

CONFIRMED
by Directive No. 1-1/27 of 11 February 2013
of the Director of Tartu Prison
Amended by
Directive No. 1-1/119 of 2 August 2013
of the Director of Tartu Prison
Directive No. 1-1/56 of 9 April 2014
of the Director of Tartu Prison
Directive No. 1-1/63 of 20 April 2015
of the Director of Tartu Prison
Directive No. 1-1/127 of 20 July 2016
of the Director of Tartu Prison
Directive No. 1-1/49 of 4 May 2017
of the Director of Tartu Prison
Amended by
Directive No. 1-1/77 of 16 June 17
of the Director of Tartu Prison
Directive No. 1-1/76 of 16 June 2017
of the Director of Tartu Prison
Directive No. 1-1/139 of 30 October 2017
of the Director of Tartu Prison
Directive No. 1-1/77 of 31 May 2018
of the Director of Tartu Prison
Directive No. 1-1/195 of 19 December 2018
of the Director of Tartu Prison
Directive No. 1-1/71 of 1 April 2019
of the Director of Tartu Prison
Directive No. 1-1/91 of 7 May 2019
of the Director of Tartu Prison
Directive No. 1-1/153 of 23 September 2019
of the Director of Tartu Prison
Directive No. 1-1/191 of 12 December 2019
of the Director of Tartu Prison
Directive No. 1-1/53 of 27 April 2021
of the Director of Tartu Prison
Directive No. 1-1/115 of 16.09.2021
of the Director of Tartu Prison
Directive No. 1-1/22 of 25.02.2022
of the Director of Tartu Prison
Directive No. 1-1/23 of 01.03.2022
of the Director of Tartu Prison
Directive No 1-1/57 of 02.06.2022
Directive No 1-1/30 of 06.03.2023
of the Director of Tartu Prison
Directive No 1-1/46 of 20 April 2023
of the Director of Tartu Prison

Explanatory Memorandum to the Rules of Procedure of Tartu Prison

In addition to other legislation regarding imprisonment, such as the Imprisonment Act (IA) and the Internal Rules of the Prison (IRP), the prisoners of Tartu Prison shall adhere, on the territory of the prison, also to the Rules of Procedure of Tartu Prison and other administrative acts of the Director of Tartu Prison that regulate the organisation of life of the prisoners. The purpose of developing the new Rules of Procedure of Tartu Prison is to improve on the quality of the previous rules of procedure, update the norms established in it and to make the rules regarding the organisation of life of the prisoners in Tartu Prison more comprehensive and compact. Directives issued by the Director of Tartu Prison with regard to the organisation of life of the prisoners in the prison shall be included in the Rules of Procedure

and single acts shall be declared invalid. The objective is to include in the Rules of Procedure all norms valid in the prison that are important for the prisoners so that the prisoners could find all internal legislation regarding them from one document. The purpose of the Explanatory Memorandum to the Rules of Procedure of Tartu Prison is to specify the clauses provided in the Rules of Procedure.

Explanations to the provisions of the Rules of Procedure by clauses

1. General provisions

General provisions are the introductory part of the Rules of Procedure and stipulate the scope of application of the Rules of Procedure.

Pursuant to clause 1.1, the Rules of Procedure of Tartu Prison provide the conditions of serving a term of imprisonment and custody pending trial for the prisoners in Tartu Prison and executing a term of imprisonment and custody pending trial on the territory of Tartu Prison.

The Rules of Procedure are a specification to the Imprisonment Act (hereinafter the IA) and the Regulation of the Minister of Justice No. 72 of 30 November 2000 *Internal Rules of the Prison* (hereinafter the IRP) and other legislation. If it has been possible, provisions that are direct duplicates of the provisions of other legislation have been left out of the Rules of Procedure.

Pursuant to clause 1.2 of the Rules of Procedure, the Rules of Procedure are for obligatory fulfilment to all prisoners, prison employees and visitors. The objective of this requirement is to ensure that persons being in the prison comply with the requirements provided in the Rules of Procedure and to prevent violations of law on the territory of the prison. The obligation to comply with the Rules of Procedure arises from the provisions of clause 67(1) of the IA, pursuant to which, in order to ensure security in the prison, prisoners are required to observe the Internal Rules of the Prison, and clause 3(2)7) of the Regulation of the Minister of Justice No. 87 of 6 December 2001 *Statutes of Tartu Prison* (hereinafter the Statutes of Tartu Prison), pursuant to which the directives and other written or verbal orders given by the Director of the Prison within their competence shall be obligatory for prison employees, prisoners and persons in custody to follow.

Clause 1.3 removes from the Rules of Procedure the term imprisoned person, which has been formerly used as a common term for prisoners and persons in custody. Pursuant to the new Rules of Procedure, the provisions regarding prisoners shall also be applied to the persons in custody at Tartu Prison, unless the Rules of Procedure provide otherwise. The purpose of this clause is to remove the formerly applied term “imprisoned person”, which was used only in the Rules of Procedure, and to bring into agreement the definitions of the Rules of Procedure and the Imprisonment Act and the Internal Rules of the Prison. Therefore, the word “prisoner” shall be used for both a person in custody and a convicted offender, if the regulation regards both. If the obligations/rights regard only convicted offenders, either the word “prisoner” shall be used – if it is sufficiently clear that the regulation is not extended to a person in custody – or the phrase “prisoner (except for a person in custody)” shall be used if there is a need to make a differentiation in the text. The obligation of a person in custody to comply with the requirements provided in the Rules of Procedure arises from subsection 1(1) of the Statutes of Tartu Prison, pursuant to which Tartu Prison executes imprisonment, provisional custody and probation supervision, and clause 3(2)7) of the Statutes of Tartu Prison, pursuant to which the directives and other written or verbal orders given by the Director of the Prison within their competence shall be obligatory for prison employees, prisoners and persons in custody to follow.

Clauses 1.4 and 1.5 specify the definitions of open and closed wards. An open prison ward shall refer to a ward, into which prisoners (except for persons in custody) have been placed, and pursuant to the times specified in the daily schedule, the doors of the cells in the ward are open and the prisoners can freely move within their ward. The definition of an open ward is based on the provisions of subsection 8(1) of the IA, pursuant to which prisoners shall be permitted to move about within the territory of a closed prison at the locations and at the times provided in the internal rules and rules of procedure of a prison. From lights-out until wake-up and at other times provided in the internal rules and rules of procedure of the prison, the prisoners shall be separated into locked cells allocated to them. The cells of a closed prison ward are locked at all times and the daily schedule does not provide times when the cells of the ward are open. Prisoners placed in the closed prison ward shall be in locked cells at all times. Closed wards are wards where the prisoners do not have the freedom to move about arising from subsection 8(1) of the IA. This is specified by subsection 8(4) of the IRP, pursuant to which a prisoner

being in a punishment cell, separate locked cell, upon a severe disciplinary violation in a separate cell until the disciplinary proceeding is completed, in the Reception Department, in the inpatient section of the Medical or Health Care Department of the prison, shall not have the freedom to move about. Also, a closed ward shall refer to a ward into which persons in custody are placed. Placing persons in custody in a closed ward arises from subsection 90(3) of the IA, pursuant to which a person in custody shall be lodged in a locked cell on a twenty-four-hour basis.

Clauses 1.6 and 1.7 of the Rules of Procedure provide the obligations and prohibitions of prisoners. The new Rules of Procedure abolish the obligations and prohibitions of prisoners that were regulated with a separate clause and the provisions formerly provided there have been divided between the other clauses of the Rules of Procedure. General provisions include clauses that are of a more general nature and do not relate to other clauses of the Rules of Procedure.

Clause 1.6 specifies the following obligations of the prisoner:

1.6.1 to comply with the IA, IRP, Rules of Procedure and other legislation and to follow the lawful commands given by prison officials and employees – subsection 67(1) of the IA provides that the prisoner shall be obliged to observe the internal rules of the prison and to follow the lawful commands given by prison service officers. The objective of the regulation is to extend the list of legislation and to clearly notify the prisoners that in addition to the Rules of Procedure, they are also obliged to comply with other legislation regulating the organisation of life of the prison. The obligations of the prisoner shall support their integration to the regular functioning of the prison and thereby contribute to reaching the objectives of executing the term of imprisonment;

1.6.2 to stand up while greeting prison employees and other officials visiting the prison – the objective of the obligation to stand up while greeting prison employees and other officials visiting the prison is to ensure politeness and discipline. The objective of executing a term of imprisonment is to guide the prisoner towards law-abiding and socially acceptable behaviour. Standing up while greeting someone is a common gesture of politeness. Polite behaviour as a whole has a general preventative impact on the behaviour of prisoners after release;

1.6.3 to be polite to prison employees, other prisoners and persons visiting the prison – although politeness is a subjective term and the norms of politeness differ culturally, prisoners shall still be obliged to show politeness towards other persons in accordance with the socially established norms and requirements of politeness;

1.6.4 to comply with personal hygiene requirements, keep their clothing and bed linen clean, keep their residential cell (including WC) and the non-work rooms of the ward clean, make their bed after the morning wake-up – this obligation arises from sections 45, 46 and 50 of the IA. The objective of the regulation is to ensure adherence to hygiene requirements and thereby prevent possible poisonings and spread of infectious diseases. Subsections 67(4) and 51 of the IA provide that the prisoner shall be obliged to handle the things entrusted to them prudently and keep the dwelling and non-work rooms which the prisoner uses in order, and that the prison service may impose coercion to ensure compliance with hygiene requirements if the prisoner fails to take care of their personal hygiene to a necessary extent and this has brought about actual danger to their health or to the health of other prisoners. The objective of executing imprisonment is to guide the prisoner towards law-abiding and socially acceptable behaviour and it is clear that complying with hygiene requirements is an inseparable part of socially acceptable behaviour. Keeping one's living environment clean, accepting and observing the rules of common life play an equally important part;

1.6.5 prisoners shall be obliged to wear a name tag. The name tag shall be worn when being outside the cell and during headcount, visibly and legibly around the neck. The name tag shall be attached only with the fastening issued by the prison service. This regulation is necessary to prevent prisoners from using self-made fastenings and straps. The requirement to wear a name tag arises from the provision of subsection 46(1) of the IA, pursuant to which prisoners are required to wear a name tag attached to their clothing. The objective of the regulation is to specify the places where wearing a name tag is not obligatory (in the cell, unless there is a headcount) and where wearing a name tag is obligatory (outside the residential cell), how to wear the name tag correctly and to prohibit prisoners from using self-made name tags;

1.6.6 when communicating with a prison service official, to use the formal register of language. In the same way as officials, the prisoners shall be polite and respectful when communicating with a prison service official;

1.6.7 to notify a prison service official of finding a prohibited item or an item not belonging to them as soon as possible – pursuant to clause 67(3) of the IA, in order to ensure security in the prison, prisoners are required to promptly inform a prison service official of all the circumstances which may endanger

the security or violate the order of the prison or the life or health of other persons. Therefore, the objective of this obligation is to help ensure the security and order of the prison. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 1.7 specifies activities prohibited for the prisoner at the prison:

1.7.1 using sexually harassing, obscene, threatening, insulting or defaming expressions, gestures or jargon when communicating with other persons – pursuant to the provisions of section 17 of the Constitution of the Republic of Estonia, no one's honour or good name shall be defamed. With its actions, the prison shall be obliged to ensure the constitutional rights of the persons in the prison. Pursuant to section 120 of the Penal Code (hereinafter the PC), threatening is punishable under criminal procedure. The provisions of section 275 of the PC prescribe punishment for defaming or insulting a representative of state authority or any other person protecting public order. By using jargon, the prisoner shows clear disrespect towards the prisoner themselves and other persons in the prison. Some gestures have acquired a generally known meaning, therefore also gestures can express disrespect towards the prison service or other persons;

1.7.2 instigating, inducing, provoking or in other ways influencing a prison official or other prisoners to commit a violation of law - influencing to any kind of unlawful behaviour threatens the prison's security as a whole. The activity of the prison is aimed at guiding the prisoner towards law-abiding behaviour so that when the prisoner returns to ordinary society, they would be able to accept the socially accepted behavioural norms. Clearly, a prisoner instigating or provoking another person to commit a violation of law is regarded as unacceptable both in the prison and in ordinary society. The prisoner instigating or provoking another person to commit a violation of law expresses clear disrespect towards society;

1.7.3 yelling, using items and elements in the cell to make noise etc. – the objective of the provision is to ensure order in the ward and enable prison service officials to perform their duties correctly and without hindrances. Also, the peace of the prisoners of the ward cannot be disturbed. Noise clearly hinders performing duties and may draw the attention of a prison service official away from another event or action, which is being committed in the ward at the same time (prohibited items are passed on, violence towards another prisoner is used etc.) and which directly endangers the security in the prison;

174. using physical and mental abuse towards other persons – the activity of the prison is aimed at guiding the prisoner towards law-abiding behaviour so that when the prisoner returns to ordinary society, they would be able to accept the socially accepted behavioural norms. Clearly, using violence is unacceptable both in the prison and in free society. By using violence, the prisoner expresses clear disrespect towards society. Mental abuse is just as burdening to its victim and is not a socially accepted behavioural norm;

1.7.5 playing board games or other games with the aim of profiting – pursuant to the provisions of subsection 2(1) of the Gambling Act, an important part of gambling is making a bet, the player's possibility of winning a prize as a result of the game, the outcome of the game being partly or fully determined by an activity based on chance or the occurrence of a previously unknown event. Pursuant to clause 64¹(17) of the IRP, the prisoner shall be prohibited from owning gambling devices. Regardless of the fact that certain board games (chess, checkers, nard) are allowed for prisoners, it shall be prohibited to play these games with the aim of profiting or gaining benefits. Playing different board games and making bets with the aim of profiting endangers both the security of the player and the prison as a whole. An important reason for why games with the aim of profiting are forbidden arises from the creation of obligations. In practice, there have been situations where the prisoner is unable to pay their gambling debts and violence or threats are used to collect the debts, which in turn may damage the well-being and safety of the debtor or their family and therefore also the security of the prison; it is also possible that the prisoner in debt may be more susceptible to the control of another prisoner, whose objective may be to force the debtor to act against the enacted order or to commit an action (attack a fellow-prisoner, prison service official) so that the prison would be forced to place the prisoner to another location, e.g. a locked cell;

1.7.6 writing or making marks on the constructional elements of the cell, on cupboards, books and other prison property. The prisoner shall also be prohibited from gluing, attaching or placing photos, reproductions, magazine cut-outs, covers, carpets, postcards etc. on them in a way that inhibits supervision – the objective is to prohibit writing, making marks, gluing items or attaching photos, reproductions, cut-outs, covers on the constructional elements and furnishings of the cell or on other

prison property. The provision is necessary to prevent damage to prison property and the disorganisation of the cell, restoring the initial situation would incur unnecessary expenses for the prison. The prisoners attempt to hide damaged places in the cell or create abditories by using photos, reproductions, magazine cut-outs, covers and carpets. Therefore, using the aforementioned items in the cell would significantly inhibit the supervisory activities of the prison service. Also, different postcards and photos that fill the entire edge of the table/grate inhibit supervision, wherefore the words "placing /.../ in a way that inhibits supervision" and "postcards" have been added to the clause;

1.7.7 and 1.7.8 preparing and using any self-made additional shelves, stands or other such items and bringing to the cell any furniture that is not in the list of cell furnishings (the furnishings of the cell include: a double bunk bed, desk, 2 stools attached to the floor, 2 nightstands, coat rack, TV table, WC shelf (only in Building S)) – section 7 of the IRP provides a complete list of items that are included among cell furnishings. These are: 1) single beds or double bunk beds; 2) a place to keep personal items; 3) a desk; 4) a seat for every prisoner; 5) a speaker, if possible; 6) coat rack; 7) washing facilities, if possible; 8) WC, if possible. The aforementioned items are provided in the cell by the prison. Self-made stands, additional shelves and other such items inhibit visually checking the cell; the aforementioned items can be used to hide abditories, broken or spoiled constructional elements. These items are well-suited for hiding prohibited items, because when the item is self-made, it is possible to include an abditory, which is a direct threat to the security in the prison and makes it more difficult to search the cell;

1.7.9 keeping in the cell furniture or furniture parts that have detached or been broken (detached or broken items shall be immediately given to a prison employee exercising supervision) – furniture that has detached or been broken is a threat to both the prisoner and a prison service official. The obligation to notify of a detached or broken item arises from the provisions of clause 67(3) of the IA, pursuant to which prisoners are required to promptly inform a prison service officer of all the circumstances which may endanger the security or violate the order of the prison or the life or health of other persons;

1.7.10 communicating with the prisoners of other wards while being in the ward, walking yard or walking box.

In the closed wards of Building E it shall be prohibited to communicate with the prisoners of other cells. The prison restricts the communication of prisoners placed in different wards, closed cells or closed wards for security reasons so that persons could not exchange information, e.g. organise violations of law, endanger the security of the prison and society, deliver prohibited items;

1.7.11 covering, smearing or opening lighting fittings – the objective is to prohibit covering, smearing or opening lighting fittings. Covering and smearing lighting fittings inhibits visual supervision during night-time; it is important to ensure operative supervision over prisoners and the possibility of visually checking the cells assigned to them to e.g. prevent prisoners from harming themselves, prevent and inhibit breaking the prison property in the cell or hiding damage by darkening the room, e.g. to hide that bars or windows have been broken. Opening lighting fittings is a direct threat to the life and health of the prisoner as there is the possibility of an electric shock, the parts of a lamp can be used to make other prohibited items that endanger the security of the prison (self-made electrical devices, thrusting-cutting weapons etc.);

1.7.12 keeping the items in the cell and the door of the WC in a position that impairs or hinders exercising supervision – subsection 12(2) of the Regulation of the Minister of Justice of 1 October 2011 *Organisation of Supervision at Prison* provides that during rounds in an indoor supervision area the cell shall be checked. As a rule, cells are checked visually through the peephole of the cell door. If it is not possible to check the cell through the peephole, the food hatch or cell door shall be opened to check the cell. Therefore, the items in the cell and the door of the WC cannot be in a position that hinders exercising supervision;

1.7.13 keeping hands in pockets in the presence of a prison employee – the objective of executing imprisonment is to guide the prisoner towards law-abiding and socially acceptable behaviour. Not keeping hands in pockets in the presence of another person is a common form of politeness and polite behaviour as a whole has a general preventative impact on the behaviour of a prisoner. Often, hands reveal the nervous state of a person, therefore it is easier for an official to evaluate the situation when the prisoner's hands are not hidden (body language);

1.7.14 placing inside the lavatory or flushing substances or items if it is not incidental to the purposeful use of the lavatory – the objective is to avoid sewage blockages and flooding. In practice, there have been situations when the prisoners have thrown items that do not dissolve in water into the lavatory and this has caused sewage blockages;

1.7.15 washing themselves elsewhere than in the shower or their residential cell – the objective of executing imprisonment is to guide the prisoner towards law-abiding and socially acceptable behaviour. Nudity in unsuitable places is not a common form of politeness and polite behaviour as a whole has a general preventative impact on the behaviour of prisoners after release. Rooms and places not specially constructed for washing may be damaged due to the water spilled on the floor and elsewhere, which incurs financial expenses to the prison; the water damages furniture and communication systems, is a good electricity conductor. Therefore, such behaviour may possibly endanger the health of the person and cause material damage;

1.7.16 tattooing themselves or others, having themselves tattooed. Tattooing in prison is prohibited and endangers the health of prisoners and other persons in the prison, because it may spread different infectious diseases (HIV, hepatitis and other blood transmitted diseases). It is a common belief in society that tattoos are related to imprisonment or recidivistic background or at least to possible socially aggressive behaviour. Furthermore, it is an important symbol of the prison's subculture to have tattoos with different meanings, which may refer to one's position in the criminal hierarchy. The objective of imprisonment is to reduce and obliterate the manifestations of the criminal subculture so that the prisoners would not continue a criminal career after being released. In prison practice there have been situations where a person has been tattooed against their will and the content of the tattoo is derogatory to the person. Removing a tattoo (marking) is difficult and may permanently damage the person's health;

1.7.17 obtaining, making, using, keeping or passing on items, the ownership of which is prohibited pursuant to the IRP, Rules of Procedure; [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]. Upon the prisoner's arrival in the prison, a common list shall be prepared of the items that were with them. The common list shall include a list of the items that were with the prisoner and whether the item has been issued to the prisoner's cell or room or placed in the storage. Subsection 15(2) of the Imprisonment Act specifies the general elements of prohibited items and substances; section 64¹ of the Internal Rules of Procedure provides a list of items and substances prohibited to a prisoner. Pursuant to subsection 15(4) of the Imprisonment Act, the prison service may additionally prohibit substances and items which are not included in the list of prohibited items but meet the requirements provided for in subsection (2) of this section;

1.7.18 changing or altering prison clothing without authorisation – pursuant to clause 67(4) of the IA, prisoners are required to handle the things entrusted to them prudently and keep the dwelling and non-work rooms which the prisoner uses in order. Changing or altering prison clothing cannot be considered a prudent way of handling things and is therefore forbidden. Also, changing or altering prison clothing without authorisation can be considered as damaging the property of others. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

1.7.19 . forbidden to be in a cell that is not designated for them, unless permitted by a prison service officer — to ensure safety, prisoners are not allowed to be in other prisoners' cells without permission from the prison service. The restriction is necessary to ensure supervision and to prevent disciplinary offences (e.g. fights, theft). The unauthorised change of sleeping places is prohibited to prevent the spread of subcultures among prisoners. The restrictions are also important for processing violations as it ensures clarity about which bed is used by the prisoner and who the items on the bed belong to [Directive of Director of TP No. 1-1/191 of 12.12.2019] [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

1.7.20 displaying images and symbols of leaders of war, interethnic conflict or aggressor states (e.g. Russia, Belarus, North Korea, etc.) in the prison may provoke inmate subordination, riots, and inmate conflicts and attacks on fellow inmates and officials. In addition, actions that condone and justify war and aggression jeopardise the objectives of the enforcement of sentences because they encourage and increase the likelihood of mental as well as physical violence and of re-offending. If an offence is detected, the items related to the offence will be taken from the detainee or removed from the cell. [Directive of Director of TP No. 1-1/57 of 02.06.2022, entry into force 10.06.2022]

1.7.21 In imposing the restriction, the prison proceeds from the fact that the display of works depicting the naked human body is inappropriate in the context of prison and goes against the aims of the implementation of the sentence pursuant to § 6(1) of the Imprisonment Act. The purpose of imprisonment is to guide the prisoner on the path of obedience to the law, and it is certainly not conducive to the development of adequate values if works depicting the naked human body (usually the female body) are displayed openly and unobtrusively in prison. Rather, such practices inhibit the development of moral standards among prisoners. In addition, the display of works depicting the naked human body can create a situation in prisons where (female) officials are primarily seen as sexual objects. Certainly, such a situation can create a humiliating, disturbing and uncomfortable feeling for both sexes, which in turn can be distracting in the performance of official duties. This can then lead to situations that threaten prison security. Certainly, displaying images of naked bodies does not have any positive effect on the personality of the detainees. It is not educational nor does it help to develop the moral standards of a moral and responsible member of society, making it incompatible with ethical and moral standards. The naked body is defined as the uncovered upper and/or lower part of a person's body or a body covered by little clothing. [Directive of Director of TP No. 1-1/57 of 02.06.2022, entry into force 10.06.2022]

Clause 1.8 gives the Director of the Prison the right to deviate from fulfilling the Rules of Procedure should it be justified. In order to deviate from the Rules of Procedure, the Director of the Prison shall issue an order, justifying the need for it. The basis for temporarily deviating from the Rules of Procedure arises from clause 3(2)7) of the Statutes of Tartu Prison, pursuant to which the directives and other written or verbal orders given by the Director of the Prison within their competence shall be obligatory for prison employees, prisoners and persons in custody to follow.

Clause 1.9 is informative and notifies the prisoner of where they can see forms and which officials issue them to the prisoners.

Clause 1.10 does not bring about legal consequences on its own, but has still been included in the Rules of Procedure to inform the prisoners that the prison may demand that a prisoner compensates for caused damage. The existence of this provision in the Rules of Procedure should improve the prisoners' awareness about the obligation to compensate for damages.

1.11 In accordance with § 66 subsection 1 of the Imprisonment Act, supervision of prisoners shall be organised such as to ensure compliance with this Act and the internal rules of the prison and to safeguard general security in a prison. According to § 2 subsection 1 of the 5 September 2011 regulation No. 44 "Supervision in prisons" established by the Minister of Justice, supervision includes the visual or electronic surveillance of persons and rooms in prisons. Electronic (video and audio) surveillance is used in the general premises (e.g. hallways, walking areas etc.) of the prison. Video surveillance is an important security measure in the general premises of the prison. The prison has the right to process personal information without the consent of the subject in accordance with § 66 subsection 1 of the Imprisonment Act. Among other things, video and audio monitoring of procedures through body cameras helps to protect the rights of the parties and allows complaints to be resolved operationally after the fact. [added by Directive of Director of TP No. 1-1/22 of 25.02.2022]

2. Prison territory

Clause 2 of the Rules of Procedure specifies the prison territory along with the buildings on the territory of Tartu Prison and their markings. The objective is to differentiate buildings and territories as is needed for ensuring supervision. The territory within the outer perimeter of the prison includes buildings where supervision must be ensured. Outside the outer perimeter of the prison ensuring constant supervision of the buildings is not necessary. The territory of the prison includes the land and buildings inside and outside the outer perimeter of the prison. The basis for the division of prison territory arises from the provisions of subsection 3(1) of the Regulation of the Minister of Justice No. 44 of 5 September 2011 *Organisation of Supervision in Prison* (hereinafter *Organisation of Supervision in Prison*) pursuant to which the prison is surrounded by a barrier, which includes the following parts: 1) internal warning barrier that separates the internal territory of the prison from the prison barrier and is marked with the warning signs "Seis! Vangla piire! Läheneda keelatud! Relvastatud valve!" [Stop! Prison Barrier! Do not approach! Armed guards!] after every 20 metres. If there is no internal warning barrier, the main barrier shall be marked with warning signs; 2) main barrier, which is between the internal and external warning barrier; 3) outer warning barrier that separates the outer territory from the prison barrier and is marked

with warning signs "*Seis! Vangla piire! Läheneda keelatud! Relvastatud valve!*" [Stop! Prison Barrier! Do not approach! Armed guards!] after every 20 metres.

2.3 Section 29 of the Tobacco Act (hereinafter the TobA) specifies the locations where smoking is prohibited. A prison or its territory are not listed in section 29 of the TobA. Pursuant to subsection 30(1) of the TobA, the decision about whether smoking is allowed on the premises or a designated territory not specified in section 29 of the TobA shall be made by the possessor of the premises or a designated territory at their discretion, taking account of subsections 30(3) and (4) of the TobA and section 3¹ of the TobA.

Pursuant to clause 30(2)1) of the TobA, smoking on the premises of state and local government authorities is allowed only in a smoking room or smoking area. Pursuant to subsection 105(1) of the Imprisonment Act (hereinafter the IA), a prison is a government agency in the area of government of the Ministry of Justice whose function is the execution of imprisonment and custody pending trial pursuant to the procedure provided by the Imprisonment Act. Therefore, for the purposes of clause 30(2)1) of the TobA, the prison's premises are the premises of state and local government authorities.

