors remain open
9:50 a.m.	end of break	- Those inmates who work head to the respective work areas. Work areas are locked.
9:55 a.m.	work starts	- at the workstation and/or - cell cleaning - gym - walks in the courtyard - talks, official phone calls, etc. (depending on occupancy)
11:45 a.m.	lunch post distribution	
to	lunch provided medicines dispensed	- locked in cell
12:45 p.m.	meal trays collected	- cells are opened (depending on occupancy)
12:55 p.m.		- Those inmates who work head to the respective work areas. Work areas are locked.
1:00 p.m.	work starts	- at the workstation and/or - cell cleaning - gym - walks in the courtyard - talks, official phone calls, etc. (depending on occupancy)
2:40 p.m.	(mandatory) break	- in cells/corridors, cell doors remain open





3:00 p.m.	end of break	- Those inmates who work head to the respective work areas. Work areas are locked.
3:05 p.m.	work starts	- at the workstation and/or - cell cleaning - gym - walks in the courtyard - talks, official phone calls, etc. (depending on occupancy)
4:45 p.m. to 5:45 p.m.	dinner provided medicines dispensed meal trays collected	- locked in cell
5:45 p.m. to 9:15 p.m.		- potential walks in the courtyard
9:15 p.m.	medicines dispensed	
Fridays	work ends at 4:00 p.m.	but no afternoon break

This directive is effective from 1 October 2019.



## Directive on daily timetabling, cantonal prison, Saturdays/Sundays, bank holidays

7:30 a.m.	wake-up for everyone	
to	breakfast provided medicines dispensed meal trays collected	- locked in cell
8:30 a.m.		- cells are opened (depending on occupancy)
8:30 a.m.	free time	- cell cleaning - gym - walks in the courtyard - talks, phone calls, etc. (depending on occupancy)
to		
11:40 a.m.		
11:45 a.m.	post distribution (Saturdays) lunch provided medicines dispensed meal trays collected	- locked in cell
to		- cells are opened (depending on occupancy)
12:45 p.m.		
12:45 p.m.	free time	- cell cleaning - gym - walks in the courtyard - talks, phone calls, etc. (depending on occupancy)
to		
4:45 p.m.		
4:45 p.m.	dinner provided medicines dispensed meal trays collected	- locked in cell
to		
5:45 p.m.		
5:45 p.m.		- potential walks in the courtyard
to		
9:15 p.m.		
9:15 p.m.	medicines dispensed	

This directive is effective from 1 October 2019.



## Directive on prohibited items

In principle, only those items that are required for the prison stay and are not featured on the list of prohibited items are accepted into or procured for prison. Any items that may jeopardise safety, security or good order, or pose a threat to the health of inmates or staff due to their characteristics or packaging (including repurposed items) are expressly prohibited. This includes:

- spray cans, glass bottles, petrol lighters and refill petrol
- alcohol
- chewing gum
- drinks in glass bottles
- knives, tools, scissors
- glass, ceramics (e.g. after-shave bottles, drinking bottles)
- aluminium (cans/foil/packaging) / exception: aluminium ash trays (provided)
- electronic devices (only with permission from care and security services)
- hair dye
- nail varnish, nail varnish remover
- spices (with the exception of table salt)
- baking powder, yeast and artificial rising agents
- ammonia, acetone and other chemicals (with the exception of the personal hygiene products authorised by care and security services and available at the kiosk)
- washing pegs
- nail clippers
- metal nail files
- hair trimmers: permitted in principle, kept in a designated central storage shaft
- tweezers
- knitting and crochet needles (only allowed with permission from care and security services)
- razor blades
- disposable razors: permitted in principle, kept in a designated central storage shaft

This list of prohibited items is not exhaustive. The sentence execution supervisor / care and security services decide on a case-by-case basis.

This directive is effective from 1 October 2019.



**Directive on the ratio between accessible and blocked accounts**

Monthly remuneration is split and credited to the inmate's accessible and blocked accounts at a ratio of 60% to 40%.

This directive is effective from 1 October 2019.



**TV hire agreement**

For persons on remand, in police custody or in preventive detention, authorisation from the competent director of proceedings (public prosecutor, etc.) is required before a TV set can be issued.

Surname / first name .....

Admission date .....

Cell no. ....

Issuance date .....

Return date .....

