

Explanatory memorandum of the rules of procedure of Viru Prison

Approved by Directive No. 1-1/19 of 23 January 2013 of the director of Viru Prison; amended by Directive No. 1-1/92 of 21 May 2013, Directive No. 1-1/234 of 20 December 2013, Directive No. 1-1/120 of 17 June 2014, Directive No. 1-1/250 of 3 December 2014, Directive No. 1-1/46 of 17 March 2015, Directive No. 1-1/101 of 8 July 2015, Directive No. 1-1/133 of 14 September 2015, Directive No. 1-1/166 of 18 December 2015, Directive No. 1-1/69 of 29 April 2016, Directive No. 1-1/102 of 8 July 2016, Directive No. 1-1/110 of 28 July 2016, Directive No. 1-1/156 of 3 October 2016, Directive No. 1-1/9 of 25 January 2017, Directive No. 1-1/55 of 24 April 2017, Directive No. 1-1/68 of 13 June 2017, Directive No. 1-1/102 of 16 August 2017, Directive No. 1-1/132 of 7 December 2017, Directive No. 1-1/41 of 9 April 2018, Directive No. 1-1/89 of 26 September 2019, Directive No. 1-1/64 of 31 May 2021, Directive No. 1-1/27 of 25 February 2022, Directive No. 1-1/74 of 10 June 2022, Directive No. 1-1/49 of 4 April 2023, Directive No. 1-1/128 of 28 June 2023 and Directive No. 1-1/24/47 of 2 April.



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Introduction

The primary need to establish new rules of procedure of Viru Prison is due to the addition of directives regarding imprisoned persons to the rules of procedure. Currently, the rules of procedure of Viru Prison and the principal activity directives of the director of Viru Prison are valid on the territory of Viru Prison. Both of them regulate the living arrangements of imprisoned persons in Viru Prison.

In addition, the draft of the new rules of procedure contains amendments due to current practice and necessity, as well as the rewording and deletion of clauses because they duplicated some other legislation. The new rules of procedure should reflect the norms that currently need to be regulated in Viru Prison and make the norms for the living arrangements of imprisoned persons more comprehensive.

A working group was formed to prepare the new rules of procedure of Viru Prison. Prison ward heads, unit heads, and lawyers could make amendments. The draft of the new rules of procedures has been prepared by the heads of prison wards of Viru Prison, heads of chief specialist units, and lawyer Eve Kangro (eve.kangro@just.ee).

The purpose of the new rules of procedure

The purpose of the new rules of procedure of Viru Prison (hereinafter the *prison*) is to include what is stipulated in the principal activity directives, to modernise the norms established by the rules of procedure, and to make the rules in force in the prison more comprehensive and compact. The directives of the director of the prison on the living arrangement of imprisoned persons in the prison are added to the rules of procedure, and individual acts are declared invalid. The aim is to consolidate all the rules of the prison applicable to imprisoned persons into the rules of procedure.

Explanation of the rules of procedure

The substantive part of the rules of procedure of Viru Prison is divided into the following chapters.

1. General provisions

- 1.1. The rules of procedure are established on the basis of section 105 (3) of the Imprisonment Act and they regulate the general procedure and organisation of the execution of decisions related to imprisonment in Viru Prison provided in the Imprisonment Act, Regulation No. 72 of 30 November 2000 of the Minister of Justice, 'Internal Rules of Prison', and other legislation.
- 1.2. Persons in the prison must comply with the requirements laid down in the rules of procedure and prevent violations of the law on the territory of the prison. The obligation to comply with the rules of procedure arises from:
 - a) clause (67) 1) of the Imprisonment Act, pursuant to which imprisoned persons are required to observe the internal rules of the prison in order to ensure security in prison;
 - b) clause 4 (2) 7) of Regulation No. 20 of 13 June 2006 of the Ministry of Justice 'Establishment and Statute of Viru Prison', pursuant to which the directives of the director of the prison within the scope of their competence and other written or oral orders are mandatory for prison servants and imprisoned persons.
- 1.3. Pursuant to section 2 of the Imprisonment Act, a prisoner means a convicted offender who is serving a sentence of imprisonment in a prison; pursuant to section 4 of the Imprisonment Act, a person in custody means a person who is taken into custody as a preventive measure and who is serving custody pending trial in a ward prescribed for custody pending trial in a closed prison. In the rules of procedure, persons in custody and imprisoned persons are referred to by a common name – imprisoned person.
- 1.4. The open ward of the prison is the one where the imprisoned persons are placed. At the times specified in the schedule, the doors of the cells of the ward are open and imprisoned persons can move freely within their ward.