Pursuant to the aforementioned, the Tobacco Act in force states that whether smoking is allowed in the prison shall be decided by the prison's possessor. In the explanatory memorandum to the draft of Tobacco Act it is emphasised that the possessor of the premises or territory has no obligation to allocate a smoking room and/or smoking area. Therefore, pursuant to the regulations of the Tobacco Act, the smoker is not entitled to demand that in the place specified in subsection 30(2) of the TobA, there should be a smoking room or smoking area and, consequently, smoking allowed.

Pursuant to the amendment, starting from 1 October 2017, smoking on the premises and territory of Tartu Prison shall be prohibited for the prisoners, officials, and all other persons on the premises and territory of Tartu Prison. The objectives of prohibiting smoking in the prison are 1) protection of health (creating a living and working environment that promotes health and is not harmful to it); 2) ensuring the security of the prison and saving public resources (health expenditures); 3) ending addiction.

1) Protection of health

The objective of the measure is to protect the health of the prisoners and personnel. The objective of implementing the amendment is to reduce health damage caused by airborne tobacco smoke to prisoners and prison employees who may not always have the possibility to move away from a smoking room/area or smoking prisoners while on work duty. In the case of a prison, a person is not be able to choose where to walk or where to be in fresh air, it is done in restricted areas. It is also impossible for the person to leave the prison territory. In enclosed walking boxes, it is not possible to ensure an environment free of tobacco smoke for the prison employees and prisoners without substantial investment. A smoking area without walls does not offer sufficient protection from airborne tobacco smoke even in outdoor conditions, causing other prisoners who wish to be in fresh air in the walking yard to be in the environment polluted with tobacco smoke. In the case of the walking areas enclosed with buildings, it also cannot be ensured that the smoke will not reach indoors.

The state is obliged to ensure that neither the prison employees nor prisoners shall be in a situation where they cannot prevent inhaling tobacco smoke. Each and every person has the right to be in a living and working environment that is free of tobacco smoke.

The prison will not always be able to prevent smoking indoors. Tobacco products that are circulating illegally in the prison might be illegally brought in or illegally passed on and brought indoors. As by prohibiting smoking, bringing tobacco products to the prison territory is also prohibited (i.e. they cannot be bought from the prison's store), meaning the opportunities to illegally pass on tobacco products and bring them indoors have decreased.

Pursuant to the aforementioned, completely prohibiting smoking in the prison and its territory shall ensure a significantly cleaner and healthier living and working environment, taking into consideration the prison's specific nature when compared to that of the regular society.

2) Ensuring the security of the prison and saving public resources

The objective of the measure is to allow the prison to ensure even more efficient security on its

territory and reduce the damage caused by the use of tobacco products. As pursuant to the amendment, smoking is prohibited on the entirety of the prison territory, there shall be no need to issue cigarettes to the prisoner from the cigarette cupboard for the duration of the walk as there shall be no opportunity during the walk to use these cigarettes in a meaningful way. In addition to the aforementioned, by prohibiting smoking, the prison shall reduce resources spent on ensuring that smoking indoors is prevented (searches, additional supervision, issuing cigarettes from cigarette cupboards), on extinguishing fires, on loss recovery, and on preventing illegal handling of cigarettes in the prison.

The prisoners shall be searched after the walk. It is difficult and, in some cases, impossible to discover hidden cigarettes while performing the customary search, therefore, full searches have to be carried out at random or in case of suspicion, with body cavities' checks if the need arises.

The fact that it shall not be meaningful to issue cigarettes to the prisoner shall also decrease the number of cigarettes brought illegally to the indoors of the prison. Bringing cigarettes indoors creates a security threat in the prison. As due to security reasons, devices for igniting a fire are prohibited for a prisoner, a need to light the cigarettes arises when these are brought indoors. Various methods are used for this purpose, among others constructing devices for igniting a fire from electronic devices readily available or rebuilding electrical equipment to use them for igniting a fire. Fire hazards are created with smoking cigarettes indoors or making and using improvised devices for igniting a fire, endangering the health of prison employees and prisoners.

In addition, the prison service has to ensure that cigarettes are not passed on between the prisoners. Exchanging and passing on various items in prison creates difficulties with exercising supervision, as well as illegal obligations. Cigarettes continue functioning as a subcultural means of payment, meaning cigarettes are used to pay for services, and as cigarettes can be bought from the prison store, they are easily used as circulating capital. The occurrence of such a situation cannot be allowed as it promotes subcultural manifestations among prisoners and conflicts with public policies and current legislation. It is also important to note that prisoners often submit complaints to the prison after walks, stating that their cigarettes have gone missing.

To protect the health of the persons in the prison, make exercising supervision more efficient, and limit bringing cigarettes into rooms where smoking is prohibited as well as prevent illegal obligations, completely prohibiting smoking on the prison territory is purposeful.

When taking into account their previous lifestyles, the prisoners' health has been impaired by the time they arrive at the prison. Therefore, the prison's efforts to prevent health damages in the prison are fully justified. These damages include health damages such as cardiovascular diseases and cancer induced by smoking, the treatment of which is extremely expensive. The state cannot prohibit such self-damaging activities outside the prison territory, i.e. if a person wishes to smoke in their home, it is their individual decision. However, it is reasonable that inside the prison this decision is made by the state, taking into consideration both individual and public interests.

Therefore, the prison must at least ensure a lifestyle in prison which is not harmful to health, pursuant to which it is justified that the health-related decision preventing smoking is made for prisoners. As prisoners often spend a long term in prison, it is possible to save significant resources that would otherwise be spent on damages caused by tobacco.

3) Ending addiction

Compared to persons not in prisons, the proportion of smokers in prison is threefold. Prisoners regard smoking as a part of prison subculture. Therefore, it might prove impossible to quit smoking in a prison environment even if the prisoner actually wishes to do so.

If a prisoner smokes three cigarettes per day, as allowed, they spend ca 15.5 euros per month on tobacco products (the price of a pack of cigarettes being ca 3.4 euros). If the prisoner breaks free of the addiction while in prison, they will be able to spend the money previously spent on cigarettes on food and other necessities, also on long-term visits, leaves, phone credit etc., meaning in ways that also help to return prisoners to society. Therefore, completely prohibiting smoking is a suitable measure to help prisoners break free of addiction while in prison.

The principle that the security of the prison, saving public resources spent on health expenditures, ending addiction, healthy living and working environment have priority over a person's self-damaging activities, i.e. smoking¹, must be accepted. As the main objectives of the prohibition are to save prison's resources, ensure security, and protect the health of the prison employees and prisoners, in case of a conflict of fundamental rights, more important legal rights shall be given priority. Smoking is protected as everyone's right to free self-realisation as stated in section 19 of the Constitution of the Republic of Estonia, and as such it is a fundamental right with a simple legal reservation, which can be limited for whichever reason, unless this reason is prohibited by the constitution².

When applying the restriction, the prison shall also take into account that as smoking is an addictive disease by its nature, the prisoners serving a sentence in the prison and using tobacco products will need counselling and treatment. The prison shall ensure counselling and support for the prisoner breaking addiction: individual or group counselling, possibility to borrow relevant literature, adding health products to the prison store's list, etc. The prison shall also ensure nicotine replacement therapy, if necessary.

A period of sufficient length has been planned for the amendment before its full entry into force. During the period preceding the amendment's entry into force, the prison employees and prisoners shall be informed of the health harming effect of tobacco smoke. In addition, the prison has prepared various incentive programs for those who have decided to quit smoking before the amendment enters into force. [Directive of Director of TP No. 1-1/49 of 04.05.17, amended by Directive No. 1-1/77 of 16.06.2017, entry into force 01.10.2017]

3. Reception and placement in the prison

3.1 The obligation to search the prisoner arises from subsection 14(1) of the IA, pursuant to which upon arrival in the prison, the prisoner and their personal effects are subject to a search. One objective of the search is to discover prohibited items and substances and to prevent them entering prison territory. This clause specifies the essential work procedures of conducting searches upon arrival in the prison to ensure that the objective of the search is met. Giving essential effects to the waiting cell before searching ensures that the prisoners are treated humanely before the search.

3.2 Handling the items allowed and prohibited in the prison has been sufficiently regulated in the IA and IRP. These are referred to in the Rules of Procedure to notify the prisoners of where they can get more information on how the prison service handles confiscated items.

3.3 The health check obligation arises from the provisions of the third sentence of subsection 14(1) of the IA, pursuant to which a prisoner is required to undergo medical examination performed by a doctor. The Rules of Procedure specify that the obligatory health check applies primarily to prisoners who are received in the prison for the first time. Those prisoners, who are transferred from another prison have gone through an initial health check and do not have to be examined again, unless there is a direct need.

3.4 The need/obligation to disinfect arises from the Regulation of the Minister of Social Affairs No. 123 of 31 October 2003 *Requirements for Controlling Communicable Diseases*, which in turn has been enacted on the basis of the Communicable Disease Prevention and Control Act. The objective is to prevent infectious diseases and parasites from spreading. This has been specified in the Rules of Procedure to notify the prisoners of the possibility of such an action. Items shall be sent to disinfection if the need arises from the aforementioned regulation.

3.5 The prison shall be obliged to provide the prisoner with a mattress, pillow, bed-linen, towel, bath towel and dishes so that humane living conditions would be ensured for the prisoner. Pursuant to subsection 46(1) of the IA, the prisoner (except for the person in custody) shall wear prison clothing,

¹ Õiguskantsleri seisukoht, http://oiguskantsler.ee/sites/default/files/field_document2/6iguskantsleri_margukiri_suitsetamise_regulatsioon_vanglas.pdf, p 39.

² Eesti Vabariigi Põhiseadus. Kommenteeritud väljaanne, kättesaadav <http://www.pohiseadus.ee/ptk-2/pg-19/>, § 19 komm. p 3.4.2

wherefore prison clothing shall be issued to the prisoner by the prison. This provision is not applied to the person in custody, as pursuant to subsection 93(1) of the IA, the person in custody shall wear personal clothes. The Rules of Procedure specify which items and in which quantities are issued to prisoners. [amended by Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

The prisoner shall be obliged to keep the items issued to them by the prison at the cell assigned to them – it shall be forbidden, for example, to keep them in the cupboards of non-work rooms or other such places. The prisoner shall return the items issued by the prison upon leaving the prison – e.g. when they are released. Until then, the prisoner shall keep the items in their cell. The legislation provides some specific cases when items cannot be temporarily kept in the cell – for example when the prisoner goes to the punishment cell or gives the clothes to the prison laundry to be washed etc. Then the items will be temporarily elsewhere. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

3.6 In order to avoid arguments and conflicts between prisoners for beds or the placement of items in designated places, a prison service official shall assign a bed and a place for keeping their possessions for the prisoner. Also, a prison service official shall decide on the placement of the prisoner — the prisoner shall not be entitled to choose a suitable cell/cellmate.

4. Movement on prison territory

Clause 4.1 Pursuant to subsection 34(2) of the Regulation of the Minister of Justice *Organisation of Supervision at Prison*, escorting shall take place pursuant to the escorting plan. The escorting plan helps to ensure daily and timely organisation of escorting and enables to adhere to isolations. Permission for a prisoner to move on prison territory shall be given by the Chief Specialist-Duty Officer or Assistant Inspector-Duty Officer (subsection 34(2) of the Regulation of the Minister of Justice *Organisation of Supervision at Prison*). The objective is to ensure that the prison service has an overview of the movement of the prisoners in the prison and therefore the security of the prison is ensured. Pursuant to the same clause, the prisoner shall be prohibited from exiting the cell or ward without permission. The objective is to ensure efficient supervision over the prisoner so that a prison service official would have an overview of the location of the prisoners and to prevent prisoners from committing disciplinary violations (e.g. to prevent fights, escaping). The prisoner has no subjective right to demand to be placed into a specific prison, ward or cell as placement shall take place pursuant to the Treatment Plan. [amended by Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

Clause 4.2 requires that the prisoner (except for the person in custody) wears prison clothing on the territory of the prison. On the permission of the prison service, personal clothes may be worn under prison clothing, if they do not show under the prison clothing. This restriction does not apply to coats, socks and gloves, which may show under prison clothing. The requirement to wear prison clothing arises from subsection 46(1) of the IA. The objective is to ensure that prisoners wear prison clothing, are clearly differentiated from other persons in the prison, and look correct and appropriate. Outside their residential cell, prisoners shall be dressed correctly. The objective of the regulation is to ensure politeness and discipline, which is entailed in correct attire, i.e. no one will move outside their cell without being dressed or as partially dressed, and the name tag shall help to identify the prisoner and their language skills. Pursuant to subsections 46(1) and 46(2) of the Imprisonment Act, the prisoner shall wear prison clothing. The prisoner shall be obliged to wear a name tag on their clothing. A prison service official may allow the prisoner to wear personal clothing if the prisoner ensures the cleaning, keeping in order and regular change thereof at their own expense. The objective of executing imprisonment is to guide the prisoner towards law-abiding and socially acceptable behaviour and it is obvious that socially acceptable behaviour and the norms of politeness require that when being outside of one's personal residence (while imprisoned this means the residential cell), each person is correctly dressed, according to the season and hygienic requirements.

Pursuant to clause 4.3, specific restrictions arising from the Rules of Procedure have been provided for prisoners while they are being escorted, e.g. the prohibition on speaking with third persons, not dropping items, being involved in irrelevant activities etc. The main objective of setting these restrictions is to ensure that the organisation of work is smooth and the schedule is observed, prohibited communication (isolations) prevented, spreading prohibited items in the prison prevented etc. Also, the prisoner shall be prohibited from crossing the red line before the barred door of the ward and the bordering chain of the walking yard without the permission of the prison official, climbing or hanging on the grate of the walking yard or walking box, opening the locking devices of doors. The objective is to

prevent and inhibit committing disciplinary offences and damage to prison property. This clause has a preventative objective, it enables the official to create a necessary safety area (red line before the barred door, bordering chain of the walking yard), enables the prison service official to safely identify persons entering and exiting the ward or walking area. The objective is to ensure the security of officials when a prisoner enters a ward and to prevent prisoners from breaking barred doors and other prison property. Prisoners may enter the rooms they have been permitted to enter. While being at school, for example, the prisoner may not go into another classroom, teacher's lounge, rooms of officials etc. also to other rooms, where the prisoner has not been sent.

Pursuant to clause 4.4 certain restrictions have been established for prisoners while walking, e.g. while being on a walk, the prisoner shall be prohibited from hanging items on the barriers, bordering chain or door of the walking yard or box as it may inhibit exercising visual supervision and may endanger the general security of the prison (spreading prohibited items, physical assaults between prisoners etc.). Furthermore, a prohibition on speaking with third persons has been established and the prisoner may not drop items, be involved in irrelevant activities etc. The main objective of setting these restrictions is to ensure that the organisation of work is smooth and the schedule is observed, prohibited communication (isolations) prevented, spreading prohibited items in the prison prevented etc.

The objective of **clause 4.5** is to reduce the amount of disciplinary violations during walks. A prison service official may suspend or end a walk when the prisoner commits an act having the elements of a disciplinary violation.

Clause 4.6 The legal basis for the search arises from section 68 of the IA and chapter 4 of the Regulation of the Minister of Justice No. 44 of 5 September 2011 *Organisation of Supervision at Prison*. The objective is to prevent and inhibit prohibited items from entering and exiting the ward.

Clause 4.7 The prohibition on taking along unnecessary items is necessary for making the process of carrying out searches more efficient and for reducing the possibility of items, including prohibited items, being delivered, transported etc.

Clause 4.8 Pursuant to the regulation in force until 1 October 2017, the prisoner had the possibility to take along cigarettes allowed for smoking when going for a walk. As smoking shall be prohibited for prisoners, officials, and other persons on prison territory starting from 1 October 2017, there will be no need to issue cigarettes to the prisoner for the duration of the walk as there will be no opportunity during the walk to use these cigarettes in a meaningful way. The fact that it will not be meaningful to issue cigarettes to the prisoner for the duration of the walk will also decrease the number of cigarettes brought illegally to the indoors of the prison. It shall be allowed to go for a walk in fresh air only in seasonal clothing and to take along a wristwatch, a religious item worn around the neck, a rosary, a wedding ring, and a handkerchief. The objective of limiting the items allowed to take along from the residential cell is ensuring the security of the prison. Excessive items taken along by the prisoner prolong searching the prisoner and make the search more difficult, they also give the prisoner better opportunities to hide prohibited items and to trade such items among each other. [Directive of Director of TP No. 1-1/49 of 04.05.17, entry into force 01.10.2017]

Pursuant to clause 4.9 of the Rules of Procedure prisoners shall be obliged to wear a name tag. The name tag shall be worn while being out of the cell and during headcount, around the neck and legibly. The name tag shall be attached only with the fastening issued by the prison service. Such a regulation is necessary to exclude the possibility of prisoners using self-made fastenings and straps. The requirement to wear a name tag arises from the provisions of subsection 46(1) of the IA, pursuant to which the prisoners are required to wear a name tag attached to their clothing. The objective of the regulation is to specify where it is not obligatory to wear a name tag (in the cell when there is no headcount) and where it shall be obligatory to wear a name tag (outside the residential cell), how to wear the name tag correctly and to prevent the prisoners from wearing self-made name tags. The name tag of the prisoner has to have the following data: first name and surname, date of birth, photo, tested official language level of the prisoner. The tested official language level does not have to be noted on the name tag of a person in custody. The objective of the regulation is to provide the data and elements enabling the identification of the prisoner based on a name tag. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 4.9.4 Due to a need arising from work organisation, the prison may, where justified, assign additional functions to the name tag, eg to open doors of the premises that have electronic locks for prisoners participating in labour. [Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

5. Daily schedule

The objective of the daily schedule is to teach the prisoners the reasonable use of time that is common among most members of society and the self-discipline required to follow it, and to teach, develop and establish a habit of different positive activities (studying, working, recreational activities etc.) done according to the daily schedule. Restricting the activity of the prisoner in time and space increases their law-abidingness and is one of the most essential components in preparing them for release.

The procedure of the daily schedule of the prisoners has been provided in chapter 5 of the Internal Rules of the Prison. When preparing a daily schedule, it is necessary to consider that the prisoners should have 8 subsequent hours of sleep and free time they can use as they choose. The daily schedule shall prescribe the times for the prisoners' wake-up, headcount, personal grooming, mealtimes, being escorted to work, working, studying, cultural and sports events etc.

Clause 5.7 Pursuant to subsection 1 of § 8 of the Internal Rules of Prison, a prisoner may move outside the cell within the confines of their ward during the free time, which must be at least four (4) hours a day, provided for in the Rules of Procedure. The opening and closing times of cell doors are regulated by the daily schedules of open living wards approved in an annex to the Rules of Procedure, which ensure that prisoners can move freely within the confines of the ward for at least four (4) hours. From time to time, there are situations when it is necessary from the aspects of work organisation to keep the doors of the cells open from the morning to the evening headcount, but this may also be expedient and justified in other cases, eg for motivational purposes. Further granting of free movement within the confines of the ward creates additional benefits for prisoners, eg encourages communication and joint activities between prisoners, allows for more calls than usual during the day, the use of the refrigerator, washing machine and library service. The granting of additional free time must be consistent with the objectives of the execution of imprisonment, ie it does not increase the commission of disciplinary offences and does not endanger the life and health of persons in prison and the general security. The necessity and expediency of keeping the cell doors open from the morning to the evening headcount is assessed by the head of the unit, who will give the relevant order orally. For the duration of daily scheduled activities that require the prisoner to be in the cell (headcount, food delivery, distribution of medicines etc), the prisoner must proceed from the common areas to their cell. Also at other times at the order of a prison officer. [Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

6. Headcount

6.1. Pursuant to subsection 10(3) of the IRP, headcount shall be conducted according to the procedure enacted by the Director of the Prison. An order for headcount shall be given verbally or through the sound system 10 minutes before the headcount begins. Pursuant to subsection 66(1) of the IA, supervision of prisoners shall be organised in such a way as to ensure compliance with the Imprisonment Act and the internal rules of the prison and to safeguard general security in the prison. In order for the headcount to go as smoothly as possible, it is necessary to notify the prisoners of the beginning of the headcount so that they could suspend all other activities and would be able to put their cell, beds and appearance in order.

6.2. Pursuant to subsection 45(2) of the IA, prisoners are required to clean their cells and furnishings and keep them in order. Subsection 6(1) of the IA provides that the objective of executing imprisonment is to help prisoners lead law-abiding lives and to defend public order. Correct appearance and posture is a part of the everyday nature of a normal member of society. This requirement establishes in the prisoners the habit of politeness. Subsection 46(1) of the IA – prisoners shall wear prison clothing unless otherwise provided by this Act. The prisoner shall be obliged to wear a name tag on their clothing. The provisions of the Imprisonment Act are to be observed as any other lawful obligations in everyday life. In order to carry out the headcount as efficiently as possible, it shall be prohibited to be involved in irrelevant activities that inhibit and disturb carrying out the headcount.

6.3. Subsection 6(1) of the IA provides that the objective of executing imprisonment is to help prisoners lead law-abiding lives and to defend public order. Pursuant to subsection 66(1) of the IA, supervision of prisoners shall be organised in such a way as to ensure compliance with this Act and the internal rules of a prison and to safeguard general security in a prison. Pursuant to subsection 67(2) of the IA, prisoners are required not to prevent prison service officers from performing their duties and not to disturb other prisoners or other persons. The obligation to hold their arms on the sides, i.e. in a correct visible position, arises from the need to ensure the safety of the official carrying out the headcount. Standing without leaning on anything is a generally acknowledged expression of politeness and accustoms prisoners with such behaviour. The prisoner speaking or moving without the permission of an official, also an electrical device working, may be considered as an attempt to distract the official or endanger their security, wherefore such behaviour significantly inhibits the official from performing their duties. As a rule, the prisoners shall switch off electrical devices during headcount. If the electrical device enables it, the mute mode (for e.g. the TV) can also be used during headcount. If the electrical device does not have such a mode, the electrical device has to be switched off.

6.4. Pursuant to subsection 66(1) of the IA, supervision of prisoners shall be organised in such a way as to ensure compliance with this Act and the internal rules of a prison and to safeguard general security in a prison. Subsection 2(5) of the Regulation of the Minister of Justice *Organisation of Supervision at Prison* specifies keeping records and checking the number of prisoners and other persons on all objects of the prison. Asking the prisoner's name and its comparison to the headcount chart shall ensure identification and verification that every prisoner is at the assigned place in the prison and the number of prisoners complies with the number indicated in the internal supervision plan.

6.5. invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 01.08.13].

6.6. Subsection 6(1) of the IA provides that the objective of executing imprisonment is to help prisoners lead law-abiding lives and to defend public order. Subsection 66(1) of the IA provides that supervision of prisoners shall be organised in such a way as to ensure compliance with this Act and the internal rules of a prison and to safeguard general security in a prison. In order for the headcount to go as smoothly as possible, it is necessary to notify the prisoners of the beginning of the headcount so that they could suspend all other activities.

7. Prohibited items

On the basis of subsection 15(4) of the IA and clause 3(2)7) of the Statutes of Tartu Prison enacted with the Regulation of the Minister of Justice No. 87 of 6 December 2001, in addition to the items and substances provided in section 64¹ of the IRP, items compliant to subsection 15(2) of the IA shall be prohibited for the prisoners in Tartu Prison.

Subsection 15(2) of the Imprisonment Act (hereinafter the IA) provides that prisoners are prohibited from having substances and items, which (1) **endanger the security of people**; (2) **are particularly suitable for damaging property** or (3) **may endanger the security or order in the prison**. Pursuant to subsection (3) of the same section, the Minister of Justice shall establish by a regulation a list of the items prohibited for prisoners and pursuant to subsection (4) the prison service may additionally prohibit substances and items which are not included in the list of prohibited items but meet the requirements provided for in subsection (2) of the section.

For the purposes of clause 15(2)1) of the IA, items or substances which endanger the security of people are items or substances, using which may endanger the life and health of a person. For the purposes of clause 15(2)2) of the IA, items or substances particularly suitable for damaging property are, items and substances, which are especially designed for changing the condition of an item, due to which the item becomes unfit for use. For the purposes of clause 15(2)3) of the IA, items and substances endangering the security or order in the prison are items and substances that increase the security risks of the prison. Prison security in its widest sense is meant here, i.e. danger to the life and health of the prisoners and prison personnel, to the procedure established in the prison and to the property of the prison.

Subsection 15(2) of the IA provides the general conditions on which substances and items may be prohibited for prisoners, but the third and fourth subsection of the section provide that usually the list of prohibited items is enacted by the Minister of Justice and the prison may set additional prohibitions. Therefore, subsection 15(2) of the IA does not directly provide that all items and substances that comply with the specified conditions shall be prohibited for prisoners, but it requires the enactment of a specifying general act or the issuing of a single act for a specific purpose and/or case.

The list of items and substances prohibited for a prisoner shall be provided by section 64¹ of the Internal Rules of the Prison (IRP).

The list of prohibited items and substances specified in section 64¹ of the IRP is an incomplete list of items, the compliance of which with the provisions of clauses 15(2)1) to 15(2)3) of the IA is obvious and does not need separate verification. Precise differentiation of the grounds for prohibiting the items and substances provided in clauses 15(2)1) to 15(2)3) of the IA is not possible. A sufficient basis for prohibiting an item or substance for a prisoner shall be its compliance with at least one basis specified in subsection 15(2) of the IA. However, it has to be considered that when deciding on prohibiting a specific item or substance, it cannot be based strictly on the purpose of the item or substance, as an item or substance indisputably allowed for a prisoner in the prison may comply with the provisions of subsection 15(2) of the IA if it is handled in a certain way. When deciding on the issue of prohibiting or permitting a single item or substance, the question **whether it is necessary for the prisoner on a daily basis** should be answered. Items, permitting which to the prisoner has been directly placed in the competence of the Director of the Prison under discretionary power by law, cannot be viewed as needed on a daily basis. If the answer to the question is negative, it shall be decided whether the item can be considered dangerous pursuant to clauses 15(2)1) to 15(2)3) of the IA.

The IA is guided by the principle that a prisoner may have in the prison items that have not been prohibited pursuant to subsection 15(2) of the IA. When considering prohibited items, also the list provided in the IRP shall be considered in addition to this list. For the most part, the items and substances provided in the IRP have not been included in the list of the Rules of Procedure, unless there was a need to make specifications.

Clause 7.1.1

Liquid substances include gels, pastes, cosmetic liquids, liquid mixes and the content of pressurised containers, which include also different creams, gels, shampoos etc. Solid substances include also stick deodorants, soaps etc.

Prohibiting such items is necessary to ensure the security of the prison as searching these items and substances is either difficult or in certain cases even impossible. For example, cannabis may be rolled into ordinary cigarettes; alcohol, drugs and other prohibited items and substances may be placed in a plastic bag and be hidden in a non-transparent bottle containing liquid. Although the prison can X-ray these items, search them manually, and also have them checked by a sniffer dog, this does not ensure finding all prohibited items and substances. For example, a sniffer dog might not recognise drugs hidden inside a sausage, neither could they be found by a manual search and an X-ray would also not help in such a case. Even if upon visual inspection the foodstuff seems to be in its original packaging, it does not mean that prohibited items could not have been hidden inside or the content of the package could not have been substituted with some other substance. The prison cannot send all substances to expert analysis to make sure whether it is the original content of the package or a prohibited substance.