TV hire .....

Set no. ....

**Conditions:**

- TV hire costs CHF 1 per day. Should one television be allocated to several inmates, this price can be split accordingly.
- The inmate must demonstrate appropriate work performance / general good behaviour to qualify.
- Inmates may not swap their televisions with other inmates.
- No changes may be made to the technical equipment.
- The inmate is liable for any deliberate or negligent damage to the television set.
- Televisions are to be set at room volume.
- Inmates must not be disturbed with noise after lights out.
- The television must be turned off before sleeping or leaving the cell.
- In the event of illness or accidents, the television will be taken away for the first two days.

If the conditions set out in this agreement are not adhered to, the institution board reserves the right to take the television away temporarily or indefinitely.

Niederteufen,..... (date)

The inmate

.....

Care and security services

.....



### Private media user agreement: devices, peripherals and software

Should an inmate wish to bring a PC, laptop, etc., to prison, authorisation is required. The respective application can be submitted to care and security services after a minimum stay at the cantonal prison of one month. Authorisation will only be granted if the inmate has received no behavioural complaints. Devices and accessories are acquired at the inmate's own costs. The authorisation of device use in the cell is considered a privilege. The device may be taken away at any time in the event of bad behaviour and/or breaches of the prison rules. For persons on remand, in police custody or in preventive detention, authorisation from the competent director of proceedings (public prosecutor, etc.) is also required.

#### 1. Devices/accessories allowed:

- 1 laptop (screens from 10-inch diagonal) with a fixed, physical keyboard or 1 PC with a hard drive, an operating system (no dual boots), a user account, keyboard, mouse and monitor (max. screen size 21 inches)
- Handheld console (e.g. Gameboy) without a camera
- 1 CD, DVD or Blue Ray player with burner, 1 joystick, 1 printer (no combined devices)
- 1 non-Internet-enabled games console with controller or similar (no other accessories, e.g. steering wheels) and the corresponding DVD or Blue Ray games, clearly marked as original data carriers
- Only CDs, DVDs and Blue Ray discs that are clearly marked as original data carriers, categorised 16+ as per the PEGI (Pan European Game Information). Neither home-made data carriers nor blanks are allowed.
- MP3 devices without screens (not even broken screens)
- Any USB sticks brought to prison are deposited along with personal property.

#### 2. Entry and other checks

- Devices, peripherals and software are subject to entry checks by prison staff. Any prohibited files are deleted by the staff. The inmate consents to this by signing the present agreement. The prison assumes no liability for devices or files.
- Prison staff may conduct hard- and software checks at any time. The device may therefore not be password protected. If a password is used nonetheless, the inmate must inform staff of the password. If he fails to do so, the device is confiscated. If a check reveals a change in password or prohibited files, the device may be confiscated on a temporary or permanent basis. The inmate assumes full responsibility for his hard- and software. The prison assumes no liability for devices and accessories.

#### 3. General

- This agreement is valid for the undersigned inmate and may not be transferred to fellow inmates. Authorised devices may not be given or loaned to another inmate. The prison rejects all liability for loaned software.
- MP3 players brought to cantonal prison may not leave the prison grounds.
- No broken devices may be brought to prison.
- Creating "pirate copies" is prohibited.
- If any devices are used that enable the inmate to contact external parties, these will be confiscated immediately and indefinitely.



- Authorised hard- and software may not leave cantonal prison grounds during the term of the sentence/custody. Repairs to computers and peripherals as well as software updates are not possible during the prison term. Broken devices are stored with personal property until release.
- Image and sound recordings are prohibited in cantonal prison. Cameras that are integrated into laptops or PC screens, for instance, are sealed. Should the inmate notice that the seal has been damaged, he is obligated to inform the staff immediately. Removing or deliberately destroying the seal is prohibited.
- If these rules are breached, the device, peripherals and software may be confiscated on a temporary or permanent basis. If a complaint is filed in this regard, the suspensive effect does not apply.
- The prison reserves the right to amend these rules on a continuous basis. In the event of any amendments, the inmate is informed and must sign an updated agreement.

I hereby declare that I accept this agreement:

Surname, first name:	
Niederteufen,	
Valid password:	
Inmate's signature:	

The following device, peripherals and software have been checked and authorised:

Niederteufen,	
Member of care and security services staff (check):	