- 1.5. The cells of the closed ward of the prison are locked 24 hours a day and do not have opening hours in accordance with the schedule. Imprisoned persons placed in a closed ward of the prison stay in locked cells 24 hours a day, except for activities that cannot be done in the cell (e.g. being in the fresh air).
- 1.6. Imprisoned persons need to be introduced to schedules (e.g. use of the gym) so that they know when specific activities will take place. This, in turn, ensures adherence to the schedule.
- 1.7. When organising the execution of custody pending trial or imprisonment of an imprisoned person up to 18 years of age, the prison also follows the Child Protection Act of the Republic of Estonia in addition to the provisions of legislation regulating imprisonment to guarantee minors their fundamental rights.
- 1.8. In addition to the inspector-contact person, the guards also issue the forms, so that when the contact person is not there, the imprisoned persons can still receive the forms.
- 1.9. Pursuant to subsection 127 (1) of the Law of Obligations Act, the purpose of compensation for damage is to place the aggrieved person in a situation as near as possible to that in which the person would have been if the circumstances which are the basis for the compensation obligation had not occurred. Subsection 53 (4) of the Imprisonment Act stipulates that prisons have the right of recourse against imprisoned persons who have intentionally caused bodily harm to themselves to reclaim the amounts spent on health services. Therefore, the prison has the right to demand from the imprisoned person compensation for the material damage caused, for example, payment for the broken prison property or compensation for the medical treatment expenses of an imprisoned person who has caused bodily harm to themselves. The prison allows the imprisoned person to compensate the damage caused by them out of court and makes a written proposal to the imprisoned person to this effect. If the imprisoned person is not willing to compensate for the damage they caused, the prison has the right to apply to the civil court with a corresponding application.
- 1.10. In case of justified need, the director of the prison has the right to deviate from the rules of procedure. For this, the director of the prison issues an order, justifying its necessity.
- 1.11. Duties of imprisoned persons
 - 1.11.1. Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of execution of imprisonment is to help imprisoned persons lead law-abiding life. One of the objectives of achieving law-abiding life is to follow the norms of behaviour in society while in prison. To achieve discipline in prison, it is necessary to accept and follow the rules of behaviour established in society. When a prison officer enters the cell, the imprisoned person must get up and stop other activities. This requirement is related to officer safety, as it enhances the supervision and control of imprisoned persons in the cell, allowing the prison officer to better see and assess potential threats. If a prison officer enters the cell unexpectedly (e.g. not for a counting in accordance with the schedule or the arrival of the officer has not been notified beforehand), the imprisoned person must stop the activity that cannot be immediately interrupted or stopped as soon as possible (e.g. taking care of hygiene, etc.).
 - 1.11.2. Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of execution of imprisonment is to help imprisoned persons lead law-abiding life and to defend public order. Leading law-abiding life also means that the imprisoned person follows the common politeness norms in society. The use of jargon expresses a clear disrespect for both the imprisoned person themselves and others in the prison. **(Amended by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023.)**
 - 1.11.3. The requirement to wear prison clothing arises from subsection 46 (1) of the Imprisonment Act, so that imprisoned persons can be distinguished from other persons in prison. At the same time, the imprisoned person must look correct and polite. For example, tattoos must not be visible from rolled up trousers or from under the sleeves of a T-shirt or (prison) jacket. It is not necessary to wear a jacket indoors, as the indoors are warm. Various items can be hidden under the jacket with which to attack officers or other imprisoned persons. The requirement to dress correctly helps to ensure discipline and at the same time is basic courtesy to the imprisoned person themselves and to other persons in the prison. The regulation is being changed because it is not practical to wear a hat indoors, except when going for or coming from a walk. **(Amended by Directive No. 1-1/24/47 of 2**

