

Interview, Pre-Trial Detention 1

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Origins and Goals of the Pilot Program

PMC Can you tell me how the pilot program got started?

ST In 2015/2016, there was nationwide criticism of pre-trial detention conditions in Switzerland. The conditions were considered too restrictive and incompatible with human rights and fundamental rights. People were confined to their cells for 23 hours a day, had virtually no activities, and almost no social contact—neither with the outside world nor within the facility. Organizations such as the National Commission for the Prevention of Torture (NCPT) issued recommendations on what needed to be improved.

Following this, the Canton of Zurich began gradually improving detention conditions. The original 23/1 regime—23 hours in the cell, one hour of outdoor exercise—was progressively reformed into the now-standard eight hours outside the cell per day.

KR In total, it's even more than that. With work included, detainees today can spend up to 10½ hours outside their cells each day.

ST We asked ourselves how the restrictive detention setting could be adapted without losing sight of our legal mandate to ensure the criminal proceedings. Together with the cantons of Bern and Vaud, we approached the Federal Office for Justice and proposed that the changes be scientifically examined as part of a pilot program. However, the Federal Office informed us that our proposal did not qualify as a pilot program, since we were required to adapt pre-trial detention in the described manner anyway. Instead, they recommended that we focus on social services and staff training. This gave rise to what we have today: nation-

wide recommendations from the Conference of Cantonal Justice and Police Directors (CCJPD) on pre-trial and security detention on the one hand, and on the other a pilot program submitted by the cantons of Zurich and Bern, the goal of which is to minimize the negative consequences of incarceration for those affected. The pilot program consists firstly of a psychological intervention (PRI\$MA, Prison Stress Management), through which detained persons learn to cope better with the “custody shock” and prison-related stress. We also offer a training program for our staff, in which they reflect on and learn how to strengthen the personal resources of detained persons in daily life and engage with them in a professional, equal-footing relationship. Furthermore, social services play a central role. Social workers assess what needs to be taken care of in the detainees’ personal lives—for example, housing or employment that could be at risk. In total, the pilot program includes 6 different interventions and a range of new working tools.

KR Of course, we also take care of family members and loved ones.

PMC How long will the pilot program run?

ST It will run for three years. All persons who enter pre-trial detention during this period are asked upon admission whether they would like to participate in a scientific study. If they agree and sign a consent form, we can collect data, and the detained persons fill out questionnaires at regular intervals. The data are then analyzed by a research team from ETH and UZH. Finally, the project management prepares a report for the Federal Office of Justice. All of this will be available in the first half of 2028. The study will examine, among other things, how the interventions carried out in the pilot program affect the health and social behavior of detained persons. What does their situation look like after release? Do they find work again? How does their family situation develop? Do they re-offend within one to two years?

PMC What is the goal of the pilot program?

KR To prevent custodial harm and to strengthen the personal and external resources of those detained from the very beginning—that is the goal. Being held in pre-trial detention is an exceptional situation for those affected. In pre-trial detention,

for example, you may not make phone calls without the consent of the case management, and letters go through censorship—i.e., through the case management. This means: it often takes a very long time until a reply arrives or until one can react.

PMC What does “a long time” mean?

KR It can take approximately ten days to several weeks—depending on how busy the case management is, or whether letters still need to be translated. This severely limits the ability of detained persons to act. In order to preserve external resources (employment, family/social network, housing situation, financial matters, etc.) and to be able to respond in a timely manner, someone is needed who keeps track of what is “outside the walls” in their lives: bills, housing, family, work, for example. Social work in pre-trial detention records these needs and addresses them when this is legally permissible and possible under certain conditions agreed with the case management. This requires additional resources. In recent years, we have been able to expand social work. Today, the initial intake interview already identifies which areas are important for a successful reintegration after detention.

PMC When does the intake interview take place?

ST Within the first five days, several conversations take place: with someone from supervision and support, from the health service, and from the social services.

PMC And until that conversation takes place: what does the detained person know about why they are there?

ST Legally speaking, there are two conditions: a strong suspicion of having committed the crime, and grounds for detention. These grounds are: risk of collusion, risk of flight, risk of reoffending, or risk of carrying out a threatened offense. Almost everyone is subject to the risk of collusion, which means that evidence could disappear or that the person could coordinate with others. Risk of flight often applies to foreign nationals without residence in Switzerland—there is a possibility they could go underground. Risk of reoffending exists when there is a danger that the person may commit further offenses. Risk of carrying out an offense applies when there is reason to believe the person might attempt to complete a planned act.