Furthermore, meeting hygienic requirements when thoroughly searching foodstuffs is questionable and there is a risk that foodstuffs sent by mail may become spoiled. Namely, subsection 50(1) of the IRP provides that postal items shall be delivered to prisoners within seven working days. The shelf life of some foodstuffs is less than seven working days and the prison cannot ensure the preservation of the foodstuffs sent in postal items as the prison does not know what the postal item contains and also the prison does not have facilities (refrigerators with suitable temperature) to preserve foodstuffs sent by mail. Keeping spoilt substances on the territory of the prison endangers the health of both prison employees and prisoners, wherefore the general security of the prison is at risk. Ignoring basic hygiene requirements contributes to the spread of diseases and parasites and the occurrence of poisonings.

It is important to emphasise here that prisoners can buy cigarettes, foodstuffs, toiletries etc. via the prison service from the store and only this ensures that prohibited items or substances do not reach the prisoners with the items specified in this clause. Furthermore, when goods are bought from the prison store, it can be guaranteed that the goods reach the prisoners as edible. Also, it has to be considered

that the prison provides the prisoners with food three times a day. Toiletries are also issued to least privileged persons. As the prisoner can procure the items specified in this clause via the prison from the store, while the prison provides the prisoners with food and supplies toiletries to the least privileged prisoners, this restriction cannot violate the prisoner's rights.

Pursuant to the regulation in force until 1 October 2017, the prisoners had the opportunity to procure cigarettes via the prison service from the prison store. As smoking on prison territory shall be prohibited starting from 1 October 2017, selling cigarettes in the prison store shall not be justified as there will be no opportunity for the prisoners to use these cigarettes on prison territory in a meaningful way. Therefore, starting from 1 October 2017, it shall not be possible to procure cigarettes via the prison service. [Directive of Director of TP No. 1-1/49 of 04.05.2017, entry into force 01.10.2017]

Clause 7.1.2

The items listed endanger the security of people and the prison. A similar prohibition arises from subsection 64¹(1) of the IRP, pursuant to which items, with which injuries can be caused or it is possible to cause injuries, such as [---] strings, threads, keys, ropes and wires, are prohibited for prisoners. In the interest of legal clarity, the prison sees it as necessary to specify the existing regulation and finds that as other similar items (e.g. ties, suspenders, belts) and elements attached to items can be used for strangling, tying people up and causing injuries, they also need to be prohibited to ensure safety. Furthermore, the items specified in the clause are not only dangerous because they can be used to cause injuries, but also because they can be used (including short strings, straps etc.) to make eyelets or hooks to hang items and it is possible to use them to hide prohibited items (e.g. into the ventilation shaft, water tank of the WC etc.). This restriction does not violate the rights of the prisoner as essential items are still allowed to the prisoner. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 7.1.3

Considering the weight, strength and resistance of the items or item parts made of the specified materials or the sharpness of shards created when the items made of these materials break, these items are especially well-suited for damaging prison property (e.g. scratching walls, breaking windows etc.) causing injuries (e.g. umbrella or flashlight for hitting, shards for cutting, a strong metal item for hitting etc.), endangering prison security (needles are used for tattooing, metal parts for preparing a tattooing machine or water boiling device, hooks for hanging items into the ventilation shaft etc.).

This restriction does not violate the rights of the prisoner as essential items are still allowed to the prisoner. It has to be specified that nail clippers are allowed, but not nail cutting forceps. Nail cutting forceps can be considered more dangerous than nail clippers. Should it be necessary, nail cutting forceps can be requested from the prison guard. A small mirror with a diameter of up to 10 cm shall be allowed as the prisoners need a mirror, but the larger the mirror, the larger the shards that could be made, and the more it endangers the security of the prison.

Wristwatches can only be procured via the prison from the selection of the prison store in order to minimise the risk of prohibited items or substances being hidden inside the housing of the watch. Watches that enable data storage and data transmission can also be a threat to prison security, and due to the multitude of watch models it is difficult for the prison service to check their functions. To ensure that in the mid-term perspective the watches used in prison meet these requirements as much as possible and endanger the security of the prison as little as possible, the prison no longer allows to bring a watch to prison. [supplemented by Directive of Director of TP No. 1-1/191 of 12.12.2019]

Clause 7.1.4

Self-made items may endanger the security of the prison for different reasons. Namely, when the items are made, prohibited items and substances that cannot be discovered without breaking the item may be hidden inside them. In case of items made of foodstuffs, hygienic requirements are violated and ignoring basic hygienic requirements contributes to the spread of diseases, occurrence of poisonings, spread of parasites, which endanger the lives and health of the persons in the prison. In case of self-made electrical devices, their quality cannot be ensured and connecting an electrical device of poor quality into the electrical circuit of the prison may cause short-circuits and power outages, which endanger prison security. This restriction does not violate the rights of the prisoner as the prisoners can buy everything they need either from the store or have it sent by post. To prisoners without any financial means, the prison ensures everything necessary for a humane life. Self-made pictures shall not be considered as being prohibited self-made items.

Clause 7.1.5

Owning chewing gum in the prison endangers the security of the prison as chewing gum is particularly suitable for damaging prison property (for example, it can be used to stuff lock holes, which inhibits or makes it impossible to open a door). Gum can also be used to hang pictures and posters, which is prohibited in the prison. Furthermore, gum can be used as a means of hiding prohibited items by attaching them with the gum to hidden places. This restriction does not violate the rights of the prisoner as the prisoner can satisfy their need for sweets by buying permitted sweets from the store and oral hygiene can be ensured by brushing teeth.

Clause 7.1.6

Keeping foodstuffs that have become inedible at the cell endangers the lives and health of the people in the prison. Namely, ignoring basic hygiene requirements contributes to the spread of diseases and parasites and the occurrence of poisonings. It also inhibits conducting searches, which endangers prison security. This restriction does not violate the rights of the prisoner as the prison provides the prisoners with food three times a day and the prisoner does not have a need to keep inedible foodstuffs in the cell.

Clause 7.1.7

Narcotic, psychotropic and other substances with a psychotropic or strong effect are dangerous to human health and in case of consuming these substances the person is no longer able to adequately evaluate their behaviour and understanding (the prisoner is unable to perceive their surroundings or to subordinate to the orders of prison officials; a person having consumed such substances may act unpredictably). Also, consuming these substances in excess may lead to an overdose and cause damage to health. The need to prohibit the items and substances specified in this clause in addition to the prohibition provided in subsection 64¹ (4) of the IRP is conditioned by the fact that the text of the regulation prohibits only narcotic or psychotropic and other substances with a psychotropic or strong effect, but in the interest of ensuring security and legal clarity, also substances that can be used to produce the prohibited substances or items that contain the aforementioned substances (papers, newspapers etc. impregnated with a narcotic substance) shall be prohibited. Therefore, pursuant to the aforementioned, as the substances and items specified in this clause endanger the security of the prison and the lives and health of people, they need to be prohibited for the prisoner.

Clause 7.1.8

As pursuant to subsection 64¹(7) of the IRP, alcohol and substances containing alcohol are prohibited, the prisoners often make mixtures in their cells, from which they wish to produce liquids containing alcohol. A liquid containing alcohol endangers prison security as it causes intoxication. An intoxicated prisoner is unable to adequately evaluate their surroundings. Handling foodstuffs in such a way (e.g. fermenting) endangers the lives and health of the people in the prison as ignoring basic hygienic requirements contributes to the spread of diseases, occurrence of poisonings and the spread of parasites.

Clause 7.1.9

The Internal Rules of the Prison prohibit only prescription drugs, but as uncontrolled consumption of drugs or substances endangers the lives and health of persons and also the general security of the prison, also other substances, the uncontrolled usage of which may negatively affect the body, shall be prohibited.

Pursuant to subsection 52(2) of the IA, prisons are liable for the prisoners' health (obliged to supervise and treat them and, if necessary, refer them to treatment at relevant providers of specialised medical care). The capacity of assessing the health of the prisoners and assigning treatment and medications has been given to the Medical Department of the prison. If medications, dietary supplements and other substances specified in the clause are consumed uncontrollably, the work of the Medical Department in treating the prisoners is significantly more difficult as the Medical Department does not have an overview and no means to identify which of the specified substances and in what quantities the prisoner has consumed.

Storing medications in the cell and using them uncontrollably endangers both the health of the prisoner (overdosing may cause death, irreversible brain damage etc.) and also the security of the prison (as result of the excess consumption of medications the prisoner may no longer be able to perceive their

surroundings or subordinate to the orders of prison officials, they may also act unpredictably and be a threat to all persons in the prison). Therefore, it is important to make sure that the prisoner does not avoid taking medications, i.e. that they would not collect the medications issued by the doctor for consumption in a larger quantity or for mixing a "cocktail". The prisoner shall be prohibited from collecting medications issued by the prison into the cell and officials shall supervise the immediate intake of pills.

Energy drinks are also problematic as they have a strong stimulating effect and in case of uncontrolled consumption may cause damage to health or even death; the same applies to sports drinks, which also stimulate the body.

Also, the prison has no possibility of operatively identifying whether the packages of medications, vitamins, dietary supplements, medicinal plants, sports drinks, powders etc. contain the substance that is supposed to be in them. Substances sent by post may be mixed with narcotic or psychotropic substances and the prison has no overview of the composition and quality of medications procured in such a way. Consumption of narcotic substances in the prison is a great threat to prison security.

Medication issued by a prison officer is still permitted, thus the restriction at hand does not infringe on the rights of prisoners nor does it exclude them from treatment. Instead, it creates a situation where prisoners cannot consume substances the contents and consumption of which the prison does not have control over. Additionally, the commissary sells food supplements and vitamins that are important to the prisoners' health and are hard to misuse or do not carry serious consequences if misused. If a prison medic has, in accordance with § 53 subsection 2 of the Imprisonment Act, forwarded a prisoner to a medical specialist who has issued them medication then those medicines are considered equal to medication issued by a prison service medic. Instead of energy drinks and sports drinks, prisoners may drink beverages that have less impact on their health (e.g. juice, tea). [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 7.1.10

The items specified in this clause endanger prison security and may also endanger the person's life and health. The competence of assessing the health of the prisoners and assigning treatment and medications has been given to the Medical Department of the prison. Uncontrolled use of medical devices makes the work of the Medical Department in treating people more difficult as the Medical Department has no overview and possibility to identify which devices the prisoner has used. Also, it is usually very easy to hide prohibited items in medical devices, wherefore the use of medical devices shall be enabled only to those prisoners who have an actual need for it. Furthermore, medical devices may be suitable for attacking fellow prisoners or officials (e.g. elastic bandage). A syringe with a needle can be used for tattooing, which is prohibited in the prison etc. Searching a blood pressure manometer is either difficult or in certain cases even impossible. It is possible to hide prohibited substances (e.g. narcotics) and items inside the blood pressure manometer and it is difficult for a prison service official to discover them. When prohibited items and substances reach the prison territory, it directly endangers the general security of the prison. A blood pressure manometer may also contain wires, which can be used as weapons in an attack. If necessary, the blood pressure of prisoners is measured by the Medical Department, and therefore, the prisoners do not need a blood pressure manometer in their cells. The existence of different mobility support devices may enable a prisoner to move faster than prison officials, which endangers the general security of the prison as it is significantly more difficult to catch the prisoner. Moreover, mobility support devices are usually made in such a way that they are suitable for hiding different smaller items (e.g. in the gaps in wheelchairs, crutches etc.). These items or their parts can also be used for attacking people (endanger the lives and health of people) or to damage prison property (scratching floors, breaking windows etc.). To those prisoners, who need a medical device, it shall be allowed or issued, wherefore this restriction cannot violate the rights of prisoners. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.11 invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13].

Clause 7.1.12

Aroma-releasing substances and objects (eg incense, perfume) can be used to conceal the transmission of narcotic drugs into prison and traces of their use in prison and smoking, which puts the security of the prison at risk. Also, there is a real risk that strong odoriferous substances (e.g. car air fresheners) cause allergic reactions in the persons in the prison, wherefore the lives and health of such persons are endangered. The prohibition on the items prohibited by this clause does not violate the rights of prisoners

as the prisoners can procure essential items, e.g. washing supplies, from the prison store and the prison issues toiletries to the least privileged prisoners. [amended by Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

Clause 7.1.13

Procuring items specified in this clause by post endangers prison security. Searching toilet paper, napkins, wipes, sponges etc. upon their arrival in the prison creates hygienic risks and is disproportionately resource-consuming. Namely, every napkin, toilet paper roll and wipe should be unfolded to see whether anything has been hidden between the layers of the paper. Any sponges and cloths would also have to be thoroughly searched. Such an activity is very time-consuming and compliance to hygiene requirements when doing this is also questionable. Prisoners can procure toilet paper, napkins, sponges, cloths and other necessary items from the store via the prison service. The prison shall issue toilet paper and cleaning supplies to the least privileged persons. Therefore, this restriction cannot violate the rights of persons.

Clause 7.1.14

Having condoms in the cell endangers prison security (condoms can be used to hide items inside the cavities of the body, in the water tank of the WC etc.) and can be used to damage prison property (a condom thrown into the lavatory may cause an extensive blockage). As the prison issues condoms to the prisoners upon need, this restriction does not violate the rights of prisoners.

Clause 7.1.15

An electronic cigarette is an electronic device that consists of a battery, capsule, atomizer (vaporiser) and battery charger. However, an electronic cigarette has been defined as a drug if its capsule contains nicotine. The prison has no possibility of checking what the capsule contains and therefore electronic cigarettes can be used to bring to the prison prohibited items, which endanger the general security of the prison. Also, its parts may be used to make a tattooing machine. Furthermore, it is necessary to charge electronic cigarettes from time to time, but as prisoners cannot keep tobacco products in their cells and charging the prisoners' electronic cigarettes is not among the duties of prison officials, organising charging them is very complicated. Also, it has to be emphasised that smoking is a health hazard and ensuring this right cannot be more important than ensuring the general security of the prison.

Pursuant to subsection 3(2) of the TobA, tobacco products are classified as smoking and smokeless tobacco products, and section 3¹ specifies the products related to tobacco products. Pursuant to the Regulation No. 21 of 6 October 2016 of the Minister of Justice, clause 64¹³¹) of the Regulation No. 72 *Internal Prison Rules* of 30 November 2000 of the Minister of Justice was amended, prohibiting for the prisoners smoking tobacco products and devices from and by means of which smoking tobacco products can be assembled or smoked. The prison is of the opinion that smokeless tobacco products and products related to tobacco products should also be prohibited for prisoners as these products are harmful to health. Therefore, the prison's efforts to prevent health damages in prison are fully justified. These damages include health damages induced by smoking, the treatment of which might prove to be extremely expensive. The state cannot prohibit such self-damaging activities outside the prison territory. However, it is reasonable that in prison this decision will be made by the state, taking into consideration both individual and public interests.

Pursuant to section 4¹ of the IA, unless the law provides a specific restriction, a prison, the Ministry of Justice or a house of detention may apply only such restrictions which are necessary for reasons of security of the prison or house of detention. Subsection 66(1) of the same Act states that supervision of prisoners shall be organised such as to ensure compliance with the Act and the internal rules of a prison and to safeguard general security in a prison. Therefore, the aforementioned provisions entitle the prison to the right to apply restrictions if these restrictions are related to the need to ensure the security of the prison. With the applied restrictions, the prison may minimize the passing on of the tobacco products between the prisoners. Cigarettes function as a subcultural means of payment, meaning cigarettes are used to pay for services. Exchanging and passing on various items in prison creates difficulties exercising supervision, as well as illegal obligations. The occurrence of such a situation cannot be allowed as it promotes subcultural manifestations among prisoners which conflict with public policies and current legislation. [Directive of Director of TP No. 1-1 of 04.05.2017, amended by Directive No. 1-1/77 of 16.06.2017, entry into force 01.10.2017]

Clause 7.1.16

On security considerations, tattooing is prohibited in the prison. Firstly, the prison has no conditions, devices and other necessary means for safe tattooing. The lack of disinfecting substances, tattooing in unhygienic conditions, using the same needle repeatedly and the presence of prisoners with HIV and other diseases in the prison would contribute to the spread of HIV and other diseases among prisoners. Secondly, tattooing is traditionally one of the options for maintaining and spreading prison subculture. There have been cases in the prison where prisoners have been tattooed against their will to mark prisoners belonging to a lower class of the subculture. Therefore, the devices, substances or items (including stencils, needles, pictures, tutorials, carbon paper etc.) used for tattooing endanger prison security and the lives and health of people.

Clause 7.1.17

Items specified in this clause can easily be adapted into a tattooing machine. However, tattooing endangers prison security and also the lives and health of the people in the prison. In addition, it is possible to hide prohibited items and substances in these devices, as it is difficult to search them. Moreover, these items usually contain wire and other such parts which may be used to cause injuries, damage prison property or hide items. This provision does not violate the rights of persons, because for maintaining hygiene, suitable alternatives are an ordinary razor or toothbrush.

Clause 7.1.18 [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

The items specified in this clause have been prohibited because the prison cannot ensure their purposeful use and, as a rule, it is also very difficult to search these items. The items specified in this clause are dangerous for several reasons. Firstly, gel pens, ink, pens, fountain pens etc. are suitable for tattooing, which endangers the lives and health of persons. The possibility of using different colours tempts prisoners (especially young people) to tattoo more because colourful tattoos are more attractive. Secondly, these items are especially suitable for damaging property, as they can be used to make drawings, scratches etc. on walls and elements in the room. Removing drawings and scrapes without damaging the element is usually difficult and often repainting the element is the only way to restore the initial state. Thirdly, these items are suitable for hiding small prohibited items and substances (e.g. needle, narcotic substances), it is also difficult and often impossible to search these items without damaging them, wherefore they endanger prison security. Fourthly, some of the items specified in the clause (e.g. fountain pens) can be used as weapons in an attack, which endangers the lives and health of people. Fifthly, due to the graphite contained in pencils, these can be used for igniting a fire, which endangers both the lives and health of people and also prison security as a whole. Sixthly, a black pen enables to forge documents more efficiently and to make undetectable corrections or additions to the print on the document. Also, in case of a document written in a black pen, it is not always possible to operatively verify whether it is an original document or a copy. Forgery endangers prison security. As prisoners still need to write, it is not possible to prohibit all writing instruments. Therefore, blue pens are allowed and there may be up to five pens in the cell. The prisoners have no need for more pens and the abundance of unnecessary items in the cell inhibits carrying out searches and contributes to items being used unpurposefully. Searching writing instruments one by one is time-consuming and difficult as some prisoners may collect tens or even hundreds of them during their stay in the prison. The rights of the prisoner are not violated as they may keep up to five blue pens to write with in their cell. This restriction also does not take away the possibility of drawing, as in addition to blue pens, the prisoners may have 12 coloured pencils. Therefore, more than five pens are a threat to the general security of the prison. The 12 coloured pencils ensure that the prisoner has the necessary main colours for drawing in their cell and there is no actual need for more coloured pencils. Abundance of unnecessary items in the cell inhibits carrying out searches, makes it more time-consuming and contributes to items being used unpurposefully. This is a direct threat to the general security of the prison. Searching drawing instruments one by one is time-consuming and difficult as some prisoners may collect tens or even hundreds of them during their stay in the prison. The right of the prisoner to draw is not violated as they have up to 12 coloured pencils in the cell.

Prohibiting glue is necessary for several reasons. Firstly, glue is a common means for achieving intoxication, which endangers both the lives and health of people and also the general security of the prison. Secondly, it is possible to hide items inside the glue, the discovery of which in the course of searches is very difficult, and thirdly, prisoners use glue to attach pictures to the constructional elements of the prison, which is prohibited. Often, the pictures cannot be removed without damaging the property. Therefore, it is an item endangering the general security of the prison. Scissors, stapler and hole puncher contain metal parts, which are prohibited in the prison. Scissors are very dangerous in a prison context and can be used as a weapon in attack. As scissors are a relatively sharp item, they can be used to

cause very severe injuries. Also, as scissors are sharp, they are particularly suitable for damaging prison property, e.g. cutting clothes or the mattress, scratching the walls, floor and furniture etc. A stapler can also be used to cause injuries, e.g. by punching staples into another person's body. Also, a stapler can be used to damage prison property, e.g. to staple linen, T-shirts etc. Removing staples from these items may be very resource-consuming. The stapler also contains metal parts, which can be used to scratch prison property. Instead of stapling papers together, the person may use plastic paperclips and folders permitted by the prison to keep documents together. A hole puncher is a metal item, which can also be used to damage prison property (e.g. to scratch, punch holes into bed linen etc.). As a rule, hole punchers are heavy, wherefore it is possible to use them as weapons for hitting another person. Also, hole punchers usually contain metal springs, which are suitable for making a plug for a self-made electrical device. If necessary, the prisoner can make a hole in a paper with the allowed means. Metal paperclips are prohibited because they can be used to open handcuffs. The wire is also used to boil water and make electrical devices. Plastic paperclips are allowed. Tape can be used to tie other people up or to stick prohibited items in places that are hard to reach (e.g. ventilation shaft). Therefore, these items endanger the general security of the prison. Poster putty, modelling dough and clay are difficult to be searched, wherefore these can be used for hiding prohibited items. Also, similarly to tape, these can be used for hiding prohibited items (by sticking the items to hard-to-reach places), damaging prison property and for hanging up pictures, posters and decorations (covering walls is prohibited in the prison). Therefore, these items endanger the general security of the prison.

Erasers and one pencil sharpener shall be allowed because the prisoner may keep coloured pencils in the cell and using coloured pencils requires using erasers and a pencil sharpener. Also, both thin and thick notebooks shall be allowed along with one personal ruler, using which is necessary for writing letters and inquiries. There may be only one ruler and one pencil sharpener in the cell, as it is necessary on the consideration of the general safety of the prison. There is no need for more items and if there would be more unnecessary items, it would unreasonably inhibit conducting a search in the prison. The prisoner may also keep items issued by the school in the cell, but they have to return them after school is suspended or graduated.

Clause 7.1.19

The prison service is unable to sufficiently ensure that the substances and parts contained in office equipment are used purposefully. Substances contained in such equipment (toner, ink etc.) can be used for tattooing, and thereby endanger the security of the prison, and for damaging prison property. It is also possible to hide different prohibited items inside the office equipment, which the prison service cannot detect. Also, office equipment contains parts that can be used for building a tattooing machine or other devices. Most electrical equipment has a cable, which can be used as a weapon. Prisoners can prepare all necessary documents by hand and perform other operations with means that are not dangerous.

Having a calculator in the cell is justified e.g. for prisoners participating in studies or for ordering goods from the store. However, receiving it in a non-safe way, e.g. with a postal item, is a significant threat to prison security. It is possible to hide prohibited items inside the calculator, but discovering them is time-consuming and complicated, if not even impossible without damaging the calculator. Therefore, a calculator is allowed when it is bought from the prison store if it is provided in the assortment of the store, or when brought along upon arrival in the prison. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.20

It is possible to hide prohibited items and substances between hard covers and covers that contain metal. Discovering them is very difficult, wherefore it endangers the security of the prison. Also, the items listed in this clause may endanger the lives and health of people. A hard cover binder can be used to cause injuries to other persons. Furthermore, the binder usually contains a metal clip and items containing metal are prohibited. For keeping papers, persons may have folders made of thin flexible plastic that do not contain metal parts. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.21

Photo and stamp album and a picture frame endanger prison security as they can be used to hide (e.g. by sticking) prohibited substances or items between them. Discovering the hidden items would require

a time and work consuming search. Namely, it would be necessary to remove all pictures or stamps from the album and to look through every page of the album. A hard-cover album would also enable to hide prohibited items inside the covers. However, it is impossible to search the covers of an album without damaging the album. Also, the picture frame would have to be taken apart and searched every time. Taking the picture frame apart often may damage the picture or frame. A prisoner may keep photos in a folder, for example.

Clause 7.1.22

Prohibiting these items is necessary to ensure prison security, as searching them is difficult. There are prisoners in the prison with a diagnosed drug addiction, who therefore try to find different ways of getting narcotic substances into the prison. It is possible to stick prohibited substances between the pages of newspapers, magazines and other literature. Therefore, it would be necessary to check every page separately, which is time and work consuming. Moreover, a substance that has been stuck to the page might not be visually detectable and therefore it is possible that a prohibited substance reaches the prison. Narcotic substances reaching prison territory directly endanger the general safety of the prison.

It is important to emphasise that pursuant to subsection 30(2) of the IA, a prisoner shall be permitted to subscribe, through the mediation of the prison service, for a reasonable number of periodicals, which ensures that prohibited substances do not reach the prison between newspapers, periodicals and other pieces of literature. Pursuant to subsection 30(1) of the IA, prisoners shall be provided with the possibility to read national daily newspapers and national periodicals in the prison. Prisoners can also visit the prison library and listen to radio programs or watch TV programs, through which they can keep themselves up to date with current news. If the prison cannot provide daily newspapers and periodicals for a prisoner who is a citizen of a foreign state in their mother tongue, it is permitted to send that prisoner newspapers and periodicals in their mother tongue by mail, provided it is done in reasonable quantities. [Directive of Director of TP No. 1-1/195 of 19.12.2018, entry into force 01.01.2019]

Clause 7.1.23

It is necessary to prohibit a musical card and 3-D card [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13] to ensure prison security, as between the cards it is possible to hide prohibited items or substances, which cannot be discovered without damaging the card. Also, the electronic content of a musical card can be used as a part of a tattooing machine. Ordinary cards may be sent to prisoners, wherefore this restriction does not violate the rights of the prisoners.

Clause 7.1.24

Items, the purpose of which is to decorate or furnish a room and cover surfaces (including tapestry carpets, wall calendars, doilies, stickers, posters etc.), endanger the security of the prison. Namely, it is prohibited to cover walls and other surfaces in the prison as it inhibits carrying out visual supervision and inhibits searches (it is possible to hide prohibited items and substances between decorations, artificial plants etc. and they are difficult to discover, also the items specified in this clause may be used to hide abductories etc.) Therefore, the person cannot purposefully use these items in the prison. Allowing items, which cannot be purposefully used in the cell, needlessly burdens the cell and inhibits carrying out a search.

Clause 7.1.25

As it is possible to hide items and substances inside toys and games and it is difficult to discover these, toys and games are items that endanger the security of the prison. Usually, toys and games would have to be taken apart to search them, as otherwise they could not be searched. Also jigsaw puzzles have many parts and in order to make sure that nothing is hidden on the back or inside a part, all parts would have to be looked through separately. In order not to violate the rights of the prisoners with this restriction, a prisoner can purchase certain board games via the prison or take them along upon arrival in the prison.