April 2024, entered into force on 15 April 2024)

- 1.11.4. Clause 67 (3) of the Imprisonment Act must be followed. Any lost or found items, as well as personal items in the cell or prison property that is destroyed or rendered unusable shall be reported to the prison service officer to ensure and protect the security and internal order of the prison and the life and health of other persons (imprisoned persons may attack the prison service officer with items in the cell). The purpose of quick notification is to respond immediately to, for example, a lost item (e.g. keys) and find it (carry out a search). The purpose of quick notification in case of destruction of prison property or rendering it unusable is to identify the culprit and take the necessary procedural steps. The purpose of notification about the destruction or rendering unusable of personal items in the cell is to remove the said items from the list of property of the imprisoned persons, so that questions do not arise later as to whether the imprisoned person has destroyed the items or given them to someone else to use.
- 1.11.5. As an imprisoned person committed to a punishment cell is not allowed to use the bed from wake-up time until lights-out, the mattress and bedding must also be removed from the cell for that time. Leaving them in the cell for the day would not fulfil the purpose of being committed to a punishment cell, as the imprisoned person would be able to use the mattress and bedding to comfortably lie on the floor for the day. The imprisoned person removes and returns the mattress and bedding on their own. An imprisoned person who cannot fulfil the obligation due to health reasons or who has been instructed to lie down during being committed to a punishment cell is released from the obligation if the medical ward of the prison has issued the imprisoned person a relevant medical certificate. (Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 1.11.6. Taking into account the global energy crisis, which requires saving electricity and getting prisoners into the habit of conserving electricity and the financial resources it requires after their release from prison, obliging prisoners to turn off all electrical equipment when leaving the cell last is an effective measure. (Added by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023.)

1.12. Prohibitions of imprisoned persons

- 1.12.1. The purpose of the prohibition is to prevent the commission of disciplinary violations, as well as to prevent damage to prison property. In essence, it is a measure to ensure the security and order of the prison. Imprisoned persons preventing the closing or locking of the doors in the prison leads to a security risk, as it gives the imprisoned persons the opportunity to move freely in the prison territory. One of the most important security measures is that imprisoned persons stay in the prison at the time and place assigned to them. Preventing the doors from closing or locking can lead to the escape of imprisoned persons, the emergence of conflict situations, the distribution of prohibited items, etc. (Supplemented by Directive No. 1-1/120 of 17/06/2014, entered into force on 1 July 2014)
- 1.12.2. Effective supervision of the imprisoned persons must be ensured so that the prison service officer has an overview of their whereabouts and to prevent the imprisoned persons from committing a disciplinary offence (e.g. fighting, escaping).
- 1.12.3. Documents, keys, etc., which do not belong to the imprisoned person and which may put the security of the prison at risk may not come into the possession of the imprisoned person (situations have occurred in the prison where imprisoned persons have entered the office of the inspector-contact person or the rooms of the security service without permission and stayed there).
- 1.12.4. The aim is to ensure the security of the prison.
- 1.12.5. The imprisoned person must not commit disciplinary violations (e.g. fighting, theft). Supervision of the imprisoned person must be ensured.
- 1.12.6. Imprisoned persons may not stay in a room that is not assigned to them, or at a time when they are not supposed to be there. When an imprisoned person is being escorted, they must behave lawfully and avoid disciplinary violations. When an imprisoned person is being escorted, they must not engage in extraneous activities, e.g. shake hands with other persons, drop or pick up any items from the ground, look into door openings, press

any button or switch, or deviate from the prescribed route. This kind of activity could jeopardise the security of the prison.