Perhaps a word on the overall procedural process: if someone is arrested, for example on Langstrasse for an incident such as a brawl or a drug offense, the police first draw up an arrest report. If there is an initial suspicion, the person can be transferred to the new PJZ building at Zurich West Prison for provisional arrest. They may be held there for up to 96 hours. During this time, first the police and then the public prosecutor (case management) determine whether there is actually a criminally relevant suspicion. If there is, the public prosecutor applies to the Compulsory Measures Court (CMC) for pre-trial detention. If the CMC concludes that there is a strong suspicion and one or more grounds for detention, it orders pre-trial detention, and the provisionally arrested person is placed in a pre-trial detention facility and remains there—in simplified terms—until the case management has clarified the case or no grounds for detention remain. Depending on the outcome, the detained person is released, referred to the migration authority, receives a summary penalty order, or faces ordinary court proceedings with a final verdict.

During this time, we try through our work to avoid unnecessary custodial harm and to contribute to reintegration. We do not want detained persons to be worse off after their time in pre-trial and security detention than they were at the time of their arrest. And if they leave without a safety net, we are not fulfilling our reintegration mandate. That is why the intake interview takes place right at the beginning of pre-trial detention. It also explains what rules apply in the facility and what the person can expect. Despite this, most people are still very unsettled.

KR This is called custody shock. I often refer to pre-trial detention as “uncertainty detention”. People in pre-trial detention usually don’t know when their next appointment will be, or they find out only at very short notice. They don’t know what is happening, when they will receive mail, or when they will next be in contact with someone. This constant uncertainty is an enormous stress factor for the detained person. Due to the risk of collusion, the scheduling of appointments cannot be made fully transparent. People arrive here not knowing when they will be released. It could be a few days, months, or even several years.

PMC How do you manage the care when you yourselves don’t know how long the person will stay?

KR We take each day as it comes and adapt to situations as they arise. This means that supervisors and support staff also need to remain flexible on a daily basis. We try—loosely speaking—to motivate the people in this detention setting. They should maintain a daily structure, work, exercise, maintain contact with other detainees, and so on. This is important. Work plays a central role, which is why we deliberately offer a great deal of it. Unlike in the penal system, there is no obligation to work in pre-trial detention—the presumption of innocence applies—yet almost all those who are able do work, as it makes the day go by faster for detained persons. Our head of work operations also tries to enable detained persons to work independently and responsibly. We are very attentive and try to prevent crises as much as possible, or to manage them as effectively as we can: through supervision, conversations, and the limited resources available to us here. We try to provide individualized care.

PMC How intensive is this kind of support, for example from a social worker?

KR Due to the presumption of innocence, we cannot oblige anyone to attend conversations or therapies—everything is voluntary. At the same time, most people in this setting have a strong need to communicate. As a result, all specialist services, departments, and conversations with supervision and support staff tend to be used more rather than less. People have a strong need to make contact.

PMC Can someone simply say: “I would like to speak to someone”, or are there fixed appointments at set intervals?

KR The central means of communication in detention is what is known as the house letter—quite old-school. Through it, for example, one can register for medical, psychiatric, health, or social service appointments, and with us also for work placements.

Challenges in Pre-Trial Detention

PMC What are the typical problems that arise among detained persons?

KR Many fall into crisis as a result of the strong external control within the prison, because they can no longer decide for themselves what to do. On top of that comes the prohibition on contact with the people who matter to them. Imagine not being able to speak freely with your family or friends, and instead being constantly surrounded by people who are complete strangers to you.

PMC Does a contact ban mean you are not allowed to speak to family or friends at all?

KR You can write—but only through censorship. Or you can submit a request through your lawyer, the social services, or directly to the case management (i.e., the public prosecutor's office) to have contact with specific individuals. Following a prior review, a visit may then take place, often subject to certain conditions. Or you may be permitted to make phone calls, but only to approved numbers. The case management in the criminal investigation sets all the conditions; we only implement them. If someone is here, for example, due to a violent offense, they are of course not permitted to speak to the alleged victim. We document precisely who poses a risk of collusion so that nothing goes wrong.