Clause 7.1.26

Electrical devices have to be procured via the prison for several reasons. Namely, electrical devices that are not procured via the prison service may endanger the security of the prison as the prison service has no reliable information on the origin of the device and the prison cannot check whether there are abductories inside the device without harming the device, which may bring about a situation where

prohibited substances and items are brought onto prison territory. In order to thoroughly check an electrical device permitted in the prison, it might be necessary to open it. As the prison does not employ a qualified specialist, who would have the right to open the device (including a computer) during its guarantee period (or at any other time), it is possible that the device is spoiled due to lack of skills. In addition, if an electrical device is opened by an unauthorised person during the guarantee period, as a rule, the sales guarantee provided upon the purchase of the product no longer applies. As the prisoner can procure the necessary electrical devices via the prison service and bring them along upon arrival in the prison, this restriction does not violate the rights of the prisoners. The maximum power output of devices is limited to 1.2 kilowatts to ensure the reliable functioning of the electrical networks in the prison. [amended by Directive of Director of TP No. 1-1/191 of 12.12.2019] [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 7.1.27

By its nature, a TV-set is an item that endangers the security of the prison. It is possible to hide prohibited items in it and a TV-set also inhibits supervising the cell. However, as a TV-set is necessary for the prisoners, it is not reasonable to prohibit it. The larger the TV-set, the more it inhibits supervision and the more time-consuming it is to search it. However, a small TV-set also enables a prisoner to watch TV-programmes and fulfils its purpose. Therefore, the benefit gained from a large TV-set would not significantly exceed the benefit gained from a small TV-set, but a large TV-set would pose a significantly greater threat to the security of the prison.

Clause 7.1.28

A power source is prohibited in the prison because it endangers the security of the prison. It is possible to hide different items inside power sources and the items cannot be found without opening the power source. However, opening the power source may damage the power source. As there are items which require batteries, they cannot be prohibited completely. The prisoner can procure batteries via the prison service. Only then can the prison be sure that nothing has been hidden inside the batteries.

Clause 7.1.29

The items specified in this clause endanger prison security and may also endanger the lives and health of people. In case of electrical devices fixed by the prisoner, their quality cannot be ensured and connecting an electrical device of poor quality into the electrical circuit of the prison may cause short-circuits and power outages. As prisoners serve their punishment in actual, walled buildings and their movement is restricted, a failure in the electrical system of the buildings is a significant threat to the lives and health of prisoners and prison employees. It is probable that parts are removed from devices that are not working and these parts can be used for making other items and devices (e.g. tattooing machine). It is dangerous to allow parts of items and devices in cells, because persons can use the parts to make other devices and items and to take them apart after using. This activity cannot be accepted by the prison, because it would endanger the security of the prison and the lives and health of the people in the prison.

Clause 7.1.30

Signal and propagation transmitters enable prisoners to watch or listen to programs which are not allowed in the prison (e.g. films with pornographic content that are prohibited in the prison) and which endanger the security of the prison, or to uncontrollably communicate with the outside world, which in addition to endangering the security of the prison also endangers the security of the persons outside the prison. Different devices for reaching for an internet connection are also dangerous as using the internet in the prison is prohibited. At the moment, a sufficient number of radio and television channels are allowed in the prison to satisfy the prisoners' need for information and entertainment. Prisoners can examine legislation and court rulings using specially adapted computers. Therefore, the restriction cannot violate the rights of persons.

Interpreting subsection 31 (2) and section 15 of the Imprisonment Act together, the prison has the right to prohibit items that require the authorization of the prison to be issued for cells. The Supreme Court of Estonia has mentioned in clause 31 of the Constitutional Judgement No. 3-3-1-28-15 of 19.10.2015 that due to a change in legislation electrical devices stated in subsection 31 (2) of the Imprisonment Act are prohibited items until the prison has not issued the permission mentioned in subsection 31 (2) of the Imprisonment Act. In justified cases, e.g. if the nature of the electrical device endangers the security of the prison, the prison can add items stated in subsection 31 (2) of the Imprisonment Act to the list of prohibited items based on subsection 15 (4) of the Imprisonment Act.

It is very difficult to search electrical devices, therefore, allowing these devices is a great risk to security since they can be used to hide prohibited items/substances. The risk increases with every item allowed in a prisoner's cell since the more items there are, the more chances there are to hide prohibited items/substances. In order to find prohibited substances or items, every item in the cell has to be searched, therefore, the number of items allowed in a cell directly correlates to the time spent on searching, and if less items are allowed in cells, the time spent on searching is obviously reduced. Prisoners have always had objections to their personal items being searched. Although this unpleasantness is an unavoidable part of being in prison, the prison is obligated to lessen it if possible, and prohibiting a personal item if the same item is already in the cell is in line with that objective. In addition, searching includes the greatest risk of damaging the prisoner's property, which the prison must avoid doing.

Therefore, if the cell has a radio, allowing the prisoner to have a personal radio does not significantly benefit them, however, prohibiting having a personal radio helps to improve the prisoner's wellbeing and is necessary for ensuring the security of the prison, especially in a situation where increasingly more narcotic substances are sent to prisoners. Small quantities of narcotic substances are enough to have a significant and unexpected effect on a person; therefore, it is paramount that the number of items the prisoners are allowed to have in their cells, especially the number of items that are difficult to search, are reduced, so that the number of places items can be hidden in and the time spent on searching are reasonably reduced.

The construction of Tartu Prison ensures that there is a radio in each cell; therefore, there is no need to use a personal radio in a cell. In the Constitutional Judgement No. 3-3-1-29-07 of 21.06.2007, the Supreme Court of Estonia has decided that a prisoner's wish to use their property, including their personal items, everywhere on the prison territory is not protected by subsection 31 (2) of the Constitution of the Republic of Estonia, and they have decided in the aforementioned judgment that not allowing a prisoner to have a personal radio (prohibiting it) does not generally severely infringe the prisoner's rights if the person has not been completely deprived of a way to listen to radio shows and receive information from other information sources if necessary. The prisoners still have the right to request permission to use a personal TV-set in the cell; if the prisoner does not have a personal TV-set, they can watch the public TV-set of the open residential ward; they also have the option of reading daily newspapers the prison subscribes to and ordering other newspapers they like. These options are sufficient to cover the prisoners' need for news and entertainment. [amended by Directive of Director of TP No. 1-1/71 of 01.04.2019, entry into force 01.04.2019]

Clause 7.1.31

It shall be prohibited for the prisoners to use internet in the prison (except in specially adapted computers for examining legislation and court rulings) because uncontrolled usage of the internet endangers not only the security of the prison but also the security of the persons outside the prison. Essentially, the prohibition of this clause duplicates subsection 64¹(10) of the IRP, which provides that mobile phones and other electronic or technical means of communication, including radio transmitters, notepad computers and personal computers, through which it is possible to communicate and receive information, are prohibited for prisoners in the prison, but in the interest of legal clarity, the prison specifies the wording of the aforementioned provision. The prison finds that if there is a risk that through a device, either directly (in the initial configuration of the device) or indirectly (by modifying the device later) it is possible to communicate and receive information, then owning it in the prison is not and cannot be allowed. Such an interpretation arises from the fact that at the moment almost all personal computers enable communicating and receiving information. Even if older personal computers in their initial configuration do not enable this, then reaching an internet connection is possible by installing small additional devices to the computer, e.g. internet receivers with a USB interface or other internal devices, which might be undetectable. It is also not impossible that prisoners use illegal ways to obtain hardware (e.g. a USB internet receiver), which could be connected to the computer. As the smallest Wi-Fi device has the measurements of 1.5x2x0.8 cm, i.e. it is a very small device, it would be difficult for officials to discover them and the probability that they reach the prisoners is very high. The prison cannot exclude the possibility of prohibited items reaching the prison, wherefore it cannot be prevented that hardware that can be connected to a laptop reaches the prisoners. Namely, however diligently prison service officials do their work and check the letters, packages and persons arriving in the prison, it is impossible to discover all prohibited items. Even if the prison could prove that a specific item cannot be used to communicate and receive information at a certain moment of time, it cannot be excluded that it could be possible should certain modifications be made. The prison cannot perform the duty of defending public order provided in subsection 6(1) of the IA and the duty of supervision provided in subsection 66(1) of the IA, as it cannot be presumed that the prison would carry out weekly expert analyses to make sure

whether the device has been modified or altered. Also, it is possible that expert analyses might not discover anything. As modifications can be made very easily, the prisoners can remove the internet receiver or other such device before the expert analysis. It is also important that the expert analyses would be carried out by persons with expert competence in information technology, but prisons have no such employees. However, using a computer is not an essential need for the prisoners as they can do everything that could be done with a computer without it. For example, letters can be written by hand, documents can be borrowed from the library or the prisoners can have them sent by mail, films can be watched on television, music can be listened to on the radio etc.

Clause 7.1.32

Different data carriers are dangerous in several ways. CDs and DVDs have sharp edges and can be used as cutting tools to harm oneself or others (endanger the lives and health of people). VHS and audio tapes have plastic tapes, which can also be used as a weapon. In order to enable prisoners to use data carriers, the prison has to make sure beforehand that the data carriers would not include works that include violence, racism, hatred or pornography or endanger the security of the prison. This can be ensured only by a thorough check. Listening or watching a data carrier thoroughly is unreasonably time-consuming and requires using additional work force and is a significant disruption of the main duties of prison service officials. Also, tapes can be used to hide items, but discovering them without opening the tape is not possible. However, opening a tape is difficult, time-consuming and may damage the tape. Therefore, VHS tapes endanger the general security of the prison. In the case of unmarked or self-made data carriers, it is very difficult to identify the owner and this enables prisoners to exchange data carriers, lend or borrow them more easily. Persons can listen to music on the radio and watch TV shows and films on TV, therefore CDs, DVDs and VHSs cannot be considered as essential items in the prison. Using information carriers with unknown origin in state computers is prohibited as paralyzing computer systems with an unknown virus significantly endangers prison security. SIM cards are also information carriers and can be purposefully used only in a mobile phone. SIM cards with a mobile phone enable to create prohibited contacts and contacts that endanger the general security of the prison. As a rule, a SIM card cannot be purposefully used without a phone. As mobile phones are prohibited in the prison, SIM cards have no practical value for the prisoners. Allowing SIM cards would rather contribute to the spread of cell phones in the prison, because if a person already has a SIM card, it tempts the prisoner to procure a phone. SIM cards with a mobile phone enable to create prohibited contacts and contacts that endanger the general security of the prison. For the same reason, other information carriers are also prohibited.

Clause 7.1.33

There are very different electronic and digital games and gaming consoles or other devices are needed for playing many of them. Such a device can be used to hide prohibited items or substances and they can be modified for other purposes (e.g. communication device, for using the internet etc.), but checking and searching electronics in the prison is difficult. Prison service officials are not electronics specialists and without expert knowledge it is difficult to visually evaluate whether the device has been modified or not. In order to find prohibited substances and items, it is necessary to take the devices apart, but this causes new electronic devices to lose their warranty. Also, taking items apart may cause them to fail, which in turn may lead to property damage claims for the prison. Most games for gaming consoles have violent content. Owning and playing such games provides the prisoners with wrong values and may instigate violence. Playing games is addictive, it is an irrational use of time and the objectives of enforcing imprisonment could be realised more efficiently with other activities. Although playing computer games is not identical to gambling, such games have characteristics of gambling, which may influence the mental state of an adult as well. Playing computer games may be addictive and create a desire to spend more time playing, and if there is no such possibility, it causes irritability and a negative attitude towards one's surroundings. Being irritated influences communication between prisoners and causes conflicts to arise more quickly, which endangers the general security of the prison. Prisoners have other ways to spend their free time. Therefore, on the basis of the aforementioned, the items specified in this clause endanger the security of the prison.

Clause 7.1.34

Prohibiting this item is necessary to ensure the security of the prison, as searching this item is either difficult or in certain cases even impossible. It is possible to hide prohibited substances and items inside the scale and this is difficult to be detected by a prison official. It is also possible to get different parts from inside a scale, from which it is possible to make devices (water boiler, tattooing machine). Therefore, a scale is an item that endangers the security of the prison. If necessary, prisoners are

weighed by the Medical Department. As a rule, foodstuffs are in such packaging that has the weight noted on them. Therefore, there is no need for prisoners to have a scale in their cell.

Clause 7.1.35

A clothes hanger is prohibited as this item may contain wire and wire is prohibited in the prison. Even if the hanger is made of plastic, it is a dangerous item as it can be used as a weapon, thereby endangering the lives and health of people. The hook of the hanger can also be used to hang prohibited items e.g. into the ventilation shaft, which makes it more difficult to discover prohibited items and endangers the security of the prison. As the prisoners can keep their clothes in the cupboards and on the coat rack, a hanger is not essential for a prisoner and prohibiting it does not violate the rights of prisoners.

Clause 7.1.36

A male prisoner voluntarily wearing women's clothes would very probably fall victim to the hostility and taunting of fellow prisoners. It may also happen that weaker prisoners may be forced to wear women's clothes do demean them and entertain others. Both events endanger the security of the prison and the lives and health of the people, as they involve both mental suffering and physical conflicts.

Clause 7.1.37

Wearing a baseball cap endangers the security of the prison. If prisoners wear baseball caps, it is impossible to operatively identify them (especially through cameras). As the walking boxes and yards have shelters, under which the prisoners can find shade from the sun, and during the cold season the prison issues prisoners woollen winter hats, baseball caps cannot be considered essential items in the prison, wherefore prohibiting them cannot violate the rights of prisoners.

Clause 7.1.38

Such shoes endanger the lives and health of people in the prison as they can be used as weapons and are particularly suitable for damaging property (e.g. motorcycle boots for breaking windows). Persons shall be allowed to wear shoes, which do not endanger the security of the prison, wherefore the restriction cannot violate the rights of prisoners.

Clause 7.1.39 [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

The prohibition of the listed items is meant to ensure the general security of the prison. The items listed in the given section compromise the security of the prison. If prisoners have items in bags, suitcases, boxes or crates then it is more difficult for prison officers to conduct effective monitoring and searches of cells. Bags often have multiple seams, folds, pockets, multi-layer or strengthened bases etc. which can make it especially easy to hide contraband. Boxes can also have multi-layer bases, double walls etc. Thorough checks of such items and the items contained in them is time-consuming and complicated which hinders the fast and effective conducting of searches. Boxes are also typically made out of stronger materials with sharp corners or edges that can be used to attack others. Plastic coasters and jugs can be used to get large sharp shards that can be used to attack others. Prisoners can store items in ways that are less dangerous to the prison in designated places in their cells, i.e. in lockers, on hangers or in paper bags. A maximum of five paper bags exceeding 10 litres in capacity are allowed to be kept in the cell as there is no real need for more. Each bag and its contents has to be thoroughly checked in searches and the less bags there are, the more efficiently searches can be conducted. Practice also shows that unnecessary items are more likely to be used for unintended purposes. For example, plastic bags are forbidden because they can be used to weave rope. Rope can be used as a weapon, to make nooses etc. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

As food is best preserved in special plastic food containers, up to two containers, the total volume of which does not exceed one litre, shall be allowed. The restriction is necessary to ensure the security of the prison. Namely, an uncontrollable number of containers in the cell is unnecessary and makes carrying out searches more difficult. Food is provided to prisoners three times a day, wherefore they have no need to keep large amounts of food. But if a prisoner decides to preserve food in tens of containers, it is very difficult to discover prohibited items in the containers and it would endanger the security of the prison. Also, breaking the containers produces sharp shards, which can be used as weapons. The foods or drinks brought from the prison store can be preserved in addition to containers also in their original packaging.

One soap box, one toothbrush box, one wash basin, glasses case (if the prisoner has glasses) and denture box (if the prisoner has dentures) shall be allowed in the cell. They are necessary in the cell for keeping the items correctly and the wash basin is necessary for washing clothes. A water filtering pitcher with a water filter shall also be allowed in the cell if it has been procured via the prison. It is difficult to search these items, but in certain cases it may be necessary to improve water quality if drinking tap water is not suitable for a prisoner. Therefore, it is allowed. However, a pitcher not designed to filter water and a water filtering pitcher without a filter shall not be allowed in the cell. In the aforementioned case, it has no purpose and there is no need to keep it in the cell. Every excess item in the cell makes it more difficult to search and therefore endangers the general security of the prison.

Clause 7.1.40

Using an umbrella endangers the security of the prison and the lives and health of people. If prisoners use umbrellas, it is impossible to operatively identify them (especially through cameras). An umbrella can also be used as a weapon. In addition, umbrellas usually contain wire, which the prisoners use e.g. for building water boiling devices. As walking boxes and yards have shelters, under which the prisoners can stand when it is raining, umbrellas cannot be considered essential items in the prison and therefore prohibiting them cannot violate the rights of the prisoners.

Clause 7.1.41 invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.42

Wearing sunglasses makes it significantly more difficult to operatively identify the prisoners and enables the wearer to hide injuries caused by fights. Not attending to the injuries on time and delayed medical attention endangers the life and health of the prisoner, not reacting to fights between prisoners on time endangers the security of the prison as a whole.

Clause 7.1.43

Sleep masks are typically made out of multi-layered materials with seams or padding which can be used to hide contraband that is hard to find. Due to this, only sleep masks purchased through the prison service from the prison shop are allowed in order to minimise the chances to hide contraband. If necessary, prisoners can use sleep masks procured through the prison service if any light sources bother them. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 7.1.44

Using earplugs and earphones endangers prison security. Namely, the user of these does not perceive their surroundings clearly, which endangers both the lives and health of the persons using these items and also the general security of the prison. For example, the person will not hear a fight near them, a working smoke alarm, orders of the officials etc. Earphones also contain wires, which can be used as weapons. Wireless earphones can be configured in a way that they can be used to communicate and receive information. Such uncontrolled communication of information may endanger the security of persons outside the prison.

Clause 7.1.45

In order to satisfy religious needs, the prisoner does not need more than one set of rosary. Also, rosaries are among the articles the prisoners use for trading. However, selling, trading etc. items is prohibited in the prison and may create obligations between the prisoners, which in turn endanger the general security of the prison. A rosary also contains thread/strings, which are prohibited at the prison. If there are several rosaries, it is possible to get a thread/string long enough to endanger the security of the persons in the prison.

This restriction does not violate the rights of the prisoners, because their religious needs are satisfied by allowing one set of rosary.

Clause 7.1.46

Owning a gun model or imitation creates an illusion for the persons in the prison, which significantly disturbs the work of the prison and endangers prison security. For example, a prison employee might not realise on first glance whether they are being threatened with a model or a real gun, wherefore they cannot operatively react and disarm the person threatening them. Also, gun models and imitations can be used to hide different items and as a rule they cannot be searched without damaging the item.

Clause 7.1.47 invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.48 invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.49 [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Owning the items specified in this clause endangers the security of the prison. Namely, it is significantly easier to ensure prison security if the prisoners use items issued by the prison. As a rule, it is more difficult to hide anything inside such items and they can be searched more easily, because the prison is aware of the particularities of the item. Items that have been brought along or sent from the outside, may have prohibited items hidden inside them, they may also be impregnated with a narcotic substance etc. In addition, as a rule, items issued by the prison are not used for trading, unlike personal items. As this restriction does not impede a person from exercising their rights, but these rights can be exercised with the items issued by the prison, this restriction does not violate the rights of a prisoner.

Tartu Prison issues one hand towel and one bath towel to the prisoners. [amended by Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

Knives and forks endanger the security of both the persons in the prison and also the general security of the prison. They can be easily used to cause injuries and are particularly suitable for damaging prison property. Plastic spoons, knives and forks also have such qualities and they can be easily modified to produce thrusting weapons of strong plastic. However, a plastic knife is necessary in the cell for example for peeling an onion. Therefore, there is a need to allow the use of disposable plastic spoons, forks and knives in the cell. There exist plastic spoons, forks and knives that are made of less strong plastic and are not as dangerous and which can therefore be allowed into the cell. Such items have been included in the assortment of the prison store and only in such a way (by selling them from the prison store) is it ensured that disposable plastic spoons, forks and knives made of too strong plastic do not enter the cells. The number of them in the cell is not limited.

Clause 7.1.50 invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 7.1.51

Sending such items by mail endangers the security of the prison, as searching them is either difficult or in certain cases even impossible. The pockets, seams of clothing and the soles, heels etc. of the shoes can be used to hide prohibited items and substances, which are difficult to be detected by a prison official. Also, clothes can be impregnated with a narcotic liquid, which might go undetected by prison service officials. The prisoner shall be obliged to wear prison clothing and the items that are not issued to the prisoner by the prison can be procured via the prison service. Necessary clothing and shoes are issued to least privileged prisoners under humanitarian aid.

It is allowed to send clothing and shoes by mail only to persons in custody. The persons in custody wear their own clothes while being in the cells and it is allowed by legislation to send them a limited number of packages, including clothes (one package in two months). As persons in custody usually have no contact with each other, the spreading of prohibited items and substances is restricted.

Clause 7.1.52

Ventilators are prohibited in the prison as they endanger the security of the prison and the lives and health of people in the prison. Ventilators can be used to hide prohibited items within, finding which from the ventilator is relatively complicated and the ventilator may break as a result of the search. As a rule, ventilators include wire, which can be used as a weapon and also the blades of a working ventilator are dangerous. In addition, the unreasonable and uncontrolled use of a cooling ventilator may cause one to catch a cold. As ventilation has been constructionally provided in the rooms of the prison, the prisoners have no need to use a personal ventilator.

Clause 7.1.53

Prisoners use bottles/packaging for making dumbbells by filling them with salt, water or other substances. Therefore, they are making prohibited items of them, as pursuant to subsection 64¹(9) of the IRP, sporting equipment is prohibited in the prison. Keeping such heavy items in the cell endangers

the security of the prison and the lives and health of people, as heavy bottles can also be used as weapons for hitting. After having drunk the original beverage, bottle caps are no longer necessary and without bottle caps it is more difficult to use the bottles unpurposefully. Empty bottles can be returned to the store also without bottle caps.

Clause 7.1.54

It is more difficult to find prohibited items from items that have been adapted to hide items. Therefore, it makes it easier for a prisoner to keep prohibited items in the cell and that endangers the security of the prison.

Clause 7.1.55 [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13; Directive of Director of TP No. 1-1/56 of 09.04.14]

The common characteristic of these items is that they endanger the general security of the prison. There is no need to actually use these items in the cell and the less unnecessary items there are in the cell, the quicker the cell can be searched and the easier it is to find prohibited items. The currently available shaving devices can be easily used without a shaving foam brush. Also, searching a shaving foam brush is complicated, as it is constructed in a way that makes it difficult to find smaller prohibited items that may be hidden inside it. In a similar way, it is difficult to search a clothing brush. The prison ensures that the prisoner's clothes are regularly washed, therefore there is no direct need for it in the cell. A hair bush can be substituted with a comb. It is possible to easily hide items inside a hairbrush. In order to correctly search a hairbrush, it would be necessary to open it every time to make sure that there are no prohibited items. Opening the hairbrush often and with haste is difficult without damaging it. There is no need for a grate, lemon juicer, and a sieve that is larger than a tea sieve. The prison ensures alimentation for the prisoners. It is possible to buy lemons and e.g. carrots from the store, but both of them can be used without any devices. A lemon can be juiced without a special juicer and as alimentation is provided, there is no need to grate a carrot – it can be eaten also without grating. According to the Rules of Procedure, the prisoners are allowed to have a plastic tea sieve. This provision is supplemented by the specification "with a diameter of up to 10 cm". It is not necessary to have tea sieves with a greater diameter in the cell because the cups provided by the prison are smaller and larger tea sieves are therefore not suitable for making tea in the cell.

Clause 7.1.56 [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Cotton wool endangers the general security of the prison. It is very time-consuming or complicated to search it correctly and prohibited items hidden inside the cotton may go undetected or the cotton may lose its hygienic properties. Also, the officials conducting the search may injure themselves when examining cotton if a sharp prohibited item, such as a needle, has been hidden inside it. It is easier to search cotton pads as they can be separated from each other and therefore it is easier to find prohibited items between them than to it is to find them in cotton wool.

Clause 7.1.57

The prisoner who is informed of the tactics and methodologies of ensuring supervision and security in the prison has a real possibility to endanger the security of the prison. The danger arises from smuggling or hiding prohibited items and substances in a manner which makes it impossible to discover them during the supervisory activities. Also, when knowing the tactics and methodologies of supervision, the prisoner can plan an escape or another violation in a manner which might make it impossible for the officials to prevent this escape or violation without seriously damaging the legal rights of prisoner/-s, prison employee, third person, or society. Knowing the methodology of evaluating criminogenic risks, the prisoner can manipulate the results of risk evaluation to such an extent that the official may not be able to determine the causal risks of committing the crime and a lower level of treatment than stipulated may be ordered for the prisoner. This creates the danger that the prisoner will be released without managing the causal risks of the crime, resulting in increased recidivism and danger to public safety. Having information regarding the tactics and methodologies of handling extraordinary occurrences allows the prisoner to plan and carry out a violation or an attack in a manner which might make it impossible to handle the violation or attack operationally and with minimal damage. Such a situation creates a high level of danger to the legal rights of prison employees, prisoners, third persons, and society, and through the need to involve more forces increases the resources needed to handle the occurrence. [Directive of Director of TP No. 1-1/76 of 16.06.2017]

Clause 7.1.58

Many souvenir banknotes are very similar to cash, and on visual inspection it is not quickly and easily discernible whether it is a souvenir or money, so it is justified and necessary to ban souvenir banknotes. The prison has the right to assess suspicious items, whether the delivery of these items is purposeful and in what way they could impede supervision. A reference to a souvenir banknote is not always clearly distinguishable from the rest of the design elements on the banknote, therefore, at first glance, a souvenir banknote may seem like a real banknote. Since cash is prohibited in prison, the officer working in the guarded area should make sure each time that the banknotes owned by the prisoner are still souvenir banknotes and not a prohibited item (cash). The quality of life of a prisoner who does not have souvenir money in prison does not decrease, because it is not an item that is necessary on a daily basis. However, if souvenir money is allowed, prison officers would have to spend excessive resources on identifying whether it is an item permitted or prohibited for a prisoner in prison when checking postal items and searching cells. In addition, souvenir banknotes can create conflicts between prisoners, as they may use them to acquire services, goods and other items by deceiving fellow prisoners, which in turn can be the cause of both verbal and physical conflicts. [Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

Clause 7.2 [supplemented by Directive of Director of TP No. 1-1/77 of 31.05.2018, entry into force 11.06.18]

Clauses: 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.8, 7.2.9, 7.2.10

Prohibiting these items is necessary to ensure prison security, as searching them is difficult. It is possible to hide (stick) or permeate prohibited substances or items between these items and therefore it would be necessary to carry out time and work consuming searches to find the hidden items. It would be time and work consuming as the pages and covers of notebooks, books, notepads, and document folders would be needed to check each page and cover separately. In case of hardcovers, it is possible to hide prohibited items inside the covers. Therefore, it is not possible to search the covers without damaging them.

It is possible to hide various prohibited items and substances inside toothbrushes, handles of razors, heel file, tea sieve, nail file, and pocket mirrors, the search of which is difficult. It is not possible to guarantee the search of such items in a way that would guarantee the wholeness of these items. It is not possible for the prison to search all items quickly, efficiently, and without damaging the item. Prisoners try to find different ways of getting narcotic substances and tobacco into the prison. It is possible to stick substances between various items (pages of books, notebooks, letters, etc.), the substance that has been stuck to the page might not be visually detectable and therefore it is possible that a prohibited substance reaches the prison. Narcotic substances and tobacco reaching prison territory directly endanger prison security.

It is important to note that toothbrushes and razors can be procured through the services of the prison store and that the prison guarantees these items for prisoners lacking necessary financial means. Books can be borrowed from the prison library and, when possible, bought from the prison store. The prison issues study materials, notebooks, and writing pads for prisoners who are studying, also, notebooks and writing pads can be bought from the prison store. Soap boxes, toothbrush containers, plastic bags, heel files can be procured through the services of the prison store.

The prisoners can be sent standard cards, therefore, the restriction does not violate the rights of the prisoners.