- 1.12.7. The prison guides the imprisoned person to lead law-abiding life so that when they return to ordinary society, they can adopt the norms of behaviour accepted in society. Obviously, violence is not part of the acceptable norms of behaviour in prison or in free society. When an imprisoned person uses violence, they show disrespect for society. Mental violence is just as burdensome to its victim as physical violence and is not an accepted norm of behaviour in society.
- 1.12.8. The prison must ensure that the constitutional rights of the persons staying there are protected. Pursuant to section 17 of the Constitution of the Republic of Estonia, no one's honour or good name may be defamed, and the laws provide for the protection of the personality rights of individuals, including against defamation and publication of incorrect values. If an imprisoned person uses jargon or profane, rude, threatening, or harassing expressions when communicating with other persons, it expresses obvious disrespect for another person and violates the rights of another person even if one of the elements of the offence stipulated in the Penal Code is not fulfilled. (Amended by Directive No. 1-1/68 of 13 June 2017, entered into force on 1 July 2017)
- 1.12.9. The prohibition is necessary to prevent the exchange of information, for example, to hand over prohibited items or to influence criminal proceedings. This kind of activity disturbs both the performance of the duties of the prison officers and the activities of the imprisoned persons (e.g. study). As a result, the daily work of the prison may be disrupted, for example, the schedule may be shifted, as prison officials have to take unplanned actions to discipline imprisoned persons.
- 1.12.10. The prison restricts the communication of imprisoned persons located in different wards, closed cells, punishment cell, or closed wards for security reasons, so that persons cannot exchange information, e.g. organise violations, compromise the security of the prison and society, or hand over prohibited items. The locking of the cells is necessary to ensure the security of the prison, which helps prevent the undisturbed execution of various procedural acts or other operations. An exception is the communication of imprisoned persons participating in employment activities, where it is not possible to restrict communication due to the nature of the employment activity. Imprisoned persons who come into contact with each other are assigned to groups in such a way that the performance of necessary operations in the prison is not jeopardised.
- 1.12.11. Based on the provisions of the Penal Code, incitement and instigation to criminal offences are punishable under criminal law. Influencing other imprisoned persons to behave unlawfully compromises the security of the prison as a whole. The prison guides the imprisoned person to lead law-abiding life so that when they return to ordinary society, they can adopt the norms of behaviour accepted in society. Inciting or instigating another imprisoned person to commit an offence is not part of the acceptable norms of behaviour either in prison or in normal society. If an imprisoned person incites or instigates another imprisoned person to commit an offence, it shows disrespect for society.
- 1.12.12. Pursuant to subsection 2 (1) of the Gambling Act, the important parts of gambling are making a bet and possibly winning a prize in the game. The outcome of the game is partly or fully determined by an activity based on chance or depends on the occurrence of a previously unknown event. Section 3 of the Gambling Act lists the types of gambling that also qualify for the clause of the rules of procedure. Pursuant to clause 64¹ (17) of the 'Internal Rules of Prison', an imprisoned person may not have gambling supplies. Although imprisoned persons are allowed a limited list of board games (chess, checkers, backgammon), they are prohibited from playing them for profit or rewards. Playing various board games and making bets for the purpose of profit compromises the security of both the player and the prison. Gaming for profit is prohibited due to debt claims. There have been situations where a person is unable to pay the lost sums, and violence and threats are used to collect debts, which in turn can harm the debtor, the well-being and security of their family, and thus also the security of the prison.
- 1.12.13. Tattooing is prohibited in the prison. Tattooing compromises the health of imprisoned persons and other persons staying in the prison, because infectious diseases (HIV, hepatitis, and other blood-borne diseases) can start to spread. There is a common

perception in society that tattoos indicate that the person has spent time in prison and has a recidivist background, or at least that they might be socially aggressive. In addition, an important sign of the prison subculture is the presence of tattoos with different meanings, which can reveal the position in the criminal hierarchy. The spread of subcultural manifestations is contrary to national policy and existing laws; therefore, it is the duty of the prison to prevent it.