PMC That is extremely complex, all the things that have to be taken into account.

ST There is something else to add: more than half of the people who come here have mental health problems—such as schizophrenia, psychosis, delusional thinking, or personality disorders. The proportion is significantly higher than in the general population. This means that many overreact very quickly: “I need a cigarette—right now!” This can trigger enormous stress, and a conflict arises just like that. Or someone says: “The other person took my cigarette!” A world can collapse over something trivial.

We also pay close attention to who is housed in a single or shared cell. We cannot put two people from nationalities that do not get along in the same cell. And even something as minor as the television program can lead to arguments. That is why we always need to coordinate placements very carefully.

KR It depends a great deal on individual resilience. There are people who keep coming back—they are, so to speak,

“prison-experienced”. Others are very sensitive; for them, detention is sheer hell. They repeatedly fall into serious crises. Nobody is here voluntarily, and people are thrown together here—there are people from all over the world in this place. It is a context of compulsion, even if we allow certain relaxations. Imagine being on a floor with 26 people you did not choose, and having to somehow “get along” with them. Many have mental health issues, antisocial behaviors, or little in the way of conflict-resolution strategies or the necessary resilience. The fuse is often short, and the potential for conflict is correspondingly high.

For example, yesterday two separate incidents both revolved around garlic: at dinner there was garlic bread, and in the kitchen the distribution was apparently uneven—that already caused trouble. The second dispute took place in the work unit. When peeling garlic, the peeled weight is precisely measured by the weighmaster, as payment is based on this. Yesterday, someone apparently accidentally recorded too few kilograms for another person, resulting in lower pay. That led to disagreements.

Conflicts happen here as everywhere—only in a very confined space, which makes them even more likely. People don’t necessarily always get along, and some have elevated aggression levels. Given all that, I find it remarkable how well they manage. I would have expected far more “explosions”. But that also shows that we are providing good care, staying close to people, and picking them up where they are as best we can.

Today we have already received at least three requests for cell transfers. When people have been together for weeks or months, they start to get on each other’s nerves and need a change. At the same time, we have the advantage of having many single cells. But some people deliberately want a shared cell—in the evening, you can talk in peace and distract each other from the daily routines of detention.

PMC From what time are detainees no longer allowed to leave their cells?

KR In our facility, at half past seven in the evening. We have an evening opening from six to half past seven, though this varies between pre-trial detention facilities. In the afternoon, detained persons can move freely throughout the building. In the evening, there is a reduced group regime: they remain on their

floor, but all cells are open, and there are common rooms and multipurpose areas there as well. In this prison, we have the advantage that there are no different forms of detention under one roof, and no detained persons who are involved in the same case (risk of collusion). This allows us to open the entire building—both stairwells included—which many also use for exercise or fitness.

ST What KR means is the following: there is what is known as the separation requirement. Persons under provisional arrest may not come into contact with persons in pre-trial detention. Similarly, pre-trial detainees may not have contact with persons serving sentences—due to the risk of collusion. And young people must under no circumstances come into contact with adults. For example, Limmattal Prison has a youth wing and an adult wing. There, the prison must ensure that these two groups never meet—for instance, by allowing juveniles into the exercise yard only when the adults are not there. If you run a facility that is exclusively for pre-trial detention, you can open it up much more and allow people to mix within the prison.

Pre-trial Detention in Switzerland

ST Those images from American prisons, where 50 or more people are in a large room, gangs form, and group fights break out regularly—that is not really something we see here.

KR We have the advantage of being smaller here; we notice that again and again. ST and I also traveled to Germany for the pilot program to visit other facilities. And I genuinely believe that our relatively small operations are a major advantage, including in terms of the care provided to detained persons in this setting. In Germany, we saw prisons with up to 1,400 detainees. Here we have just under 100.

ST When we told them that our group regime covers 50 to 80 people, they laughed—that would have been completely unimaginable for them.

PMC Why is that? Is it the money? The mentality?

KR That's not so easy to say. Switzerland is highly specialized in pre-trial detention. In many other countries, pre-trial

detention ends after a limited period, usually six months. In the Canton of Zurich, there are seven prisons specifically designed for pre-trial detention. Across the canton, there are between 500 and 550 people in pre-trial detention at any given time. The largest facility of the UGZ (Zurich Pre-trial Detention Facilities) is currently Zurich West Prison, with 117 places for pre-trial detention and 124 for provisional arrest. That is the first step before someone enters pre-trial detention. That facility is organized very differently from the prison I manage. Zurich West Prison processes around 12,000 admissions per year. Someone there can be released on the same day. They have 40 to 50 admissions per day.