Clause 7.2.7

The restriction in question does not violate the rights of the prisoners as the necessary items remain permitted. It must be specified that nail clippers without metal file and case are permitted, but not nail cutting forceps. Nail cutting forceps can be considered more dangerous than nail clippers. Should it be necessary, nail cutting forceps can be requested from the prison guard. Metal file can be dangerous to the life and health of persons as it can be used for injuring.

Clause 7.2.11

Wall calendar endangers the security of the prison. The purpose of this item is to decorate or furnish a room and cover surfaces. These activities are prohibited in the prison as they inhibit carrying out visual supervision and inhibit searches. It is also possible to permeate and stick prohibited substances between the calendar pages the search of which is difficult.

Clause 7.2.12

Prisoners can procure plastic bags from the prison store and there is no real need to acquire them by mail. Prisoners can store their personal belongings in the cupboard in their cell. In addition, searching plastic bags is quite difficult and they can break quickly and easily.

Clause 7.2.13

Hair brush is replacable with a comb and it is possible to hide various prohibited items and substances inside a hairbrush. A hairbrush must be opened to search it correctly but opening one without damaging it is difficult.

8. Personal items and keeping them

8.1. General provisions

Clause 8.1.1 of the Rules of Procedure specifies subsection 57(1) and section 61 of the IRP and specifies more precisely where the prisoner can keep their personal items. The empty packaging, wrappers etc. of foodstuffs are waste, the use of which is not necessary at the prison and which are to be thrown away. Keeping and collecting them makes it more difficult to search the cell and therefore endangers the general security of the prison and is prohibited pursuant to clause 15(2)3) of the IA. Used stamps are also not necessary in the cell. Sometimes prisoners justify it by referring to collecting, but in reality the prisoners have reused stamps to send letters again. Stamps on received envelopes are not prohibited and do not have to be removed. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 8.1.2 and 8.1.3 specify the ways how prisoners can get their personal items from the storage, place them in the storage and have them delivered out of the prison. A specific procedure ensures the timely and correct response to applications. Also, the form for placing items in the storage and issuing items from the storage is enacted.

Clause 8.1.4 Subsection 65¹(2) of the IA states that upon reception into a punishment cell, the personal belongings, which the prisoner kept in their cell, shall be deposited and returned to the prisoner after release from the punishment cell.

8.2 Prohibitions for the prisoner

Clause 8.2.1 Pursuant to subsection 57(1) of the Internal Rules of the Prison, the prisoner can keep with them in the cell or in the storage for the personal items of prisoners such items that have been brought along upon arrival as well as the personal items procured via the prison service, therefore any other way of procuring items shall be prohibited. In order to ensure that prisoners would not sell or trade their items, it is necessary to add this clause to the Rules of Procedure. It helps to keep the common lists of the prisoner's personal items correct.

Clause 8.2.1 and clause 8.2.5 and clause 8.2.7 Pursuant to subsection 57(1) of the Internal Rules of the Prison, the prisoner can keep with themselves or in the storage for the personal items of prisoners such items that have been brought along upon arrival as well as the personal items procured via the prison service, therefore any other way of procuring items shall be prohibited. Therefore, it is prohibited to own and also procure the items of other prisoners, as well as to give items into the use of others. This had to be specified with this prohibition. Such prohibitions reduce the probability that stronger prisoners take items away from weaker ones, as it would become apparent in the course of a later check and the items would be confiscated.

The objective of **clause 8.2.3** is to ensure that prohibited or unlawfully procured items would not enter the prison. Practice has shown that prisoners receive illegal items (including prohibited items) from houses of detention and courts and attempt to bring them into the prison.

Clause 8.2.4 Pursuant to subsection 2¹(29) of the IA, the prison service shall verify with whom the prisoner communicates by phone. In order to make sure that verification is possible, it shall be prohibited to use the phone cards or codes of other persons and to give one's phone card or codes to the use of other prisoners.

Clause 8.2.6 prohibits using additional heating devices. All residential and non-work rooms of the prisoners of Tartu Prison are equipped with central heating and central ventilation, which is controlled by a computer system that ensures the necessary temperature and fresh air in the rooms. Usually,

additional heating devices in the conditions of the prison are electrical element devices, which are not factory produced and the reliability of which is not guaranteed. The electrical system of the prison has also not been constructed in a way that it could sustain electrical heating devices with unknown capacity, the possibility of an electrical shock is not excluded and this is a direct threat to the security of the prison. Pursuant to subsection 64¹(3) of the Internal Rules of the Prison, devices for igniting a fire shall be prohibited for a prisoner, therefore all heating devices that require igniting anything with an ignition device shall also be prohibited. Heating elements are prohibited in the prison as they endanger the security of the prison and the lives and health of the people in the prison. Improper use of heating elements may cause a fire, they can be used to attack fellow prisoners and officials by burning them, it is possible to hide prohibited items inside and finding prohibited items from within the heating element is complicated, and usually they include a cable, which can also be used as a weapon. As the indoor temperature in the prison is sufficiently high, there is no need for additional heating of the rooms.

Clause 8.2.8 prohibits throwing or placing substances or items out of the window. The purpose of executing imprisonment is to guide the prisoner towards law-abiding and socially acceptable behaviour. Throwing items out of the window is not a common form of politeness and polite behaviour as a whole has a general preventative impact on the behaviour of prisoners. The prisoner shall be obliged to sort and collect by type the waste created by them. Items thrown out of the window pollute the environment. There is no need to place items out of the window, as pursuant to subsection 57(3) of the Internal Rules of the Prison, the total weight of items in the cell and in storage cannot exceed 30 kilograms, therefore there could not occur a situation where the items would not fit into the storage and the cell. If an item is placed outside the window, it may fall to the ground, but this causes a situation where a prison service official would have to search for dropped items from the ground and bring them back. This creates the possibility that one prisoner throws an item out of the window and another prisoner asks for it back, therefore such a situation endangers the security of the prison.

Clause 8.2.9 prohibits owning more foodstuffs than can be purchased in two store orders. Foodstuffs are substances which due to their nature may spoil. Spoiled foodstuffs are a direct threat to the health of the prisoner. Foodstuffs attract rodents and rodents may carry different infectious diseases. In an environment where food is easily accessible to rodents, the number of rodents increases quickly. Dry and warm rooms or parts of rooms are suitable places for rodents to live. In the prison, such rooms and parts of rooms are e.g. server rooms, communication shafts etc. Therefore, a large rodent population is a direct threat to the functioning of the energy and communication facilities of the prison. The prison provides warm meals to prisoners three times a day, which ensures that the prisoner's daily energy needs are met and therefore there is no need for a larger quantity of foodstuffs. It is also an important consideration that searching foodstuffs is time-consuming (mayonnaise, ketchup, spreads) and in certain cases they are no longer hygienic after being searched. Large quantities of items (including foodstuffs) in the cell make it more difficult to search the cells; also there is no actual need to keep more foodstuffs in cells. There are special provisions regarding deposit packaging, plastic containers and tetra packaging in another clause of the Rules of Procedure.

Clause 8.2.10 Restrictions on the amount of packaging do not take into consideration whether the packaging is empty or filled with its original content substance/liquid. The restrictions summarize all of them and if they exceed the permitted quantities, the excessive ones are prohibited. Packaging (deposit, plastic and tetra packaging) is particularly well-suited for making sporting equipment and this has happened in prisons on many occasions. Pursuant to subsection 64¹(9) of the Internal Rules of the Prison, sporting equipment shall be prohibited for a prisoner. Keeping such heavy items in the cell endangers the security of the prison and the lives and health of people, as heavy bottles can also be used as weapons for hitting. Packaging items have large measurements. Keeping such items in the cells in large quantities makes it more difficult to search the cell, and therefore also to find prohibited items. Large quantities of packaging items may hide abditories or the fact that constructional elements have been broken, written on etc. It is difficult to find prohibited items that have been hidden inside packaging that is not transparent. Therefore, these endanger the general security of the prison. Keeping empty deposit packaging for longer than the next store day and keeping empty packaging for longer than the next waste collection day is not necessary and giving them away increases the security of the prison, as it is easier to carry out searches.

8.2.11 Packaging (deposit, plastic and tetra packaging) is particularly well-suited for making sporting equipment and this has happened in prisons on many occasions. Pursuant to subsection 64¹(9) of the Internal Rules of the Prison, sporting equipment shall be prohibited for a prisoner. Keeping such heavy

items in the cell endangers the security of the prison and the lives and health of people, as heavy bottles can also be used as weapons for hitting. Packaging items have large measurements. Keeping such items in the cells in large quantities makes it more difficult to search the cell, and therefore also to find prohibited items. Large quantities of packaging items may hide abditories or the fact that constructional elements have been broken, written on etc. It is difficult to find prohibited items that have been hidden inside packaging that is not transparent. Therefore, these endanger the general security of the prison.

Clause 8.2.1 and clause 8.2.5 and clause 8.2.7 Pursuant to subsection 57(1) of the Internal Rules of the Prison, the prisoner can keep with themselves or in the storage for the personal items of prisoners such items that have been brought along upon arrival and the personal items procured via the prison service, therefore any other way of procuring items shall be prohibited.

Pursuant to subsection 67(4) of the IA, prisoners are required to handle the things entrusted to them prudently. The prisoner, to whom the items have been issued, shall be liable for the items issued by the prison and leaving the items behind cannot be considered as handling prison property prudently because the prisoner is obliged to return the items to the prison. Leaving them in the cell, leaves the items in the possession of other prisoners.

Pursuant to **clause 8.2.13** prisoners are prohibited from fermenting or souring foodstuffs as fermenting and souring foodstuffs is not hygienic and eating such foodstuffs may be harmful to one's health.

8.3 Clothing permitted under exceptional circumstances

8.3.1 Pursuant to subsection 46(1) of the IA, the prisoner shall wear prison clothing. The prisoner is allowed to wear their own socks and underwear. As long as the prison has not ensured gloves suitable for the weather, the prisoner shall be allowed to wear personal gloves or two pairs of gloves issued by the prison. Pursuant to clause 15(2)3 of the IA, items endangering the security of the prison are prohibited for the prisoners. It is time-consuming to search the clothing and shoes, and finding prohibited items from inside of them is difficult. On the other hand, using a certain amount of clothing and shoes is vital for the prisoner. Therefore, the amounts of how many certain items the prisoners are allowed to keep in their cells are specified in some instances of this section. [amended by Directive of Director of TP No. 1-1/139 of 30.10.17, entry into force 01.11.17].

8.3.2 Subsection 60(1) of the IRP provides a list of the items that a prisoner may have in a punishment cell. Pursuant to subsection 100(1) of the IRP, a prisoner placed in the punishment cell shall be given clothing from the punishment cell's resources. Underwear, socks or shoes are not issued to the prisoner as part of clothing from the punishment cell's resources. As the use of a certain amount of clothing (underwear, socks) and shoes is vital for the prisoner, the amounts of how many certain items the prisoners are allowed to keep in their cells while serving the punishment cell penalty are specified in this clause. The possibility of ensuring elementary hygiene requirements has been taken into consideration in the case of underwear and socks, and the quantities of shoes have been determined bearing in mind the aim of ensuring the use of shoes according to their purpose of use (staying in the cell, staying in outdoor conditions). If clothing has been issued to the prisoner under exceptional circumstances, the prisoner has to wear it under the punishment cell clothing. Prisoners shall be allowed to wear additional clothing depending on weather conditions. [amended by Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

8.3.3 Pursuant to subsection 93(1) of the IA, persons in custody shall wear personal clothing. If a person in custody lacks suitable personal clothing or if they are unwilling to wear personal clothing, the prison service or house of detention shall provide the person in custody with clothing without charge. The IA does not specify what kind of clothes and in how large quantities may a person in custody have. Pursuant to subsection 4¹(2) of the IA, the liberties of prisoners, persons in detention after service of a sentence, detained persons or persons in custody shall be subject to the restrictions provided by law. Unless the law provides a specific restriction, a prison, the Ministry of Justice or a house of detention may apply only such restrictions that are necessary for reasons of security of the prison or house of detention. The restrictions shall comply with their objective of application and the principles of human dignity and may not distort the nature of the other rights and liberties provided by law. Restricting the quantity of clothes allowed to a person in custody is necessary for ensuring the security of the prison as having large quantities of clothes in the cell makes it more difficult to search the cell and increases the probability of

hiding prohibited items and therefore endangers the security of the prison. Restricting the quantity of clothes helps to prevent or reduce activities (a larger possibility of hiding prohibited items in the cell, making searching more difficult due to a large number of items requiring searching, possible conflicts between cell mates caused by lack of space etc.), the occurrence of which is a clear threat to prison security. However, the established quantities are sufficient to enable the person in custody to change clothes when they become dirty or according to weather conditions. Wearing thermal underwear shall be allowed only under the long clothes issued to prisoners by the prison and under personal long clothing for persons in custody. When placed in the punishment cell, prisoners shall be allowed to wear thermal underwear under the punishment cell clothing. The elements of thermal underwear may not be visible from under the personal clothing of the person in custody (except in the punishment cell). One-coloured, long-sleeved tight fitting items of clothing with long pants and without zippers, strings, buttons, logos, images, advertisements or other additional elements, which are not suitable for wearing as top garments are classified as thermal underwear.

8.3.4. Pursuant to subsection 4¹(2) of the IA, the liberties of prisoners, persons in detention after service of a sentence, detained persons or persons in custody shall be subject to the restrictions provided by law. Unless the law provides a specific restriction, a prison, the Ministry of Justice or a house of detention may apply only such restrictions which are necessary for reasons of security of the prison or house of detention. The restrictions shall comply with their objective of application and the principles of human dignity and may not distort the nature of the other rights and liberties provided by law. Restricting the quantity of toiletries is necessary for ensuring the security of the prison as making purchases in large quantities and keeping them in the cell makes it more difficult to search the cell and increases the probability of hiding prohibited items and therefore endangers the security of the prison. Restricting the quantities of toiletries helps to prevent or reduce activities (larger possibility to hide prohibited items in the cell; making searches more difficult due to a larger number of items requiring examination; in case of toiletries exceeding the needs of the person, there is the possibility of passing on or trading items, which in turn creates obligations between prisoners, the settlement of which may cause arguments and physical conflicts between prisoners), the occurrence of which clearly endangers the security of the prison. Without restricting the quantity of toiletries, it is not possible to effectively reach a situation where items kept in cells would not become means to impede the efficiency of searches, deviate from the prohibition to keep prohibited items in the cell, or to prevent illegal subordination relations and obligations.

8.3.5 Hygiene, body care or cleaning supplies of prisoners are not kept in storage. Socks, underwear and footwear are not kept in storage either if they do not exceed the amount permitted in cells (5 pairs). The need to change socks and underwear for prisoners is common and varied, thus it is reasonable to allow prisoners to keep the entire amount of their socks and underwear in their cells. In the case of footwear (slippers, sandals, shoes, sports shoes, boots), prisoners have a constant need to change them for different activities, thus it is not reasonable to keep them in storage. Shoes that exceed the permitted amount will be put in storage. Prisoners are generally given access to the commissary twice per month and, if necessary, they can purchase these items from the commissary. The storage facility is intended for the storage of personal items of prisoners (outerwear, commodities, electronics etc.) that are not used for daily activities, are used rarely or are prohibited. The storage of medicine, food and dry matter (including tea and coffee) requires certain conditions for preservation which the prison does not have. Food and dry matter (including tea and coffee) can expire in storage which can cause sanitary problems in the storage facility as well as lead to the spread of parasites. Additionally, incendiary devices are not kept in storage because they can be a fire hazard or cause a fire. The packaging of televisions and other technical equipment is considered waste after receiving the device. They are not accounted for and are thrown away after receipt. Tartu Prison does not store waste separately. If the prisoner finds that they need the boxes of technical equipment then they can send these items out of the prison within a reasonable time frame. [amended by Directive of Director of TP No. 1-1/139 of 30.10.17, entry into force 01.11.17] [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 8.3.6

Pursuant to the Imprisonment Act, liberties of prisoners, detained persons or persons in custody will be subject to the restrictions provided by law. Unless the law provides a specific restriction, a prison, the Ministry of Justice or a house of detention may apply only such restrictions which are necessary for reasons of security of the prison or house of detention. The restrictions must comply with their objective of application and the principles of human dignity and may not distort the nature of the other rights and liberties provided by law. Limiting the quantities of items in the cell is necessary to ensure the security

of the prison, since storing large quantities of personal belongings in the cell complicates the search and increases the possibility of hiding prohibited items, and thus endangers the security of the prison. [Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

8.4. Applying for and using an electrical device

Clause 8.4.1 This manages security risks so that the use of electrical devices would not endanger the security of the prison. One purpose of a security sticker marked with a number is to connect a specific electrical device with its owner. The security sticker placed on the joints of electrical devices enables the prison service to detect whether prisoners have taken the electrical devices apart (in practice, there have been cases when a prisoner has hidden prohibited items in an electrical device). In addition, security stickers are placed on such connections/sockets of electrical devices (e.g. USB, HDMI sockets), which are necessary, by assessment of Tartu Prison, to ensure prison security and see, whether prisoners have used forbidden items, such as memory sticks, memory cards, etc. [amended by Directive of Director of TP No. 1-1/63 of 20.04.2015].

Clause 8.4.2 As the prison is not an institution that supplies electricity, the prison cannot take liability for damages to electrical devices that have been caused by power outages, voltage fluctuations or technical failures of electrical devices. The prison shall be liable only if the damage has been caused as a result of the prison's unlawful actions.

Clause 8.4.3 The prisoner shall be obliged to use the electrical device pursuant to the user manual, because otherwise the prisoner may endanger themselves or the security of the whole prison. Permission to use an electrical device shall be given to a prisoner who has submitted a corresponding application to the prison. The prisoner who has a permit to use an electrical device may use the electrical device only in their cell where they have been placed by the prison and they shall not be allowed to take the electrical device into another cell nor to give it into the use of another person. The noise created when using a radio or TV-set must not reach the sector's corridor as loud noise disturbs exercising supervision.

Clause 8.4.4 Using a damaged electrical device is prohibited in the prison as it involves endangering the lives and health of people and the security of the prison. The prison service shall confiscate a damaged electrical device and the item shall be placed in the storage, destroyed or sent out of the prison according to the prisoner's request. The costs for sending the device out of the prison shall be paid by the prisoner. A device with a damaged security sticker shall be confiscated by the prison service and placed in the storage among the personal items of the prisoner. The Chief Specialist-Head of Unit shall declare the prisoner's permit for an electrical device invalid if the prisoner has committed a violation with an electrical device.

Clause 8.4.5 The prisoner leaving the cell refers to a situation where the prisoner is not in their cell at the moment – is cooking in the ward, goes on a walk, to the sports hall etc. In ordinary life it is normal that electrical devices or lights are not left on when leaving the room. Such behaviour saves electricity. Pursuant to section 6 of the IA, the objective of executing imprisonment is to help prisoners lead law-abiding lives. One way is to teach them behaviours that are normal in ordinary life and to save resources so that they can manage better financially also in their ordinary life.

Clause 8.4.6 Upon receiving a permit to use an electrical device, the prisoner shall be obliged to pay for the costs related to using the electrical device and not to commit violations when using the electrical device. If the prisoner does not fulfil the aforementioned obligations, the prison service shall be entitled to confiscate the electrical device and decide upon declaring the permit to use an electrical device invalid.

Clause 8.4.7 provides to whom and how the prisoner has to submit an application to get an electrical device. A form on which the application has to be written is also enacted. Filling in the form correctly makes settling the prisoner's application easier and quicker.

Clause 8.4.8 specifies that if there are no necessary funds, using an electrical device shall not be permitted. It is necessary for the prisoners to better understand that before there is money, there is no

point in submitting an application for the use of an electrical device and that when using their money, they have to consider that enough money for the use of an electrical device remains on their account.

Clauses 8.4.9 to 8.4.12 specify the procedure of deducting money for using the electrical device provided in sections 59'2 and 59'3 of the IRP. These are explained in more detail so that the procedure would be unambiguously understandable for prisoners and officials.

8.5 Repairs of an electrical device

As the prison does not repair electrical devices itself, then in order to provide the prisoners with an option of having their broken electrical devices repaired, the prison attempts to find a cooperation partner who would repair the devices of prisoners. If the prison does not have a cooperation partner, the service of repairing electrical devices is not provided to prisoners. The prerequisite for performing repairs is the availability of a necessary amount of money on the prisoner's account. As the prison does not provide repair services itself and is only a mediator between the service provider and the prisoner, the prison shall not be liable for the quality of the repairs. If the prisoner is not satisfied with the work done, they need to submit a complaint directly to the service provider.

9. Alimentation of the prisoner

Pursuant to subsection 47(1) of the IA, the provision of food to prisoners shall be organised in conformity with the general dietary habits of the population with a view to meet the food requirement necessary for maintaining good health. Food shall be provided to prisoners on a regular basis and it shall be such as to meet the requirements of food hygiene.

9.1 The daily food norms for prisoners are enacted pursuant to Regulation No. 150 of the Minister of Social Affairs of 31 December 2002 *Food Norms at Custodial Institutions*.

9.2. [invalid by Directive of Director of TP No. 1-1/22 of 25.02.2022]

9.3. The prisoner shall be entitled to refuse the food provided to them by the prison. Upon the prisoner submitting a corresponding written application, no food shall be issued to them and a prison service official shall record the prisoner's will regarding foregoing food.

9.4. In accordance with § 47 of the Imprisonment Act, the provision of food for prisoners shall be organised in conformity with the general dietary habits of the population with a view to meeting the food requirements necessary for survival. Food shall be provided for prisoners on a regular basis and it shall meet the requirements of food hygiene. A medical officer shall supervise the preparation of the prison's menu and the provision of food. Prisoners shall be ensured dietetic food if prescribed by a medical officer. As far as possible, prisoners shall be permitted to observe the dietary habits of their religion. § 4 of the 31 December 2002 regulation No. 150 "Dietary norms in detention centres" established by the Minister of Social Affairs establishes dietary norms for prisoners with special needs, according to which prisoners who are ill or have other special needs will have dietary norms prescribed by a medical worker taking into account health-protection requirements established by the regulation at hand and the health regulations of the Minister of Social Affairs. Prisoners with a BMI below 18.5 kg/m², women taller than 180 cm and men taller than 190 cm must be provided, in addition to the foods fulfilling the energy requirements in table 1, food which covers the additional energy requirement of 1260 kJ or 300 kcal. The option for meat-free or pork-free food is meant to allow prisoners to avoid eating foods containing meat or pork if it is not permitted by their medical condition, religion or personal convictions. If a prisoner buys food that is prohibited by their special diet from the commissary, their special diet will be terminated and they will be designated a standard diet. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

9.5. If the prisoner temporarily leaves the prison to go to court, the lunch provided by Tartu Prison shall be replaced with a rations package, as it is impossible to provide food to the prisoner at the prison at that time. A rations package shall be given to the prisoner by a prison service official.

9.6. The prison cannot provide food to a prisoner if they leave the prison before mealtime. Then, food shall be provided to the prisoner by the receiving prison. In such a case, it is unnecessary to provide the prisoner with a rations package.

9.7. The daily norm of dark and white bread shall be issued to the prisoner during breakfast to avoid additional work for officials and for the prisoner employed as a food distributor. The prisoner can eat dark and white bread throughout the day as they wish. During breakfast, the daily norm of dark and white bread shall not be issued to prisoners in the punishment cell and prisoners working at the workshop, prison industry section or laundry. This is due to the particularities of the punishment cell and the fact that food is taken to prisoners to the workplaces. [amended by Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

9.8. The prison shall issue food to each prisoner individually. In order to ensure that the prisoner receives the daily food norm, it shall be prohibited to pass on the food issued to them to another prisoner.

9.9. Alimentation of prisoners takes place pursuant to section 47 of the IA and the Regulation of the Minister of Social Affairs No. 150 of 31 December 2002 *Food Norms at Custodial Institutions*. As a rule, food is issued to the prisoners in their assigned cells, apart from some exceptions (e.g. prisoners at work). In order to avoid unsanitary conditions or the spread of parasites in the wards of the prison, the prisoners shall usually eat and drink in their cells.

9.10 Food is distributed by a prisoner employed as an assistant worker under the supervision of a guard to make sure that the food is distributed correctly. The prison service official shall visually check the food quantities distributed and make sure that the prisoner employed as an assistant worker would not give any irrelevant items into the cell.

9.11 Dishes shall be issued to the prisoner upon arrival in the prison. As a rule, the dishes issued to the prisoner shall be kept in the prisoner's cell and the prisoner shall keep them clean. The prisoner shall place the dishes on the door hatch of the cell so that the food distributor could place the food into the dishes. The prisoner has to accept the food issued to them to avoid later arguments on the matter.

9.12 Food shall only be placed into the dishes issued to the prisoners by the prison, as the dishes issued by the prison are sufficient for this. This is necessary in order to avoid situations where the prisoner uses their own mug without a handle, which creates the risk that the food distributor burns themselves, or where the prisoner gives a bowl that is significantly larger than the prison's bowl and as a result it visually seems that less food has been placed into the bowl than has been given to others and therefore it is possible that more food is mistakenly given to the prisoner, due to which there is not enough food for another prisoner. The prison shall issue food to each prisoner individually. In order to ensure that the prisoner receives the food norm set for daily consumption, it is prohibited to take the food issued to them out of the ward, unless the prisoner goes on a long-term visit. When going on a long-term visit, the prisoner may take along specific foodstuffs pursuant to subsection 46(3¹) of the Internal Rules of the Prison.

9.13. Water supply has been provided in the prison's cells and therefore the prisoners can wash their dishes themselves. In order to prevent infectious diseases from spreading, a prison service official shall be entitled to prohibit issuing food into unwashed dishes.

9.14. Subsection 60(1) of the IRP provides a list of the items that a prisoner may have in a punishment cell, dishes are not included in the list. As the prison has the obligation to ensure regular provision of prisoners with food, this also requires ensuring dishes for mealtime. Dishes shall be issued for mealtime to the prisoners placed in punishment cells. The prisoners in punishment cells shall return dishes after mealtime and the dishes shall be washed by the prisoner employed as an assistant worker. [amended by Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

9.15 In order to avoid an unsanitary situation or the spread of parasites in the wards of the prison, the prisoners shall usually eat and drink in their cells.

9.16. Due to the organisation of the work of the prison, it is not purposeful to bring prisoners to their ward only for the mealtime, and therefore, food shall be issued to such prisoners according to their location at the nearest place where alimentation is possible.

9.17. The objective is to ensure that the prisoner would not express unfounded dissatisfaction with the food provided by the prison (e.g. the food did not taste good etc.). If food of poor quality has been issued to the prisoner (e.g. the food contains items that should not be there), the prisoner shall be obliged to immediately notify a prison service official and to give the low-quality food to the prison service official.

10. Waste management

The prisoner's residence is their cell. The everyday life of a prisoner is accompanied by the creation of municipal waste. Pursuant to subsection 31(1) of the Waste Act, local governments shall organise sorting waste. Pursuant to subsection 3(3) of the Regulation of Tartu City Council No. 112 of 9 June 2005 *Waste Management Rules of Tartu City*, waste shall be collected separately according to type in order to facilitate the recovery of waste to the greatest possible extent. Pursuant to subsection 3(1) of the Regulation of the Minister of Environment No. 4 of 16 January 2007 *Procedure of Sorting Municipal Waste and the Basis for Classifying Sorted Waste*, all options for sorting municipal waste at the moment of their creation or immediately after that at their site of generation shall primarily be used. Upon sorting municipal waste at its site of generation, at least the following waste types shall be collected according to type: 1) paper and cardboard; 2) packaging; 3) hazardous waste; [---] 6) waste from products of concern, including waste of electronic and electric equipment and their parts, batteries and rechargeable batteries; 7) combustible waste, including wood and plastic ;[---]; 9) metals.

The obligation to clean packaging waste arises from subsection 20(4²) of the Packaging Act, pursuant to which the end user or consumer shall be obliged to return the packaging and packaging waste as empty and sorted by type, pursuant to the procedure enacted in the waste management regulation of the local government and the requirements of the packaging undertaking or recovery organisation. Pursuant to this provision, packaging has to be empty upon its return. Packaging, which has not contained anything smearing, does not need to be washed. Such packaging includes for example ham and cheese packaging, fruit trays etc. The packaging of liquid products, e.g. yoghurt and kefir, should be rinsed before returning, a more thorough washing is not necessary. If there is liquid remaining in the packaging, it is sufficient if the liquid is poured out before returning the packaging.

Pursuant to the waste management regulation of Tartu City, batteries and rechargeable batteries are regarded as the waste of products of concern and they need to be collected separately from other waste and delivered to special collection points. As prisoners do not have access to the collection points for the waste of products of concern, they shall be obliged to give the batteries and rechargeable batteries that they want thrown away to a prison employee. Electronic and electric equipment and their parts are also regarded as the waste of products of concern and they need to be collected separately and taken to a special collection point.

11. Everyday matters

11.1 Solving everyday matters inside the prison

11.1.1 Everyday matters shall be solved by prison service officials, pursuant to their position, duties and competence. A prison service official in cooperation with other officials shall primarily communicate and solve the problems of prisoners. If solving the prisoner's problem is not in the competence of the official, they shall communicate it to the corresponding structural unit of the prison. The prisoner's problems regarding imprisonment shall be solved by the prison service official or with their mediation. The inquiry submitted by the prisoner to the prison has to be understandable for the prison service, wherefore it is necessary that the inquiry would be written in a clear legible handwriting and its contents should be expressed clearly and unambiguously. If the submitted inquiry has been done incorrectly or is imprecise, the prison service official solving the matter shall specify the insufficiently presented data and the inquiry cannot be solved as soon as possible.

11.1.2 The prisoner shall submit inquiries to the prison only on their own behalf, as in their inquiries the prisoner can only apply for the matters specifically related to them to be solved. Pursuant to section 10

of the Language Act, the language of public administration in state agencies and local government authorities is Estonian. Therefore, inquiries shall be submitted in Estonian.

11.1.3 Pursuant to section 6 of the Response to Memoranda and Requests for Explanations Act, a response to a memorandum or request for explanation shall be provided without undue delay, but no later than in 30 calendar days after the date of registration thereof. Hence, the deadline for responding shall usually be 30 days. Exceptions shall be the specific deadlines provided by the law, which cannot be deviated from (e.g. a request for information shall be complied within 5 working days).

11.1.6 The purpose of the cell terminal is to allow prisoners to notify the prison service of medical emergencies or other situations that endanger the security of the prison and require immediate intervention by prison officers while the cells are locked. Cell terminals can be used to notify about emergencies at any time. The cell terminal is not intended to be used for communicating regular everyday issues. Intercoms are used to forward information about situations that can endanger the general security of the prison. To ensure the objectivity and completeness of future administrative and court proceedings related to the notification, calls made via the cell terminal may be recorded. [added by Directive of Director of TP No. 1-1/22 of 25.02.2022] [Directive of Director of TP No. 1-1/23 of 01.03.2022]

11.2 Maintenance of linen, clothes and shoes

Clause 11.2.1 In order to ensure hygiene, the prison shall ensure that the bed linen, hand towel and bath towel issued to the prisoner by the prison are changed usually in every fourteen days. If the blanket, mattress or pillow has become dirty, the prisoner shall be entitled to request that these are washed. If the blanket, pillow or mattress has become unfit for use, the prisoner may submit an application for the items to be replaced. [amended by Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

11.2.2 Clothing and bed linen issued by the prison shall be cleaned at the expense of the prison. Pursuant to section 46 of the IA, the prisoner shall wear prison clothing, and pursuant to section 93 of the same act, the person in custody shall wear personal clothing. A prison service official may allow a prisoner to wear personal clothing as well, if the latter ensures that the clothing is cleaned, maintained and changed regularly at their own expense. The maintenance of personal clothing shall be ensured by the prisoner. The prisoner can buy supplies necessary for washing personal clothes from the prison store. Therefore, the prisoner's clothes shall be washed at the prisoner's expense.

11.2.3 The prisoner shall be obliged to take into consideration that they would be able to wear the prison uniform correctly also while some of the clothes have been given to be washed. The provision specifies how many clothing items can a prisoner give to be washed at a time. A coat does not have to be washed with the same frequency as other clothes.

11.2.4 The provision specifies how a prisoner can procure washing supplies for washing personal clothes.

11.2.5 The clause provides the possibility of giving personal clothes to be washed at the prison's laundry. The price list is established by the Director of the Prison. It is not possible to provide a specific price list in the Rules of Procedure as the price of washing laundry depends largely on the price of electricity and water.

11.2.6 Clothes shall be taken to the laundry only pursuant to a written application. The prisoner has to give their consent that money for the laundry services shall be deducted from their personal account.

11.2.7 The clause specifies which items shall not be accepted for washing. Outerwear may be washed in extraordinary cases if the prisoner confirms with their signature on the application that they are aware of the possible consequences of washing the items.

11.3 Applying for a toiletries package

11.3.1 Pursuant to subsection 50(1) of the IA, prisoners must take care of their personal hygiene. For persons without sufficient financial means, the prison shall issue the missing basic toiletries. A prisoner without sufficient means can apply for a toiletries package. In order to receive a toiletries package, the prisoner shall submit an application to the Inspector-Contact Person on the last full week of March, June, September or December.

The prisoner, who was at Tartu Prison during the period of submitting applications, but did not submit an application for a toiletries package on time, shall have the right to submit a new application when the time of submitting applications for the next quarter comes.

The prisoner, who was at another prison during the period of submitting applications and on the day of issuing packages, shall have the right to submit an application when the time of submitting applications for the next quarter comes.

The prisoner, who was at another prison or house of detention during the period of submitting applications but is at Tartu Prison on the day the packages are issued, shall be entitled to submit an application in two working days as of arriving in Tartu Prison.

11.3.2 invalid [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

11.3.3 The clause provides the conditions on which a prisoner is entitled to a toiletries package. Establishing a financial limit is necessary to ensure that a prisoner uses their financial means purposefully at the store and would purchase the necessary toiletries themselves. Otherwise the prisoner spends their money on other items at the store, presuming that the prison will provide toiletries to them. The average cost of items has been taken into consideration when preparing toiletries packages.

Delivery of toiletries packages to prisoners shall be organised as soon as possible by the Senior Guard of the Unit who shall make sure that the signatures of the prisoners regarding the receipt of the toiletries package would be on the application and on the consolidated sheet. Applications that have been accepted and signed by the prisoners shall be forwarded by the Sector Guard for archival processing to the Specialist of the Finance and Maintenance Department. The consolidated sheets of issuing toiletries packages, which include the names and signatures of the prisoners and the signature of the Sector Guard, shall be returned to the maintenance storage, where the Specialist-Storage Manager shall preserve them for 3 (three) years.

In order to ensure the rights and human dignity of the prisoners, in exceptional cases the Inspector-Contact Person may make a discretionary decision to issue a toiletries package to a prisoner without considering the financial situation of the prisoner. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

11.3.4 Pursuant to subsection 37 of the IA, prisoners are required to work. Participation in employment enables prisoners to maintain their working skills and to pay for their court claims. Tartu Prison shall not issue a toiletries package to a prisoner if the prisoner has refused maintenance work provided by the prison and which would enable to procure toiletries for the money earned.

11.3.6 This clause specifies a procedure that is different from the usual one for issuing a toiletries package. The clause specifies how a prisoner having arrived in the prison receives the necessary items to ensure hygiene. Toiletries shall be issued to all prisoners who have none upon arrival in the prison. Toiletries that the prisoner does not have shall be issued to them during the course of reception and these shall be noted in the common list of the prisoner's items.

11.4 Clothes and shoes [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

This clause enacts the procedure and conditions of issuing clothes and shoes to least privileged prisoners.

11.5 [invalid by Directive of Director of TP No. 1-1/22 of 25.02.2022]

11.6 Reserving money for services

11.6.1 The prisoner can use several services via the prison, such as washing laundry, making copies, repairing clothing etc.

11.6.2 Money shall be reserved by the Cashier immediately after receiving a corresponding application. The money shall be reserved in advance so that the prisoner could not spend the free funds on their internal personal account for another purpose. The reservation protects the prison from a situation where the prisoner receives the ordered goods but no longer has the money to pay for them. Pursuant to section 54 of the IRP, the prisoner can use the money on their free use account, the application for which shall include:

- 1) the amount to be deducted from the personal account noted in both numbers and words, unless the application is for regular deductions and the amount can be calculated on some other basis;
- 2) whether the prisoner wishes to withdraw the money in cash or by transfer to another bank account or is the money to be deducted in the benefit of the prison or for making purchases;
- 3) if the prisoner requests a transfer, the bank account number, the name of the bank and the name of the user of the bank account;
- 4) upon purchasing items, the names and quantities of the items;
- 5) name and signature of the submitter of the application and the date.

11.6.3 The official of the Finance and Maintenance Department shall reserve the necessary amounts pursuant to the prisoner's request.

11.6.4 The reserved amount shall be deducted from the internal personal account of the prisoner on the last working day of each month. The prisoner shall make sure that the amount necessary for making the deduction would be on the account. An overview of the financial situation is necessary if the prisoner wishes to order several services. If upon reserving the money it becomes apparent that there are not enough means for all services, the prisoner cannot decide which services to waive, but the service ordered last shall not be provided. Money for the services provided during the month shall be deducted on the last day of the month.

11.7 Money transfers

11.7.1 Pursuant to this clause, the prisoner can make bank transfers (pay state fees, make bank transfers to relatives etc.) via the prison. Pursuant to subsection 44(4) of the IA, at the request of the prisoner, the savings fund may be deposited in an amount exceeding the amount provided for in subsection (3) of this section and the funds reserved for the use of the prisoner inside the prison may be used for the satisfaction of monetary/financial claims, can be sent to the prisoner's family members or dependants or transferred to the prisoner's bank account. For that, an application shall be written.

11.7.2 State fees shall be paid as soon as possible.

11.7.3 Pursuant to section 54 of the IRP, the prisoner can use the money on their free-use account, the application for which shall include:

- 1) the amount to be deducted from the personal account noted in both numbers and words, unless the application is for regular deductions and the amount can be calculated on other basis;
- 2) whether the prisoner wishes to withdraw the money in cash or by transfer to another bank account or is the money to be deducted in the benefit of the prison or for making purchases;
- 3) if the prisoner requests a transfer, the bank account number, the name of the bank and the name of the user of the bank account;
- 4) upon purchasing items, the names and quantities of the items;
- 5) name and signature of the submitter of the application and the date.

11.10 Ensuring hygiene upon stay in the punishment cell regime and at the time when security measures are applied [Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

11.10.1 Pursuant to subsection 50(2) of the IA, prisoners shall be given the opportunity to have a shower at least once a week. Due to the fact that further serving of the punishment cell penalty and application of security measures take place in the prisoner's home unit, the purpose of the clause is to provide the prisoner with informative information about the organisation of ensuring hygiene at the

time when the prisoner stays in the punishment cell regime or when security measures are applied in respect of the prisoner. [Directive of Director of TP No. 1-1/53 of 27.04.21, entry into force 27.04.21]

12. /invalid/ [Directive of Director of TP No. 1-1/49 of 04.05.17, entry into force 01.10.2017]

13. Visits and phone calls of the prisoner

13.1 Short-term visit

Clause 13.1.1 provides all possible channels of registering a short-term visit. It is necessary to notify the prisoner of the ways to register a visit.

Clause 13.1.2 provides the weekly times for the short-term visits of the prisoners in Building S. It is necessary for the prisoners to know the possible time of the short-term visit and for the prison to plan the organisation of work related to it.

Clause 13.1.3 provides the weekly times for the short-term visits of the prisoners in Building E. It is necessary for the prisoners to know the possible time of the short-term visit and for the prison to plan the organisation of work related to it.

Pursuant to clause 13.1.4, a person having arrived to visit shall fill in an application for a short-term visit at least 40 minutes before the beginning of the time designated for the visit at the provisional checkpoint. This is the necessary minimum time for preparing documentation and carrying out the check procedures for entering the prison.

Clause 13.1.5 provides a list of personal identification documents required for a child. The regulation is necessary for everyone to clearly understand and know the list of personal identification documents with which it is possible to enter the prison territory for a visit.

Regulation in **clause 13.1.6** gives instructions on how the visitors should handle the items prohibited for the prisoner that they have with them and where they can store them at the prison during the visit.

13.2 Long-term visit

This clause specifies or repeats in the interest of clarity the provisions of chapter 9 of the IRP and section 25 of the IA.

Clause 13.2.1 provides the weekly times for long-term visits. It is necessary for the prisoners to know the possible time of the long-term visit beforehand and for the prison to be able to plan the organisation of work related to it.

Clause 13.2.2 provides the time of submitting applications, to whom the application should be submitted and who shall accept the application. It is necessary to regulate the time of submitting applications to ensure that the prison service would have enough time to process the applications and to prepare a schedule of long-term visits. The specific regulation of the address for submitting applications ensures that applications are processed more quickly and efficiently.

On 18 March 2013, amendments to the Regulation of the Minister of Justice No. 72 of 30 November 2000 *Internal Rules of the Prison* entered into force, pursuant to which it shall be within the capacity of the Inspector-Contact Person to make a decision regarding long-term visits provided in subsections 25(1) and 25(2) of the IA. [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

Clause 13.2.3 refers to subsection 25(1) of the IA, pursuant to which only a limited group of people related to the prisoner shall be entitled to a long-term visit. If the person applies for a long-term visit for the first time, they need to verify with documents that there are relations arising from subsection 25(1) of the IA between the prisoner and the person applying for a visit, so that the prison service could evaluate whether the visitor belongs to the aforementioned group.

The purpose of **clause 13.2.4** is to remind the visitor of the obligation to submit a valid identification document upon arrival to avoid situations where the person having arrived at the prison for a visit submits an invalid document when entering the prison.

Pursuant to **clause 13.2.5** The amendment is necessary in order to bring the Rules of Procedure into conformity with § 41² of Regulation No. 72 "Internal Rules of a Prison" of 30.11.2000 of the Minister of Justice. Payment of the costs is also possible on location by bank card, and the director does not approve the price list for the costs of visits, the price per square metre for the use of the visiting premises is determined by § 41¹ of the Internal Rules of a Prison and the price list for the Tartu Prison premises has been developed in accordance with that. The price lists for the foodstuffs ordered are drawn up by the administrative department in accordance with the prices set by the supplier. [Directive of Director of TP No. 1-1/30 of 06.03.2023, entry into force 01.04.2023]

Clause 13.2.5.1 As of 01.04.2023, the acquisition of catering and foodstuffs for visitors to a long-term visit will only be made by advance order, the addition of this clause is necessary for the clarification of the new work organisation. [Directive of Director of TP No. 1-1/30 of 06.03.2023, entry into force 01.04.2023]

Clause 13.2.6 includes guidelines for the prisoner if they wish to pay for the costs of the long-term visit from their personal account.

Clause 13.2.7 § 37 of Regulation No. 72 "Internal Rules of a Prison" of 30.11.2000 of the Minister of Justice sets out the organisation of visits, as well as the need for a search of the visitor and the prisoner, so there is no need to set it out once more in the Rules of Procedure. [Directive of Director of TP No. 1-1/30 of 06.03.2023, entry into force 01.04.2023]

The regulation of **clause 13.2.8** provides instructions regarding how a prisoner should act before a long-term visit and what they should consider when taking allowed items with them for the visit. [Directive of Director of TP No. 1-1/91 of 07.05.2019, entry into force 07.05.2019]

Clauses 13.3–13.5 of the rules of procedure specify that a person shall not be permitted to the visit if with regard to the said person there is doubt that they are intoxicated by alcohol or under the influence of narcotics or psychotropic substances and the person is not submitting to the lawful orders of a prison official and refuses to follow the rules in force in the prison. The objective of the regulation is to ensure that persons who are intoxicated or impolite to a prison official or try to deliver prohibited items to the prison territory with the purpose of delivering these items to the prisoners shall not have access to prison territory. It is prohibited for the prisoner to take along items or substances when returning from a long-term visit which the prisoner did not have when going to the visit. The objective of this regulation is to ensure that the prisoner shall not exchange with or accept items from the person who has come to visit. This in turn shall help to prevent bringing prohibited items into the prison. The prison shall be entitled to suspend the visit (except the visits with a criminal defence counsel or a lawyer representative) if the legislation regulating the internal rules of the prison or generally acknowledged moral norms of the society or the security of the prison are endangered during the visit. The prison official organising the visit shall be entitled to suspend the visit if the order is violated and to inform the prisoner and the visitor of the possible consequences of their violation. The additional objective of the regulation is to prevent the persons who are meeting from committing possible violations. [Directive of Director of TP No. 1-1/49 of 04.05.17, entry into force 01.10.2017]

Clause 13.6 is informative so that the prisoner would be informed of how and when supervision over them is exercised during the long-term visit.

Clause 13.7 is informative and states that upon request the long-term visit may be ended earlier than has been generally provided by this procedure.

Clause 13.8 and its subclauses provide the procedure of phone calls in the closed wards of Building E during stay in the punishment cell regime and at the time when security measures are applied. Pursuant to subsection 51(2) of the IRP, prisoners are given the option of using a phone at least once a week. The phone number shall be dialled by the prisoner or a prison service officer. The specific time and

duration of using the phone shall be provided in the Rules of Procedure of the prison. [amended by Directive of Director of TP No. 1-1/53, entry into force 27.04.21]

Pursuant to clause 143¹(1)2) of the Code of Criminal Procedure, if there is sufficient reason to believe that a suspect or an accused person who is held in custody or imprisoned or serving detention may adversely affect carrying out criminal proceedings by their behaviour, the prosecutor's office or court may issue a ruling on the transfer of the suspect or accused person to complete isolation from other persons held in custody or from prisoners or detained persons. A prosecutor's office or court may also restrict or totally prohibit the right to correspondence or use of a telephone of a suspect or accused person. The restriction specified in clause (1) 2) of this section shall not extend to the correspondence and use of a telephone for communication with state agencies, local governments and their officials and with a criminal defence counsel. Pursuant to subsection 28(1) of the Imprisonment Act, prisoners have the right to correspondence and the use of a telephone, pursuant to subsection 28(3), a prison service officer may restrict the right provided for in subsection (1) of this section if such a right endangers the security or violates the order of the prison or damages the objectives of executing imprisonment. It is prohibited to restrict a prisoner's right to correspond or use a telephone for communication with state agencies, local governments or their officials or with the prisoner's criminal defence counsel.

Pursuant to subsection 51(3) of the Internal Rules of the Prison, the prisoners, who do not have the right to move about in their ward during the times designated for using the phone in the Rules of Procedure, can make phone calls pursuant to an application. To execute the applied restriction on communication, the application form has to be appropriate, the noted data can be checked, and it is clearly and unambiguously understandable for the official making the calls whether and which phone numbers the prisoner is allowed to call. If the number is dialled by an official, it prevents the possibility of a call being made to a person with whom communication is prohibited.

Pursuant to subsection 51(4) of the IRP, the prisoner shall note the following data on the application form: 1) first name and surname of the prisoner; 2) cell number; 3) person or institution and the data regarding the person the prisoner wishes to call if the data has not been submitted before pursuant to the procedure provided in section 51¹ of this regulation; 4) the requested date and time of calling; 5) all other important information; 6) date of submitting the application [Directive of Director of TP No. 1-1/119 of 02.08.13, entry into force 05.08.13]

13.11 In accordance with § 29 subsection 21 of the Imprisonment Act, the prison service shall monitor who prisoners communicate with by telephone. If a prisoner shares the number and PIN of their prison-issued phonecard with another prisoner, uses the number and PIN issued to another prisoner or uses the phone while another prisoner is logged in with their phonecard or did not log out, it is difficult or sometimes impossible to verify who the prisoner communicates with by telephone. The aforementioned activities can also create obligations between prisoners which can endanger the security of the prison. Giving the phone to another prisoner while they are using their personal phonecard, thus allowing the other prisoner to use their limited call time, can create unwarranted costs for the prisoner owning the card which can create debts and schemes between prisoners. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

14. Short-term prison leave and short-term prison leave under supervision

14.1 Short-term prison leave

Clause 14.1.1 Section 32 of the IA gives a prisoner (except for a person in custody) the general basis to apply for a short-term prison leave. The clause also includes a reference to sections 78-89 of chapter 16 of the IRP so that information on short-term prison leaves could be found quickly. The objective of the clause is to simplify to the prisoners the availability of information on legislation regulating imprisonment.

Clause 14.1.2. Pursuant to subsections 32(1) and 32(2) of the IA, a prison service officer may grant permission for prison leave with the overall duration of twenty-one calendar days annually to a prisoner who serves their sentence in a closed prison and who has served at least one year of the sentence. They may also grant permission for prison leave with the duration of twenty-one calendar days annually to a prisoner who is serving their sentence for an intentionally committed first-degree crime for at least the second time and who has actually served at least half of the term of the imposed punishment.

Pursuant to subsection 80(2) of the IRP, a decision on whether to satisfy the prison leave application shall be made in one month as of the receipt of the application. This gives the administrative body a sufficient time-frame and a possibility to check the facts noted in the prison leave plan, including the correctness of the institutions and names to be visited to avoid a situation where the prisoner wishes to visit a company that no longer exists or to meet a person, who is in a custodial institution. Pursuant to subsection 32(7) of the IA, the time the prisoner spends on prison leave shall be included in the duration of the prisoner's sentence. Therefore, during the prison leave, serving the sentence shall also be purposeful (matters related to work, studies, residence etc. are solved), which helps to reduce the risks arising from criminal behaviour, and therefore, the prisoner has to justify the need for the prison leave in the application. During imprisonment, the prison shall ensure supervision over the prisoner and as the time of the prison leave is included in the duration of the prisoner's sentence, supervision shall also be ensured during the prison leave. This is possible only if the prison leave plan has been correctly filled in and enables the prison to verify the prisoner's movement trajectory and the places they visit. A prison leave plan with deficient data might not be motivated enough to verify the purposefulness of the prison leave and to enable the prison to ensure supervision over the prisoner.

Clause 14.1.3 Subsections 32(1) and 32(2) of the IA do not regulate the precise moment when the calculation of the yearly period begins. Therefore, the regulation is necessary to specify the time period which is considered by the prison when registering short-term prison leaves. A year of imprisonment of a person ends upon a year passing since the time noted by the court in the ruling, e.g. if the beginning of imprisonment is 29 November 2011, the first year of imprisonment would elapse on 29 November 2012 (in this case it cannot be said that the year of imprisonment beginning on 29 November 2011 elapsed on 31 December 2011, calculation of imprisonment time shall be based on the date noted by the court as the beginning of the imprisonment, not the beginning of the calendar year - 1 January).

Clause 14.1.4 Pursuant to subsection 32(7) of the IA, a prisoner shall bear the cost of their prison leave. Cash from the prisoner's personal account shall be reserved and issued on the day of going on the prison leave pursuant to the prisoner's written application. As a rule, the prison leave incurs financial expenses for the prisoner (transportation and other expenses). In order to ensure that the objectives of executing imprisonment are met, the prison sets a condition that when going on a prison leave, the prisoner should have enough financial means to reach the destination and get back to the prison by the time noted on the prison leave certificate to continue serving their sentence. Pursuant to subsection 15(1) of the IA, the prison service shall deposit the personal effects which a prisoner has with them and their identification documents upon reception into the prison. Therefore, in order to be able to take along cash and a personal identification document, the prisoner shall submit a corresponding application. As pursuant to the provisions of 63(1)3) and 64¹(16) of the IRP, having documents and cash is not allowed for a prisoner in the prison, cash and the documents applied for shall be issued to the prisoner immediately before their departure.

Clause 14.1.5 Pursuant to subsection 32(4¹) of the IA, a prison service officer may determine by a directive the places where a prisoner may or shall stay during a leave, and the time periods during which the prisoner is required to or shall not stay in the determined places, or activities, which are excluded during the leave or which the prisoner is required to do. The objective of a short-term prison leave is to organise matters related to work, studies, residence etc. in order to prepare for release from prison. Serving a sentence during prison leave shall be purposeful and it is expected that during a prison leave of several days, the prisoner is at the destination noted in the prison leave application at the noted times. Purposeful activities (e.g. meeting an employer) or activities related to a future residence (e.g. concluding a lease agreement or visiting the object) take place during daytime. The prison is also obliged to ensure that public order is defended during the time the prisoner is on prison leave and this shall be ensured by the police or prison service officials. The prisoner shall be obliged to notify the Chief-Specialist Duty Officer of any extraordinary circumstances, changes in the prison leave plan or location as the prison service has to be aware of the changes to avoid a situation where the prison service has no overview of the activities and location of the prisoner.

Clause 14.1.6 Pursuant to subsection 32(7) of the IA, the time spent by a prisoner on prison leave shall be included in the duration of the prisoner's sentence, pursuant to which the prisoner is still in the status of a prisoner during the prison leave, and pursuant to subsection 64¹ of the IRP, a prisoner is prohibited from owning narcotic or psychotropic substances or other substances with a psychotropic or strong effect. Pursuant to sections 330 and 331 of the Penal Code, a prisoner who manufactures, acquires, possesses or consumes without a prescription alcoholic beverages or other substances containing spirit

and who manufactures, acquires, possesses or consumes without a prescription narcotic or psychotropic substances shall be punished by a pecuniary punishment. This clause has been added to draw the attention of the prisoners to the fact that they are still in the status of a prisoner while being on the prison leave and that obligations arising from legislation regulating imprisonment (section 64¹ of the IRP and sections 330 and 331 of the Penal Code) are also applied to them.

Clause 14.1.7 Pursuant to section 64¹ of the IRP, a prisoner shall not be allowed to have cash in the prison, and pursuant to section 44 of the IA, the prison service shall transfer the wages of a prisoner and other money paid to the prisoner to the internal personal account of the prisoner. Deductions from it shall be made pursuant to section 44(2) of the IA. The objective of adding this clause is to notify the prisoner of the operations that shall be carried out upon their arrival in the prison.

Clause 14.1.8 Short-term prison leave is primarily a purposeful activity related to preparations for being released from the prison and cannot be used for making purchases or changing clothes outside the prison. Supervision over prisoners in the prison shall be organised in a way that ensures the fulfilment of legislation regulating imprisonment and the general security of the prison, including preventing prohibited items and substances from entering prison territory. Pursuant to subsection 74(1) of the IRP, a prisoner shall make purchases under the supervision of the prison service and pays for the purchases from their personal account. This clause attempts to minimise the risk of prohibited items and substances reaching the prison territory with prisoners returning from a short-term prison leave. In order to avoid later additional expenses to return or destroy the items, the prisoner on prison leave shall be notified beforehand that when returning from the prison leave they cannot bring/take along items/substances which have not been procured via the prison service, If the prisoner has with them or in the storage for the personal items of prisoners items, which they no longer wish to keep in the prison, they may take these items along when going on the prison leave and these shall not be allowed back to the prison after the prison leave.