We also have many admissions at the moment. Today alone there were two, and the weekly average is around ten—sometimes even more.

PMC Who are the people in pre-trial detention? You have already mentioned that more than half have mental health issues. Why are most of them here?

KR They are here for different reasons. I always say: pre-trial detention is a “world within the world” and a reflection of society. In principle, it can happen to anyone.

ST The largest proportional category of detained persons is those charged with property offenses. This covers a broad range, including minor thefts. The second most common reason for detention is drug offenses, primarily drug trafficking. Geographically speaking, Switzerland is a gateway to the European drug market. Accordingly, drug offenses are frequent—both trafficking and consumption, though consumption carries less weight since decriminalization. Then there are offenses against physical integrity—a broad spectrum from murder to simple assault, such as brawls after a football match. For such cases, however, pre-trial detention is less common. There is also organized crime, including arms, human, and drug trafficking. Such proceedings are often complex and take longer. Offenses against sexual integrity also occur. But by far the most common are property offenses. As for the composition of those detained: around 40 percent are persons residing abroad. The remaining 60 percent live in Switzerland. Of these, roughly half are foreign nationals with residence in Switzerland; the other half are Swiss citizens—though a not insignificant proportion of these are dual nationals with a migration background.

KR The high proportion of foreign detainees is also related to the fact that “risk of flight” is a ground for detention. I like to put this in perspective, because in political discourse the phrase “high proportion of foreigners” is often used. But it’s clear: if someone holds a foreign passport, the risk of flight is more easily justified—and thus the likelihood of that person being placed in pre-trial detention increases.

ST One can also say: around 90 percent of detainees are men, and roughly 10 percent are women. In terms of age, most fall into the 25 to 35 age group.

KR At the moment, we also have a very large number of young men between 18 and 25.

PMC How is it assessed whether someone is stable enough to be held in detention?

KR That is done by doctors. There is a so-called fitness for detention procedure, which is carried out already during provisional arrest. The concept is “fitness for detention”—i.e., the question of whether someone is healthy enough to be held in a prison, or whether the person should be admitted to a clinic instead. In practice, however, this concept is interpreted very broadly. There are simply not enough places in psychiatric facilities. Many people come to us even though detention is far from ideal for their recovery and often exacerbates mental health conditions. Many would actually belong in a clinic, but places there are also scarce.

This is a challenge affecting all prisons—not only in Switzerland. We are seeing an increasing number of mentally disturbed detainees. This has changed significantly compared to ten years ago. Many detained persons are psychotic, schizophrenic, or exhibit strong conspiratorial thinking. The number of such cases is steadily increasing.

Structural Disadvantages and Equal Treatment

PMC Do you feel that a large proportion of the people who come here are affected by structural disadvantage or discrimination? Is that a significant factor in ending up in pre-trial detention?

KR Partly, yes. Many come from socially disadvantaged or educationally deprived backgrounds. Not all—but it is certainly a factor.

ST If you come from a wealthy background, the likelihood of committing a property offense is rather low. That does not mean you cannot commit a fraud offense, such as insider trading or a breach of proper business conduct. But it is broadly true: less education and fewer opportunities to realize oneself in society or professionally are more frequently associated with certain types of offenses. That said, one does not automatically follow from the other.

KR Here in pre-trial detention, due to the presumption of innocence, we do not work in relation to the offense but completely independently of it. We have a duty of care toward everyone—regardless of whether someone is here on suspicion of a child abuse offense, which ranks lowest in the hierarchy among detainees, or whether it is a banker accused of embezzlement. It is important to me, both as prison management and as a person, to treat everyone equally and to approach people with respect. Our job is not to punish or to judge. Our mandate is to secure the criminal proceedings—and to carry out that mandate as humanely as possible. We must ensure that people here feel as well as possible and can get through this phase of uncertainty. We meet them on equal terms. They are human beings.

ST Exactly. And that applies to our staff as well. Our top priority is that nobody is discriminated against. We do not tolerate racism or the abuse of imbalances of power.

PMC How do you manage to truly treat everyone equally?