Clause 14.1.9 Pursuant to section 89 of the IRP, when a prisoner has returned from the prison leave, the Contact Person, who has a very important role in planning the content of the term of imprisonment of the prisoner, shall discuss with the prisoner within two days as of the prisoner returning, the performance of the tasks planned in the prison leave plan – which tasks were completed by the prisoner and what are the results, which actions were not carried out and why and which tasks the prisoner shall complete during the next prison leave pursuant to the prison leave plan. The Contact Person shall also assess the fulfilment of the prison leave plan and shall submit their proposals for planning the next prison leave. The evaluation and the filled-in prison leave plan shall be added to the prisoner's personal file.

14.2 Extraordinary short-term prison leave and prison leave under supervision

Clause 14.2.1 Pursuant to subsection 32(5) of the IA, a prison service officer may grant permission to a prisoner for prison leave with the duration of up to seven days in the case of the terminal illness or death of the prisoner's spouse, father, mother, grandfather, grandmother, child, grandchild, adoptive parent, adoptive child, brother or sister, or in the case of other family emergencies. The clause includes particularities regarding the processing of the application, i.e. if the prison leave under supervision takes place due to an extraordinary family event, preparing a prison leave plan shall not be obligatory and the decision on satisfying a prison leave application for a prison leave taking place due to an extraordinary family event shall be made within three working days, and if a prison leave is applied for an extraordinary family event, the prisoner shall submit a document proving the event. The objective of the clause is to simplify the availability of information on the legislation regulating imprisonment to the prisoners.

Clause 14.2.2 The objective of the clause is to explain to persons in custody that they are not entitled to a short-term prison leave, but under important and urgent circumstances they can apply for a prison leave under supervision pursuant to the provisions of subsection 99 of the IA.

Clause 14.2.3 The general basis for applying is provided to the person in custody by subsection 99 of the IA, but with the particularity that permission for the prison leave under supervision must also be granted by the investigative body, prosecutor's office or court, if the court is conducting proceedings in the criminal matter. The permission shall be granted pursuant to an application submitted by the person in custody. In a situation where a body conducting proceedings has granted their permission for the

person in custody to go on a prison leave under supervision, the prison service official shall still not be obliged to allow the person on a prison leave under supervision, the prison service official shall be entitled to use their discretion. If the body conducting proceedings does not grant their permission for the person in custody to go on a prison leave under supervision, a prison service official cannot allow a person on a prison leave under supervision as the formal condition arising from subsection 99 of the IA has not been met. The specific conditions of the cost of the prison leave under supervision, the procedure of calculating and compensating them shall be applied pursuant to sections 80¹ and 80² of the Internal Rules of the Prison. In case of extraordinary events, in addition to the person in custody, the temporal factor shall also be defining for the administrative body, i.e. that the matter would be solved before the circumstances lapse or the event passes e.g. participating in a funeral on a specific date, visiting one's ill mother at the hospital before her death etc. The objective is to immediately involve the Inspector-Contact Person in the proceeding as they have a very important role in planning the term of imprisonment of the prisoner and they shall specify the possibilities for an extraordinary short-term prison leave/prison leave under supervision, i.e. whether the prisoner has a lawful right to apply for a prison leave. In case of a person in custody, the objective is to involve immediately at the beginning of the proceeding the investigative body, prosecutor's office or court to get their permission in order to avoid a situation where the relatives of the prisoner or various institutions send documents to the prison, i.e. death certificate, different certificates proving the state of health, but the body conducting the proceeding has refused to grant their permission for a prison leave under supervision or a proceeding operation or court session has been planned for the same time, which cannot be postponed or cancelled. Involving the Inspector-Contact Person in the proceeding ensures the existence of the requisite information required in the prisoner's application, e.g. the requisite information and annexes of the prison leave application specified in section 81 of the IRP, and the existence of necessary additional materials for making a decision to satisfy the application.

15. Postal items

15.1. Correspondence

15.1.1 The provision specifies that the prisoner is prohibited from violating the established requirements when corresponding. Pursuant to subsection 28(1) of the IA, prisoners have the right to correspondence, and pursuant to subsection 28(21), the prison service shall verify with whom the prisoner communicates by telephone or corresponds. In the case of correspondence, the prison service has the right to register the given name and surname of the addressee or the name and address of the institution to whom the prisoner writes and the date of mailing the letter. Sections 48, 50 and 52 of the Internal Rules of the Prison impose rights and obligations on the prisoner and prison service, for the fulfilment of which it is important that the prisoner adhere to the requirements set on correspondence. The requirement to sign with a blue ballpoint pen ensures that prisoners do not use a regular pencil or coloured pencil when signing. The prison is obliged to keep the correspondence card and, if necessary, to make copies and extracts from it. A signature written with a blue ballpoint pen cannot be easily erased and remains readable on the correspondence card for a longer period of time. [amended by Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

15.1.2. Provides that the prisoner shall receive the letter that has arrived for them.

15.1.3. Provides the procedure of delivering the letters that have arrived for prisoners and the acceptance of outgoing mail. There is no postal exchange on weekends. Supplementing clause 15.1.3 of the Rules of Procedure of Tartu Prison is necessary for ensuring that the prisoners' letters addressed to courts are submitted in time. [supplemented by Directive of Director of TP No. 1-1/191 of 12.12.2019]

15.1.4. Provides the procedure of delivering letters that have arrived for prisoners. The person liable for correspondence shall deliver letters to prisoners usually on the day the letter arrives. Letters shall be delivered through the food hatch while the prisoners are locked into cells. Pursuant to section 50 of the IRP, a letter shall be delivered to the prisoner for a signature in seven working days as of its arrival at

the prison. The prisoner must receive their letter within a reasonable time and in a way that does not endanger the security of the prison. As there are cases when the letter has to be forwarded to an additional examination, it is not always possible to deliver the letter on the same day, but it is done as soon as possible. The purpose of the requirement that the prisoner would be locked in their cell is primarily to enable the official to calmly check the content of the letter and make sure that there are no prohibited items.

15.1.5. Provides that the letters of a prisoner on prison leave or prison leave under supervision or a long-term visit shall be kept and preserved until the prisoner returns to the prison or until the long-term visit ends. If it has been verified that the prisoner is included in the list of the prisoners of the prison at the given time, but at the moment of the arrival of the letter they are not in the assigned cell, there is no basis for forwarding the received letter elsewhere until circumstances change.

15.1.6. Provides that if upon the arrival of the letter, the prisoner is no longer at the prison, the letter shall be forwarded to the custodial institution they are at. If the person is no longer at a custodial institution, the letter shall be returned to either Eesti Post (Estonian Post) or a corresponding courthouse (Administrative Court, County Court or Circuit Court), depending on its sender. Pursuant to subsection 30(3) of the Postal Act, if it is impossible to deliver a postal item, it shall be returned to the sender. A postal service provider has the right to demand a reasonable charge for the return from the sender. If the prisoner is no longer at the prison, actions shall be based on the Postal Act as is usual.

15.1.7. Repealed [Directive of Director of TP No. 1-1/63 of 20.04.2015].

15.1.8. This is protecting an essential right of the prisoner and therefore it is necessary that the prisoner would be aware that only the challenges and applications for the compensation of damages that are in Estonian are accepted for processing.

15.1.9. Explains to the prisoner the procedure of submitting different inquiries to the prison.

15.1.10 Provides that generally all correspondence of the prisoner shall take place at the expense of the prisoner, except for letters addressed to the Chancellor of Justice, to prisons, the Office of the President, the prosecutor, the investigator or the court, which shall be sent at the expense of the prison. The term correspondence includes both the postal charges and also expenses on stationery (envelope, paper, pen etc.). The word "sent" refers to expenses related to sending the letter i.e. delivering it to the addressee, which include the costs for the envelope, stamp, hand-delivery and other similar services. Therefore, the prison shall not be obliged to provide paper to the prisoners.

15.1.11. With the aim of ensuring the purposeful use of envelopes, envelopes shall be issued by the officials collecting letters immediately before accepting the letter.

15.1.12 In order to ensure that also those prisoners who do not have money on their personal account or do not have enough and to whom the prison is unable to provide work have the possibility of turning to the Chancellor of Justice, to prisons, the Office of the President, the prosecutor, the investigator or the court to defend their rights, it is necessary for the prison to aid them by providing them free paper. To ensure that the budget of the prison is used economically and purposefully, the amount of paper issued for free shall be restricted reasonably.

15.1.13 Provides that to a prisoner, for whom the prison has created the option of purchasing paper by working, but who has refused work, paper shall not be issued regardless of the lack of money on the internal personal account.

15.2 Package for the person in custody

15.2.1. Pursuant to section 98 of the IA, persons in custody are permitted to receive packages. Regulating the acceptance and delivery of packages is necessary to better organise the work of the prison service and to notify the persons delivering packages of when they can do so.

15.2.2 Pursuant to section 75 of the IRP, the person having delivered the package shall submit an application to the prison employee with the package. A prison employee shall check the content and

weight of the package in the presence of the person who delivered it, shall sign one copy of the application to confirm having accepted the package and shall return the application to the deliverer. The clause specifies the provisions of the IRP.

15.2.3 This clause provides the procedure of handling items sent to persons in custody as packages. Section 98 of the IA gives the prison the right to examine packages. Items delivered as packages shall be stored in the storage so that they could be checked before being allowed into the cell.

15.3 Ordering periodicals

15.3.1 Pursuant to subsection 30(2) of the IA, a prisoner shall be permitted to subscribe, through the mediation of the prison service, to a reasonable number of newspapers, periodicals and other pieces of literature from their personal resources unless the subscription endangers the objectives of executing imprisonment or the security of the prison or violates the order of the prison. Filling in an application is necessary so that the prison could subscribe to the periodicals in accordance with the prisoner's will, appoint a personal publication mailbox for the prisoner and evaluate whether the ordered publication might endanger the objectives of executing imprisonment or the security of the prison or violate the order of the prison.

In case the subscription to a publication is paid for from outside the prison, it is essential that the subscription includes the number of the prisoner's publication mailbox in the prison, otherwise the publication subscribed to will not reach the prisoner. The number of the mailbox shall be given to the prisoner by the prison service official who handled their application.

In case there are any issues concerning subscription to a publication that is paid for from outside the prison, the prisoner themselves shall have to address the company mediating the postal service of the subscribed publication. The prison shall mediate solving the issues if the subscription has been paid for from the prisoner's internal personal account by way of the prison's mediation.

In case of leaving the prison, changing the address for a subscription to a publication paid for from outside the prison must be arranged by the prisoner themselves within one month. The prison stores the publications for a maximum period of one month and if the publications are not claimed within that period or the prisoner has not applied for them to be sent after them to another prison, the publications shall be destroyed. Publications that arrive after the one-month term shall not be stored or sent to another prison, these publications shall be destroyed immediately. Changing the address for the subscription of a publication that has been paid for from the prisoner's internal personal account by way of the prison's mediation shall be arranged by the prison, for this purpose the prisoner shall have to notify the prison of the new address they want the subscription to be sent to. [Directive of Director of TP No. 1-1/195 of 19.12.2018, entry into force 01.01.2019]

15.3.2 The prisoner knows that they will receive the periodicals they subscribed to from a prison employee.

15.3.3 Sets a restriction on subscriptions to print media and works.

15.3.4. A publication mailbox shall be appointed for the prisoner for the period of the subscription indicated in their application. The prisoner has to inform the Inspector-Contact Person of extending the subscription to a publication, failure to do so leads to losing the right to the mailbox when the period indicated in the application ends. [Directive of Director of TP No. 1-1/195 of 19.12.2018, entry into force 01.01.2019]

16. Purchases of the prisoner

Clause 16.1 Pursuant to the provisions of section 74 of the IRP, a prisoner shall make purchases under the supervision of the prison service. The prisoner shall pay for the purchases from their personal account. The possibility of making purchases shall be provided at least once a month.

Pursuant to the internal organisation of work, Tartu Prison usually enables prisoners to use the services of the prison store twice a month.

Pursuant to section 48 of the IA, prisoners may buy foodstuffs, toiletries and other items the ownership of which is permitted in the prison, out of the funds deposited in their personal accounts pursuant to the procedure provided for in the internal rules of the prison. The goods are sold by the prison or a legal

person governed by private law with whom a respective civil law contract has been entered into. The price of the goods sold may be up to 20 per cent higher than their wholesale purchase price.

Subsection 48(1¹) of the IA explains that the expenses on shopping specified in subsection (1) of this section incurred by the prisoner in one month may not exceed the limits of the minimum monthly wages established by the Government of the Republic. Subsection 48(2) specifies that a prisoner may be prohibited to buy particular foodstuffs or the right to buy particular foodstuffs may be restricted as prescribed by a medical officer if such foodstuffs may damage the prisoner's health. The quantities of goods that can be bought by prisoners in one store order have been provided in clause **16.9** of the Rules of Procedure.

16.2 The time for making purchases has been specified pursuant to the requirement that the provision of the store service would not disturb other activities specified in the daily schedule.

The prisoner does not physically visit the prison store, but the purchases are made by formalising an order and the delivery of the ordered goods.

16.3 The store shall issue the goods only to the person who made the order and a prison service official shall help with identification. A signature confirms that the prisoner received the ordered goods pursuant to the order sheet. The objective is to ensure that the goods would not be delivered to another prisoner, who has not actually ordered them. The prisoner's obligation to immediately visually examine the goods issued to them to avoid later disputes regarding the fulfilment of the order. The name of the goods, quantity and price shall be recorded for every purchase and shown on the purchase invoice (receipt).

16.4 The objective is to prevent situations where the prisoner refuses without a good reason to accept the goods they have ordered. Also, the objective is to explain to the prisoner that refusing to accept goods without a good reason does not exempt them from the obligation to pay for the goods. If the prisoner finds that the quantity and quality of the goods do not meet the order, complaints shall be submitted immediately because later complaints cannot be accepted as they cannot be verified.

16.5 Pursuant to clause 100(1)2) of the IA, as a disciplinary punishment imposed on a person in custody, it is allowed to deprive them for up to two months of the right of supplementary alimentation purchased out of their personal funds. The person in custody may purchase via the store only items that cannot be classified as foodstuffs.

16.6 Pursuant to subsection 48(1) of the Imprisonment Act, the prisoner has the right to use the money on their personal account to purchase food, personal hygiene products and other items the possession of which is allowed in the prison. Legislation does not specify which items the prisoners should definitely be able to purchase. Therefore, it is possible to obtain such food products, toiletries and other items through the prison that are sold at the prison store. This way the prisoner can be certain that it is not an item prohibited in the prison. For reasons related to the organisation of work, clause 16.6 lists the items for the purchase of which the prisoner has to submit a written application (Annex 10). (Directive of Director of TP No. 1-1/56 of 09.04.14)

16.7 The items shall be listed in the register of prisoners and in the common list of the items of the prisoner. The electronic device shall be placed in the Storage and in order for it to be allowed into the cell a permit for the use of an electrical device shall be applied for from the prison service. After receiving the permit, an official appointed by a directive of the Director shall attach the necessary security stickers, the unique number of which shall be related to the prisoner who purchased the electrical device.

16.8 Subsection 60(1) of the IRP specifies that a prisoner in the punishment cell can have with them scripture, legislation necessary for the protection of their rights (primarily the Constitution of the Republic of Estonia, Imprisonment Act, Internal Rules of the Prison and Rules of Procedure of the Prison), wedding ring, religious insignia, a reasonable amount of academic or religious literature, writing paper, writing supplies, stamps, envelopes, court judgements and rulings made with regard to them, summaries of charges, replies to their letters, one phone card, soap, comb, toothpaste, toothbrush, hand towel, toilet paper and sanitary towels for a female prisoner. Of the items listed above, a prisoner in the punishment cell may purchase from the store writing supplies and personal toiletries as provided in the assortment of the store. It shall be prohibited to purchase foodstuffs as there are no facilities to keep them and it would not be reasonable to purchase other goods while being in the punishment cell as valid legislation does not enable using them.

The quantities of goods noted in **clause 16.9** are primarily based on the reasonable quantities for using/consuming the purchased goods per one person and the storage facilities for foodstuffs. The prisoners are maintained by the state and therefore buying/selling foodstuffs does not have to replace usual alimentation. It has also been considered that usually the prison enables the prisoners to make purchases twice a month and the aforementioned quantities of goods are sufficient for a two-week consumption period.

16.11 Procedure for reserving money

Money shall be reserved in advance so that the prisoner could not spend the free funds on their internal personal account for another purpose when the amount on the order sheet has been deducted from the reservation. The reservation protects the prison from a situation where the prisoner receives the ordered goods but no longer has the money necessary to pay for them. Pursuant to subsection 48(1') of the IA, the expenses on shopping incurred by a prisoner in one month may not exceed the limits of the minimum monthly wages established by the Government of the Republic.

In order to avoid confusion, it has been agreed that the order sheets shall be received always from one place – room A 330 of the Finance and Maintenance Department – and at a specific time. An order form shall not be issued to prisoners, the balance of whose free-use account is less than 0.06 euros, because the assortment of the prison store has no goods that could be bought with such a sum.

A prison service official shall give the prisoners a pre-filled order sheet, which has the personal data of the prisoner and the account balance recorded as of the agreed date and time which the prisoner can use for store purchases during the agreed period. For ordering the goods, the prisoner shall correctly fill in the order sheet and return it to the prison service official by the agreed time. It has been considered that the prisoner has a reasonable amount of time for preparing the order. Filling in the order sheet correctly (noting the name of the goods, code of the goods, quantity and cost of the goods and the name and signature of the prisoner who made the order) is necessary for the store to fulfil the order. If the order form has been filled in incorrectly or deficiently or late, the store cannot fulfil the order and the Specialist of the Finance and Maintenance Department shall cancel the reservation.

The deadlines have been set to give an official of the Finance and Maintenance Department sufficient time to reserve money from the personal accounts of the prisoners and to reserve the money necessary for the purchases in the K-Raha program on time.

The deadlines have been set to make sure that the orders for the goods are submitted on time. Fulfilling orders submitted later would lead to additional work for the Specialist of the Finance and Maintenance Department (as the reservation would have to be made again) and the store officials and it would also be an additional obligation for the supplier, wherefore it would not be possible to deliver the goods to the prisoner by the established deadline (on the delivery day of goods).

The prisoner does not physically visit the prison store, but the purchases are made by formalising an order and the delivery of the ordered goods. The activity has been divided between two days as the time of delivering goods to different sections is limited.

The number of prisoners in Building E is higher, therefore also preparations take longer. In order to meet the schedule, preparations in the store begin on the Thursday of the even-numbered week.

The prisoner has to consider also the total cost of the ordered goods so that the cost of the ordered goods would not exceed the free balance on their internal personal account. All issued order sheets shall be returned to the official of the Finance and Maintenance Department. Returning order sheets that have not been filled in is also necessary so that the Specialist of the Finance and Maintenance Department could cancel the reservation made on the prisoner's personal account.

If the cost of the goods noted on the order sheet by the prisoner is less than should be paid for the goods, some goods shall not be issued. In order not to cancel the order and thereby leave the prisoner without necessary goods, a part of the order shall not be met. Presuming that goods have been noted on the order sheet in the sequence of their necessity, the order for the goods shall be cancelled within the miscalculated amount, beginning from the end of the list of goods.

17. The prisoner's employment, studies and participation in social programmes [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

17.1 The prisoner's employment

17.1.1 As a general principle, the prisoner's employment is not regulated by labour laws. The prisoner is not employed under a civil law contract, but is obliged to work under a public law subordination relationship. Maintenance work is simpler, wherefore being initially assigned there gives the prison a better overview of the prisoner's capabilities and motivation, after which it is possible to employ the prisoner in positions that require more specific skills.

17.1.5 The objective of the schedule is primarily to plan work in accordance with the prison's needs. Moreover, following a work schedule enables the prison service officials to plan their resources, also to manage information on the prisoners' location and use of time.

17.1.6 Prisoners working in living quarters are mostly working in positions where there are no means for washing or storing personal belongings, thus it is not reasonable or necessary to take other items to the place of work. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

17.1.7 It is allowed to take along the specified items as the workplace has washing facilities, wherefore allowing this exception is purposeful. Also, this solution contributes to ensuring the better and more efficient hygiene of the prisoners.

17.1.8 Issuing a marked tool ensures that the prison can check whether the tool is with the prisoner and it is used only for work duties. Notification is necessary so that the prison service would be aware that the tool could be used for committing a violation and be able to prevent it. Prisoners are prohibited from taking along tools or other devices from the workplace or object on the consideration of prison security. Often these items are dangerous and have been prohibited for the prisoners for everyday use. Also, this is the kind of property that has to be located at the place where their owner has expected them to be used.

17.1.12 In this case, it means moving from one building to another, wherefore in order to ensure supervision, it is necessary that prison service officials exercise supervision by escorting. A search is also required to prevent prohibited items from being brought out of the production building.

17.1.14 As practical training takes place in the production building of the prison, this chapter shall apply also to prisoners in practical training.

Pursuant to **clause 17.1.15**, a prisoner shall be obliged to immediately notify of losing or finding a tool, finding an item prohibited in the prison and to surrender it to an employee. The objective of the regulation is to put an obligation on the prisoner to immediately surrender the item they found to a prison service official and to notify of a tool or other item having gone missing, so that it could be searched for immediately.

17.1.16 Fulfilling these requirements is necessary for the well-being of the prisoner and to ensure safety and the security of the prison. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

17.2 Studying options at the prison

17.2.1 Pursuant to section 34 of the IA, the objective of providing an opportunity for prisoners to acquire education is to ensure that prisoners have adequate knowledge, skills and ethical principles which would allow the prisoners to continue their education and work after release. If the prisoner's individual treatment plan provides it, they shall be directed to study.

Pursuant to the individual treatment programme, an individual approach and a plan, which prescribes the periods and priorities of different activities, shall be provided for every prisoner. This ensures continuity in acquiring education and facilitates being employed later.

Also, the need to participate in official language studies shall be prescribed in the individual treatment programme.

17.2.2 In order for studies to be carried out more smoothly, lessons shall take place according to a timetable, which also indicates the room where the studies take place. The objective is to ensure that the prisoner actively participates in the studies and acquires what is taught to them. A teacher is equal to a prison service official and an order given by the teacher is essentially an order of a prison service official, which shall be observed pursuant to subsection 67(1) of the IA.

17.2.3 Repealed [Directive of Director of TP No. 1-1/63 of 20.04.2015].

17.2.4 Different items are produced in the course of the studies, which should also be listed in the list of items in the cell. Also, some prepared items are prohibited in the prison (e.g. dishes made of clay), which would mean that the prison would have to evaluate the prepared item every time, which would use a lot of resources. Pursuant to the aforementioned, the prison prohibits acquiring or owning items produced in the course of one's studies, except for a final assignment completed during vocational training that the prisoner's relatives are able to purchase under the price list established by Tartu Vocational College. [Directive of Director of TP No. 1-1/63 of 20.04.2015] [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

17.2.5 – 17.2.7 The objective is to discipline the prisoners to attend school in a conscientious manner. Discipline enables all prisoners to focus on their studies. A prisoner has to consider that they would not disturb others and the teacher during the lessons. Education is acquired pursuant to prescribed programmes, which need intensive work to be passed. Therefore, it is not reasonable that during the lessons the teacher would need to spend time on avoiding or ending disturbances in addition to teaching the prisoners.

Those regularly absent from school without a good reason and students who repeatedly and knowingly violate the rules established at school shall be deleted from the school's list of students. Deleting from the list takes place on the initiation of the school pursuant to the Rules of Procedure of the school. The school shall be entitled not to reenlist students if the cause for the deletion has been failure to complete schoolwork or absences without good reasons.

17.2.8-17.2.10 obtaining a general and vocational education and learning the official state language: Primary education in the Tartu Upper Secondary School for Adults is taught in Estonian as well as Russian, secondary education is taught in Estonian. The language of study in Tartu Kroonuaia School is Estonian. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Acceptance into the school shall be decided by the school committee in August. The list of prisoners accepted shall be sent to the Contact Person who shall notify the prisoner. The prisoner shall write an application on the school letterhead on the first day of school.

Studies are conducted in Estonian. Vocational education is available to prisoners who speak the official state language at a level of at least B1. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Acceptance into the school shall be decided by the school committee in August. The list of prisoners accepted shall be sent to the Contact Person who shall notify the prisoner. The prisoner shall write an application on the school letterhead on the first day of school.

The restriction on the length of the sentence to be at least one year arises from the requirement that after testing and assigning the prisoner a language course, the prisoner would have the theoretical chance of acquiring the next language level (as a rule, the duration of the course of one language level is 5-6 months). Language levels shall be tested pursuant to the Common European Framework of Reference for Languages on the following levels: 0 (no language skills); A1 (beginner), A2 (elementary), B1 (intermediate), B2 (upper intermediate) and C (advanced).

As a rule, the prisoner shall be registered on a course one level higher than their acquired language level. For example, if the test shows that the prisoner's language level is beginner (A1), they shall be registered on an elementary level (A2) course pursuant to subsection 3.

The regulation is enacted on the basis of section 34¹ of the IA, subsection 3(1) of the Regulation of the Government of the Republic No. 182 of 28 June 2007 *Rates of Paying a Fee to the Prisoner for Studying and the Procedure of Calculating and Paying the Fee*, pursuant to which paying a fee shall be suspended due to absence without a good reason. Considering that working and studying the official language are both remunerated activities, the prisoner shall not receive a fee for studying if they are absent from studies and are instead working, because this would cause double remuneration. If the times for working and participating in official language studies fall on the same time for the prisoner, they shall inform the prison, who shall find the prisoner a substitute at work.

The prison may make additions to the list of activities regarded as absences due to a good reason pursuant to subsection 3(3) of the Regulation of the Government of the Republic No.182 of 28 June 2007 *Rates of Paying a Fee to the Prisoner for Studying and the Procedure of Calculating and Paying the Fee*. However, to receive a fee, the prisoner participating in a social programme or religious event during the official language lesson shall also do all the tasks given by the official language teacher.

Official language studies shall also be applied to persons in custody, but without preparing an individual treatment programme.

17.3 Special requirements for prisoners working/studying outside the prison territory

Clause 17.3 of the Rules of Procedure enacts the special requirements for prisoners working or studying outside the prison. This clause shall not be applied to persons in custody as persons in custody are locked into their cells at all times. Chapters 17 and 17¹ of the IRP also regulate studying and working outside the prison. This clause of the Rules of Procedure provides the obligations, prohibitions and the items allowed to be taken along to work or to an educational institution for a prisoner who is working or studying outside the prison.

17.4 Social work

Clause 17.4 Repealed [Directive of Director of TP No. 1-1/63 of 20.04.2015]

17.5 Participation in rehabilitation programmes

17.5 [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Participating in social programmes allows prisoners to function better in society after release. Social programmes are designed to develop certain skills and different programmes reduce various criminogenic risk factors. The criminogenic needs and risk factors of each prisoner are determined during risk assessment and an individual treatment plan will be created based on the results (14 May 2008 regulation No. 21 of the Minister of Justice). The individual treatment plan establishes the requirement to participate in certain social programmes and the times of participating in the programmes. Participation in the social programme can be in the form of individual or group work.