KR That is a central part of our professionalism. We don't even have to read all the files. We look at the most important key details—for example, who poses a risk of collusion—so that we know what to watch out for and avoid being manipulated. But we are not obliged to know every detail. That is precisely what helps: our job is to treat everyone equally. Of course, you develop personal sympathies and antipathies as you would anywhere—that is human. But we must deal with everyone correctly, and we do. That is exactly what staff are trained on—repeatedly, in a kind of repeating cycle.

ST I could not even say how many staff actually look at the files to see what the alleged is. Some don't look at all. In justice theory, there is John Rawls' concept—the veil of ignorance. If I don't know who the person is or what they are alleged to have done, I automatically treat everyone equally. And that is how we work: resource-oriented. Our mandate is to prevent custodial harm as far as possible and to cause no additional harm to detainees. In doing so, we provide the framework for pre-trial detention so that the public prosecutors can clarify their proceedings. And within this context of compulsion, we ensure—within the bounds of our duty of care—that people here feel as well as possible. This is of course severely limited, but we ensure that they at least suffer no additional custodial harm through us. That some custodial harm may still occur—such as someone losing their job or relationships breaking down—is unavoidable. But we try, wherever possible, to strengthen their personal resources so that they are better able to cope with difficult situations.

Looking Ahead

PMC To close, a look to the future: the hope is that the pilot program produces the desired results and ideally is also implemented in other cantons.

ST Exactly, provided our hypotheses can be confirmed. Our goal is for what we are building here to be continued in the future and adopted by other cantons, particularly in the area of social services. If we can later demonstrate that custodial harm was minimized thanks to our intervention, it will become clear that it is economically more cost-effective to invest in social services and pre-trial detention than to provide financial support later on for unemployed people who lost their jobs because of detention. That is just one example—whether this is actually the case will only be clear once the research results are available.

KR Trends are already observable showing that the pilot program is working. The focus on resources and care leads to greater calm. When I started in corrections, the 23-to-1 principle was still in force. Everything revolved around security. People were locked up, their energy had nowhere to go—so when they were brought to me for a conversation, I first had to spend ten minutes de-escalating before I could even begin. Our goal is that nobody leaves in a worse state than when they entered. If

someone is locked up for 23 hours a day over an extended period—how is that supposed to work when they are released back into society? How are they supposed to find their footing again?

That is why it makes sense to follow a normalization principle in pre-trial detention. Of course, it is not “normal” here, but we can at least enable a degree of self-determination. The longer someone has been deprived of their freedom, the more difficult reintegration becomes. There are three central resilience factors: employment, a stable social environment, and health. And that is precisely where we start—that is ultimately the core of the pilot program.

ST We are the first link in the entire corrections chain. If you hold the expectation that people released into freedom should not re-offend, then you must invest in better detention conditions and innovative concepts. In Germany, for instance, we saw how a prison cooperates with small, skilled-trades businesses and creates apprenticeship positions. Prisoners trained accordingly within the prison are taken on directly upon release. That is what successful reintegration can look like.

KR Work integration is a central pillar. Much of this should really already happen within the prison. By the time we have connected someone to social welfare here, many resources are often already lost. That is why, in Germany, social welfare payments sometimes come directly into the prison, so that debts do not accumulate in the first place. Debt is a huge obstacle to reintegration. You need a debt enforcement register extract to get housing, an extract of your criminal record extract for employment—and so on. Debt collection proceedings can be prevented if you act early enough.

ST Exactly. There are two decisive moments: the beginning and the end. At the beginning, we intervene with the pilot program, because around 50 percent of people are back out after about two or three months. And at the end, it is about reintegration through employment. In those few months, an enormous amount can go wrong. That is why it is important that all the bureaucracy runs quickly and efficiently from the outset. We can prevent a great deal of custodial harm if the right steps are initiated in time.

KR Our experience shows: when someone already has a job upon release, they are accepted back into society much more quickly and are not simply stamped as “criminal”. Unfortunately, the reality with many employers is that despite early notification, a dismissal often follows within two weeks. Very few distinguish between pre-trial detention and a custodial sentence—they hear “prison” and their decision to fire the person has already been made. That is something where we still need to get society even more on board. The corrections system cannot do everything. Society must be willing to give people a second chance and welcome them back into its midst.

PMC Thank you very much.