Social programmes are conducted by social workers and psychologists. Before the beginning of the programme, the organiser will speak with the prisoners to determine if they are fit for the specific group or individual work. During the conversation, the prisoner will be informed regarding the amount, schedule and conditions for participation in the meetings.

Successfully passing the social programmes requires active and dutiful participation. Most social programmes involve homework that is an essential part of the programme and the organiser of the programme has the right to demand the dutiful completion of these tasks. Programmes vary in length but generally a programme can be considered complete if all topics have been passed and the prisoner has actively participated in at least 90 percent of the meetings. Being absent without valid reason is not permitted. A valid reason for absence is illness that is verified by the medical department of the prison. The organiser of the programme has the right to terminate the programme if the prisoner does not meet all the requirements for participation.

If a person held in custody wishes to participate in rehabilitative activities then they have to contact their inspector-contact person who will determine the person's problem areas and forward the person's request to the rehabilitation department, if necessary.

17.5.4 The aim is to ensure effective cooperation with the prisoner both individually as well as in groups, thus it is reasonable to temporarily or permanently remove prisoners who present a hindrance to this from the activities. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Pursuant to **clause 17.6**, the prisoner shall be obliged to work, participate in studies and/or social programmes in a conscientious manner. The obligation to work arises from subsection 37(1) of the IA. The person in custody shall not be obliged to work. The corresponding clause of the Rules of Procedure specifies the obligation provided in the IA and the objective is to emphasise to the prisoners that being present at work or school is not sufficient, but it is required to actually work, study and actively participate. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

Clause 17.7 provides the particularities of the conditions for participating in social programmes and support groups for the person in custody.

18. Recreational activities, sports, using the library and other options for spending free time

The prison provides sport facilities for the prisoners. Exercising is an activity which is aimed at developing physical abilities and promoting health. Pursuant to **clause 18.1** of the Rules of Procedure, the prison shall enable the prisoners to be involved in sports and recreational activities and to use the services of the library in accordance with the prison's possibilities. As tools and materials are often dangerous items that are prohibited for the everyday use of prisoners, it is justified that they can be used only in the rooms for recreational activities. Also, this is prison property, which has to be located at the place where their owner has foreseen that they are to be used. The objective of providing the option of being involved in handicrafts, music or other recreational activities in the prison is to give the prisoner a good basis for coping well in society after being released. To participate in a hobby group, the prisoner shall inform the Inspector-Contact Person.

Pursuant to **clause 18.2** prisoners shall be given the possibility of improving their physical fitness pursuant to the daily schedule, both at the ward and the sports facilities of the prison. **18.2.1** Prisoners shall be given the possibility of improving their physical fitness pursuant to the daily schedule. The sports hall and court shall be used according to a schedule and the schedule has been prepared on the basis of the principle that prisoners involved in useful activities could use the sports hall and court more frequently. Prisoners can examine the schedule on the message boards of the wards. **18.2.2** In order to ensure general order, rules have been established in the sports hall, which the prisoners are obliged to become acquainted with to ensure general order in the sports hall. **18.2.3** Using sporting equipment purposefully and prudently helps to prevent injuring prisoners or breaking the equipment. **18.2.4** Prisoners can do sports in the sports hall (indoor) or sports court (outdoor area surrounded with a fence). Prisoners can do aerobic activities (e.g. walking, exercises for different muscle groups etc.) and play team sports (e.g. football, basketball etc.). The objective of sports in the prison is to maintain the physical condition of the prisoner, not achievement sports. **18.2.5** The prisoner shall be liable for their actions also when exercising and cannot create a situation which endangers the lives or health of themselves or other persons. If a prisoner has been injured in the course of exercising, a prison service official shall be notified immediately to organise medical attention to the injured prisoner as soon as possible, if it is necessary. **18.2.6** Pursuant to section 90 of the IA, a person in custody shall be kept in a locked cell at all times, except when the person in custody is studying or working. Therefore, a person in custody shall not have the possibility of using the sports hall. **18.2.7** As the human body rapidly loses liquid while under physical stress, it is important to drink water while physically exerting yourself to avoid dehydration. It is important to not pour water on the ground in the gym or sports field as it can create a slipping hazard and thus increases the risk of injury. [amended by Directive of Director of TP No. 1-1/115 of 16.09.2021]]

18.3 Using the library

18.3.1 – 18.3.4 ja 18.3.6 Explains to the prisoner who manages the library service at the prison. The prisoner is aware of the rotation of books in the department, thus the prisoner is aware that books must be returned to the shelves and new books will be available after the rotation. The prisoner is aware that they can also borrow educational literature at least once per month. The number of books a prisoner is allowed to have in a cell is limited so that the number of books would not make it difficult to conduct a search in the cell and books for common use in the prisoners' living ward would be accessible. [amended by Directive of Director of TP No. 1-1/46 of 20.04.2023, entry into force 01.05.2023]

18.3.5. To prevent the transfer of contraband through books, prisoners are not allowed to hand over books to other prisoners.

18.3.7. Establishes the responsibility of the prisoner for damaging books.

18.3.8. The aim is to increase the responsible handling of books by prisoners and to establish sanctions for damaging them as well as ensuring that prison property stays on the premises of the prison and does not fall into the possession of strangers.

(amended by Directive of Director of TP No. 1-1/191 of 12.12.2019, entry into force 01.01.2020)

[amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

19. Satisfying the prisoner's religious needs

19.1 Pursuant to section 40 of the Constitution of the Republic of Estonia, everyone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious societies. There is no state church. Everyone has the freedom to practise their religion, both alone and in community with others, in public or privately, unless it is detrimental to public order, health or morals. Pursuant to the provisions of section 62 of the IA, the prison service shall ensure that prisoners are provided with an opportunity to satisfy their religious needs. Pursuant to subsection 9(1) of the Churches and Congregations Act (KiKoS), persons staying in custodial institutions have the right to perform religious rites according to their religion, unless this violates public order, health, morals, the rules established in these institutions or the rights of others staying or serving in the prison.

19.2 Subsection 9(2) of the Churches and Congregations Act provides that a religious association shall conduct religious services and religious rites in a medical institution, educational institution or social welfare institution with the permission of the owner or the head of the institution, in a custodial institution with the permission of the director of the prison, in the Defence Forces with the permission of the commander of the structural unit and in the National Defence League with the permission of the chief of the unit.

The objective is to ensure that the religious needs of all prisoners interested would be satisfied. The Chaplain shall speak with the prisoner beforehand to specify their religious needs and whether the person is motivated to participate in religious services and events.

If the prisoner cannot participate in a religious service due to security reasons or some other good reason (e.g. severe illness), they may apply for a personal religious service with sacraments (christening, communion) at their residential ward. Generally, sacraments shall be conducted in the chapel, but under exceptional circumstances it may be done in some other appropriate room. Registration for religious events shall be voluntary for the prisoners. In order to register, the prisoner shall turn to their Contact Person and the registration takes place pursuant to the procedure valid at the prison. If the prisoner has been given the permission to participate in a religious event and has come to the chapel, participation in the event shall be obligatory for them. This means that the prisoner shall behave correctly and cannot disturb carrying out the event with their activity.

Prisoners shall be escorted to the chapel only for religious activities, wherefore other activities shall be prohibited and would not be in compliance with the objective of being in the chapel. Irrelevant activities are activities which have not been prescribed in the agenda of the event and are not directly necessary for carrying it out. An irrelevant activity may be for example a conversation between prisoners, delivering and trading items, demonstrative behaviour, singing and praying in a louder voice than normal.

Pursuant to Section 90(3) of the IA, a person in custody shall be kept in a locked cell at all times, except when the person in custody is studying or working. Pursuant to subsection 90(5), the prison service or house of detention is required to take all measures to prevent any communication between the persons in custody who are lodged in different cells. Pursuant to the aforementioned, a person in custody cannot

participate in a religious service, but in pastoral matters they can individually turn to the Chaplain of the prison.

19.3 If the prisoner wishes for individual counselling or hearing by the Chaplain, they will be given such a possibility by the prison. The Chaplain, pursuant to their evaluation and organisation of work, shall organise an individual meeting with the prisoner, if necessary.

19.4 Considering the provisions provided in subsection 9(1) of the Churches and Congregations Act, the prison shall ensure within its possibilities that a prisoner, regardless of their religious affiliation, has the possibility of meeting with the representatives of the same religion, if necessary.

19.5 A prisoner can also buy religious insignia. If the prisoner does not have financial means for purchasing religious insignia, the prison shall issue religious insignia via the Chaplain, if it is possible. The need to issue religious insignia to a prisoner shall be decided by the Chaplain of the Prison. The prison shall keep records of religious insignia issued to the prisoner by the prison.

19.6 The objective is that prisoners would not use religious insignia for other purposes than religious traditions and would not disturb other prisoners and prison employees. For example, a prisoner may use a rosary in their cell, residential section, while walking and in the chapel, but not while being at school, participating in a social programme or in any other event organised by the prison.

19.7 Pursuant to the provisions of subsection 60(1) of the IRP, a prisoner may have scripture in the punishment cell.

19.8 If the prisoner wishes to have a religious wedding ceremony, they shall turn to the Contact-Person, who shall forward the request of the prisoner to the Chaplain. The Chaplain shall meet the prisoner and explain the conditions and operations necessary for a wedding. The Chaplain shall meet with the future spouse of the prisoner to fill in a marriage application. Then, the prisoner shall also sign the marriage application. In order to register the marriage, the Chaplain shall send the signed application to the Vital Statistics Office. An official of the Vital Statistics Office shall set the date for registering the marriage at the prison. As a rule, marriages of the prisoners take place at the prison once in a quarter. If the prisoner wishes to wed, the date of the wedding shall be set by the Chaplain.

20. Medical services to the prisoner

20.1 The basis is derived from the provisions of section 49 of the IA, pursuant to which health care in prisons constitutes a part of the national health care system. Health care in prisons shall be organised pursuant to the Health Care Services Organisation Act. Provision of health care services to prisoners shall be financed from the state budget through the Ministry of Justice. Therefore, all requirements on the quality of treatment of the prisoners have the same basis as the requirements on the treatment for people in general. Pursuant to section 28 of the Constitution, a prisoner has the right to protection of health. At the same time, the prisoner shall be liable for caring for their own health by strengthening their body, preventing diseases (not smoking, regular light exercise by working or sports, maintaining personal hygiene, keeping their cell in order, being in fresh air every day, correctly following the prescribed treatment plan etc.). The activities of the Medical Department are licensed and supervised by the Health Board.

20.2 Pursuant to subsection 2(1) of the Health Care Services Organisation Act (hereinafter the HCSOA), health services are the actions of health care professionals for the prevention, diagnosis or treatment of diseases, injuries or intoxication in order to reduce the malaise of persons, prevent the deterioration of their state of health or the development of the diseases, and restore their health. Pursuant to subsection 3(1) of the HCSOA, health care professionals are doctors, dentists, nurses and midwives if they are registered with the Health Board, and pursuant to subsection 3(2) of the same act, a health care professional may provide health services within the acquired speciality with regard to which the Health Board has issued a certificate of registration of the person as a health care professional. The Health Board has issued Tartu Prison an activity license for outpatient psychiatric services, family medicine services, infectious disease treatment, dental care, radiology service, gynaecology service, ophthalmology service, neurology service, general surgery service, dermatovenerological service and inpatient psychiatric treatment and nursing care services. The volume of the service depends on

budgetary means. If the health of the prisoner requires a health care service, for which the prison does not have an activity license or necessary medical equipment, the Medical Department shall refer them to a provider of health care services with the necessary activity license and with whom a corresponding contract has been concluded. Planned activities shall be based on budgetary means and the priority of the objectives. In extraordinary situations, the decision shall be based on the state of health of the prisoner.

20.3 Upon the prisoners registering for the waiting list, the queue shall be based on the severity and urgency of the issue, i.e. in case of issues requiring immediate treatment, the prisoner shall be called to an appointment as soon as possible, in case of planned tests or appointments, the doctor shall place the prisoner in the queue. This ensures that work is organised smoothly, prisoners do not accumulate to one appointment, while situations requiring extraordinary attention are solved immediately, preventing the possibility of permanent health damage or death. If the prisoner does not wish to disclose their health problem via the e-contact, they may request a doctor's appointment without explanations. In such a case they will be placed to the end of the general queue.

20.4 Pursuant to section 133 of the IA, a prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in executing the punishment and which concern compliance with the internal rules of the prison or security in the prison, and of his or her observations concerning prisoners which may help to achieve the objectives of executing the imprisonment. The prison official shall be obliged to immediately inform a doctor or nurse of a prisoner or person in custody falling ill, being injured or poisoned. Illness is a sudden change in the state of health that requires immediate attention. Situations requiring immediate help are situations which may result in a permanent deterioration of health or death if medical attention is not provided in 24 hours.

20.5 As during off-hours, days off and national holidays, less medical workers are at work, only emergency care shall be provided to prisoners.

20.6 If a prisoner submits wrong information regarding their health to the provider of the health care service, it is not possible to give the person a correct diagnosis and to assign appropriate treatment. A possible consequence is setting inappropriate treatment and this may be life-threatening.

20.7 Medication shall be prescribed and distributed by the Medical Department into medication boxes, wherefore it is very precisely known who shall take which medications and when. If a medication is prescribed for the first time, the medical worker shall explain to the prisoner what medication it is, what the expected effect is, what the possible side effects are and how the medication is administered. Therefore, involving a medical worker in administering medications is not necessary. All people administer medications at home in a similar way. It is presumed that the person requiring treatment is interested in getting better and follows the instructions precisely. Following the treatment plan prescribed by the Medical Department is a very important part of the recovery process. If the prisoner does not follow the treatment plan, this may cause the illness to get worse, cause resistance to the medication, and in case of more severe illnesses also lead to a life-threatening situation. Also, it is very important to immediately inform the Medical Department if the medication prescribed by the doctor is unsuitable, there are side effects or there is a need to change the treatment plan. If the prisoner does not follow the treatment plan or refuses to take the medication immediately in the presence of the prison service official, the Medical Department shall consider terminating the treatment as they are not entitled to treat a person by force, except in case of a life-threatening situation or emergency care, when the person is unable to make decisions regarding their treatment.

20.8 Pursuant to the procedure of procuring, using and handling narcotic and psychotropic substances of the Medical Department of Tartu Prison, only medical workers having examined the corresponding procedure may handle preparations that belong under the Regulation No. 73 of the Minister of Social Affairs of 18 May 2005 *Conditions and Procedure for Handling of Narcotic Drugs and Psychotropic Substances for Medical and Research Purposes, and Conditions and Procedure for Maintaining Records and Reporting in that Area and Schedules of Narcotic Drugs and Psychotropic Substances*. Crushing the medication is necessary to make sure that the medication is taken correctly, to avoid that the prisoners intentionally collect the medication. Taking narcotic and psychotropic substances in a larger dose may cause life-threatening medication poisonings.

20.8.1 The regulation establishes the exact procedure for administering methadone to prevent prisoners from not keeping the methadone for collecting or distribution purposes. [added by Directive of Director of TP No. 1-1/22 of 25.02.2022]

20.9

Topical medications (ointments, gels, creams, oils, etc.) the size of which is up to 60 g, eye and nasal drops and inhalers shall be issued in the original packaging. It is prudent to issue topical medications the size of which is up to 60 g in the original packaging since it makes healthcare service provision easier and the medical treatment provided to prisoners clearer. Topical medications in bigger original packaging shall be issued by the Medical Department in a medication cup. These medications are issued in plastic medication cups to avoid materials with sharp edges or materials that can break, with which the prisoner can willingly or unintentionally harm himself. The name of the medication, name of the prisoner, cell number, and date of issue shall be written on the original packaging or medication cup so that it could be verified to whom and when the medication has been issued. [amended by Directive of Director of TP No. 1-1/153 of 23.09.2019, entry into force 01.10.2019]

20.10 Injector pens, syringe needles and lancet needles are sharp pointed objects and can be potentially infected and dangerous when used wrong, lowering the blood sugar level too much. Thus, these items must not fall into the wrong hands. The restrictions on the amount of glucometer strips is necessary for maintaining balance in the budget. New syringe needles are exchanged one-for-one with old ones by nurses. Thus, prisoners may keep the maximum amount of needles based on the number of shots taken per day in their cells. To exchange needles, the prisoner will come to the cell door in the open ward; in the closed ward, the exchange is done through the hatch. If the prisoner is not in their cell at the time of the exchange, the nurse can hand the needles to a guard who will exchange the needles upon the prisoner's return (making sure that the prisoner returns the used needles). Only 1 insulin pen per active substance is allowed to be kept in the cell as reserve pens need refrigeration. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022]

20.10.1 The medical worker will explain the treatment plan to the prisoner, ensuring the correct and scheduled administration of medication. In the occurrence of the listed circumstances, to enforce the security and internal rules of the prison and protect the lives and health of the people in the prison, restrictions for diabetic prisoners may be imposed regarding the administration of medication or the use of equipment in a way that does not endanger the health of the diabetic prisoner or delay the administration of medication but that prevents harm or risk of infection to the diabetic prisoner or other persons. [added by Directive of Director of TP No. 1-1/22 of 25.02.2022]

20.11 In the case of ill prisoners at the Psychiatric Department, it is important to issue them a precise dose of medication pursuant to their state of health. In the acute phase of the illness, the medication dosages may be high, in which case wrong use of the medication may be life-threatening by creating a medication poisoning. Prisoners undergoing a forensic psychiatric examination are also kept in the department and they may attempt to intentionally take the medication incorrectly. Due to their pharmacodynamics and pharmacokinetics, all medications cannot be crushed as this may cause the medication not to work as expected. Therefore, the need to crush the medication shall be decided by the doctor depending on a specific case. It is easier to dose a liquid medication precisely, also it is more difficult for the prisoner to breach the treatment regime.

20.12 It is necessary to record the fact of refusing treatment, as in such a case the prisoner shall be liable for their future state of health themselves. The prison shall not be entitled to treat a prisoner by force, except in case of a life-threatening state. [amended by Directive of Director of TP No 1-1/23 of 01.03.2022]

20.13 The prisoner shall be prohibited from [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022] [amended by Directive of Director of TP No 1-1/23 of 01.03.2022]:

20.13.1 – 20.13.3 using prescription medication without a doctor's prescription, not taking medication prescribed by a doctor and/or given by another prison officer (including non-prescription medication) at the designated time and storing medication in the cell, except non-tablet marked medication issued by the medical department in plastic cups. In accordance with § 38 subsection 1 of the 1 October 2011 regulation "Supervision in prisons" established by the Minister of Justice, prison officers will distribute medication to prisoners in accordance with the amounts and times determined by the prison medical officer. According to subsection 2 of the same paragraph, the administration of psychotropic and narcotic medication must be supervised by a medical worker. According to subsection 3, prison service officers

must verify that prisoners take the medicine. Following the treatment plan is crucial for achieving results, while uncontrolled usage of medication may have fatal consequences. It is also important to note that medicine is expensive and it must be used exclusively for treatment purposes. from [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022] [amended by Directive of Director of TP No 1-1/23 of 01.03.2022]

20.13.4 Piercing, inserting a ring, adding something, removing something etc. without prescription from a doctor — piercing, inserting a ring etc. at your own initiative is prohibited in prison and endangers the health of prisoners and others in the prison as it can lead to the spread of various infectious diseases (HIV, hepatitis and other blood-borne illnesses). Removing a tattoo is a difficult procedure and can permanently damage a persons health. It can also be a form of self-harm. It is clear that risk of infection is high during such procedures. Prisoners must not alter or pierce their body at their own initiative and must not let others do so either. [amended by Directive of Director of TP No. 1-1/22 of 25.02.2022] [amended by Directive of Director of TP No 1-1/23 of 01.03.2022]

21. Consultations of officials

If the prisoner requests a consultation with the Director of the Prison or a prison service official assigned by the Director, the prisoner shall be obliged to submit a reasoned application. A personal consultation with the Director of the Prison or a prison service official appointed by the Director is not the primary and only way for a prisoner to settle matters. On the primary level, prisoners' matters shall be solved by the Inspector-Contact Person in cooperation with other prison service officials. Pursuant to legislation, a prisoner may turn to the prison also in writing by submitting a corresponding written inquiry. Due to the aforementioned and the restricted time resource, the prisoner has to correctly and specifically reason their application for a consultation with the Director or an official appointed by them. The requirement for the application to be reasoned arises from the need to evaluate the content of the prisoner's request and the competence level necessary for solving the possible problem. The consultation time shall be planned according to the time it takes to specify the background of the possible problem and considering the planned working time of the involved prison service officials.

22. Disciplinary proceedings and enforcing disciplinary punishments

Clause 22.1 specifies the objective of a disciplinary proceeding. The aim of a disciplinary proceeding shall be to identify the disciplinary offence quickly and fully, to determine the offender and the reasons for the offence, and to impose a just punishment. The basis for a disciplinary proceeding shall be the document including the data regarding the disciplinary offence. A disciplinary proceeding shall be initiated at the prison if the characteristics of a disciplinary offence have been recorded as a report.

22.2 Pursuant to sections 63 and 100 of the IA, the prison shall be entitled to impose disciplinary punishments on prisoners for the wrongful violation of the requirements of the Imprisonment Act, Internal Rules of the Prison or other legislation.

22.3 Pursuant to clause 100(1)4) of the IA, as a penalty for the wrongful violation of the requirements of the Imprisonment Act, the Internal Rules of the Prison or other legislation, the deprivation for up to two months of the right of supplementary alimentation purchased out of the personal funds of the person in custody may be implemented. Pursuant to section 61(1) of the APA, an administrative act is in force as of notification thereof or delivery to the addressee, unless a later entry into force is prescribed in the administrative act. If the aforementioned penalty has been imposed with regard to a person in custody as a disciplinary penalty, an order sheet for ordering goods from the prison store shall be issued to them during the disciplinary penalty period, but they shall not be entitled to order foodstuffs.

22.4 Pursuant to subsection 38(2²) of the IA, a prisoner may be suspended from work or released from mandatory work if the prisoner is unable to perform the mandatory work or if the working endangers the security of the prisoner or the prison or if the working poses a threat to the discipline in the prison. The procedure of hiring, suspending and releasing a prisoner from work shall be enacted by the Minister of Justice with a regulation. Pursuant to clause 5(2)8) of the Regulation of the Minister of Justice No. 9 of 7 February 2007 *The Procedure of Hiring, Suspending and Releasing a Prisoner from Work*, the prisoner's obligation to work shall be suspended as a disciplinary punishment by removing the prisoner from work

for up to one month. Pursuant to the provisions of section 65 of the IA, disciplinary penalties shall, as a rule, be enforced immediately.

22.5 As a rule, prisoners do not serve the punishment cell penalty in the cell they have been placed under ordinary regime. The prisoner placed in another cell or ward to serve the punishment cell penalty shall be obliged to take along all items belonging to them. The personal items that were with the prisoner in the cell shall be deposited at the storage and returned to the prisoner after being released from the punishment cell. The prison shall not guarantee that the prisoner is placed back in the residential ward or cell from where they were taken to the punishment cell and the prison shall not be liable for the items left behind by the prisoner to the former cell or residential ward. Found items, the owner of which cannot be verified, shall be handled pursuant to the provisions of section 66-69 of the IRP.

23. Transfer and release from prison

23.1 Releasing the prisoner shall be regulated by sections 73-76² of the IA and the Regulation of the Minister of Justice No. 11 of 25 January 2001 *Procedure of Releasing a Prisoner from Prison*. The objective of the clause is to inform the prisoners of the document that regulates the release of prisoners from the prison.

23.2 Transferring prisoners between prisons shall take place pursuant to the Regulation of the Minister of Justice No. 9 of 25 March 2008 *Treatment Plan*. The objective of the clause is to inform the prisoners of the document that regulates transferring prisoners from one prison to another.

23.3 Before being released from the prison, the prisoner shall be obliged to return to the prison the prison property having been in their use. The objective is to inform the prisoners that they are obliged to return to the prison the prison property having been in their use immediately before being released. This clause also informs the prisoner of what they need to do with the prison property before being transferred to another prison (return the prison property in their use, except for the prison uniform).

23.4 Pursuant to sections 64(1) and 64(6) of the IRP, the prison shall return for a signature the items (including valuables) belonging to the prisoner that were stored at the prison. The objective of the clause is to explain to the prisoner how personal items are returned upon being released from the prison.

23.5 If the clothing of the released person is not seasonal, e.g. the person only has summer clothes – shorts and a T-shirt – and is released during winter when there are -15 degrees outside, seasonal clothes shall be provided to the prisoner by the prison service. The objective of the clause is to explain to the prisoner how to act if the person does not have seasonal clothing when being released.

23.6. Pursuant to section 11 of the *Procedure of Releasing a Prisoner from Prison*, upon being released from prison, the person shall be given a certificate of release, which shall include the name of the prison having issued the certificate, certificate number, first name and surname of the prisoner, date of birth or personal identification code of the prisoner, photo of the prisoner, prisoner's signature, date of issuing the certificate, certificate validity (which is 6 months), beginning and end of imprisonment, first name and surname of the official who issued the certificate, official title of the official who issued the certificate, signature of the official who issued the certificate. The certificate of release shall be valid for six months as of issue and the final validity date shall be noted on the certificate of release. The prisoner shall be asked about their personal data and their answers shall be compared to the certificate of release and personal file. Also, the photos and descriptions of special characteristics in the personal file shall be compared to the prisoner. The prisoner shall confirm the receipt of personal documents, including the certificate of release, with their signature on the inner side of the back cover of the personal file. The prisoner shall be informed of how their personal documents will be issued to them upon release.

23.7 Pursuant to subsection 75(4) of the IA, on release, the deposited savings fund accrued from the funds deposited on the personal account of the prisoner and the funds reserved for the use inside the prison shall be paid to the prisoner. If the amount payable from the personal account of the prisoner is smaller than the rate of the benefit, the prisoner shall be paid a lump-sum benefit in the extent of the difference between the established rate and the amount payable from the personal account. The prisoner shall be informed about the savings fund accrued from the funds deposited on the personal account of the prisoner and the funds reserved for the use inside the prison.

23.8 Pursuant to subsection 9¹(2¹) of the IRP, a health record of the prisoner shall be kept and upon the prisoner being released, the prisoner may ask for a copy or extract of their health record. As for receiving the extract, the prisoner has to submit a written application to the prison, specifying this clause is necessary. This extract shall be issued to the person immediately before leaving the prison, in a closed envelope and for a signature in order to protect delicate personal data.

23.9 Pursuant to section 27 of the Procedure of Releasing a Prisoner from Prison, a prisoner released in the court room shall be issued a certificate of release retroactively by the institution where the prisoner was immediately before the release. All personal items that were kept at the prison, money on the internal personal account, valuables and documents shall be returned to the prisoner for a signature. The prisoner shall confirm the receipt of personal documents with their signature on the inner side of the back cover of the personal file. The objective of the clause is to inform prisoners on how to act if they are released outside the prison, i.e. from the court room, prosecutor's office, and at what times they can get their personal items from the prison. Persons are also informed that after being released they can get a certificate of release retroactively if they submit a written application. This certificate is necessary primarily for those persons who do not have a valid personal identification document.