- 1.12.14. It is forbidden for the imprisoned person to arbitrarily open and close doors fixed with a door stop, put foreign items in the door stop, etc., as this prevents the supervision of the prison service officials, which may compromise the security of the prison.
- 1.12.15. The purpose of the provision is to ensure order in the ward so that the officers of the prison service can correctly and unhindered fulfil their duties. Watching television or listening to the radio must not disturb the peace of the persons in the ward. (Amended by Directive No. 1-1/166 of 18 December 2015, entered into force on 1 January 2016)
- 1.12.16. Sewer blockages and flooding must be avoided. There have been situations where imprisoned persons have thrown items that do not break down in water into the toilet bowl, resulting in sewer blockages.
- 1.12.17. It is not allowed to make writings or markings, put stickers, or attach photos (except on the adhesive board provided for this), reproductions, magazine clippings, and covers on the construction and interior elements of the cell and other prison property. The provision is necessary to prevent damage to the prison property and disordering of the cells, the restoration of which would cause unnecessary expenses for the prison. Imprisoned persons try to hide the broken places in the cell or make hiding places with photos, reproductions, magazine clippings, covers, and carpets. Consequently, the use of these items in a cell would significantly complicate the surveillance operations of the prison service. (Amended with Directive No. 1-1/132 of 07 December 2017, entered into force on 1 January 2018)

Lights and electronic monitoring devices must not be covered or used in such a way that they hinder visual supervision (e.g. putting covers on tables or cabinets, placing photos on window bars, etc.). It is necessary to ensure operational supervision of the visual control of imprisoned persons and their assigned cells to prevent, for example, imprisoned persons from causing bodily harm to themselves, breaking prison property in the cell, or covering up the breaking of bars and windows with covers and cloths. There have been situations in the prison where the imprisoned person puts a cover over the camera to hide their activities in the cell. In addition, covers and cloths have been placed to hide broken window glass.

- 1.12.18. Section 7 of the 'Internal Rules of Prison' contains an exhaustive list of what is included in the interior of the cell:
- 1) a bed or a bunk bed;
 - 2) storage space for personal effects;
 - 3) a table;
 - 4) a seat for each imprisoned person;
 - 5) a loudspeaker if possible;
 - 6) a hook for clothing;
 - 7) if possible, a place to wash;
 - 8) if possible, a toilet.

These items have been provided for the cell by the prison. Loose or broken furniture is dangerous for both the imprisoned person and the prison service officer. Pursuant to clause 67 (3) of the Imprisonment Act, the imprisoned person is required to promptly inform a prison service officer of all the circumstances which may compromise the security or violate the internal order of the prison or the life or health of other persons.

- 1.12.19. An imprisoned person is only allowed to possess items and substances that belong to them, and it is forbidden to acquire and alienate items and substances from other imprisoned persons. The purpose of the provision is to ensure that items are not exchanged or given to each other in the prison. It is also important that the prison has a correct overview of the imprisoned persons and their personal effects. It has happened that, for example, when released, an imprisoned person has given their personal effects that were in the prison to other imprisoned persons. The imprisoned person must use

personal effects and items given to them by the prison for their intended purpose. Transferring and mediating items and substances to other imprisoned persons makes it difficult or even impossible to carry out checks, because the prison would not know their location. Prohibited items may also be hidden in the object being transferred or mediated, which may lead to a security risk. (Supplemented by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014)

- 1.12.20. (Repealed by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 1.12.21. The imprisoned person covering their face significantly complicates determining their identity or makes it impossible, thus preventing the execution of surveillance operations, which in turn may lead to a security risk. (Added by Directive No. 1-1/250 of 3 December 2014, entered into force on 22 December 2014)
- 1.12.22. Fermentation and acidification of food is unhygienic and consumption of such food can be harmful to health. (Added by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 1.12.23. Exposing images and symbols of state leaders of aggressor countries (e.g. Russia, Belarus, North Korea, etc.) that incite war or conflict between nations can provoke disobedience, mass riots, and conflicts and attacks against fellow imprisoned persons and officials. In addition, actions that approve and justify war and aggression compromise the achievement of the objectives of the execution of imprisonment because they encourage and increase the likelihood of mental and physical violence and the commission of a new crime. When a violation is detected, the items related to the violation are taken from the imprisoned person or removed from the cell. (Added by Directive No. 1-1/74 of 10 June 2022, entered into force on 13 June 2022)
- 1.12.24. When imposing the restriction, the prison takes into account the fact that the display of works depicting the naked human body is inappropriate in the context of the prison and goes against the objectives of the execution of imprisonment arising from subsection 6 (1) of the Imprisonment Act. The objective of imprisonment is to encourage law-abiding behaviour, and the public and undisguised display of works depicting the naked human body (usually the female body) in the prison certainly does not promote the shaping of adequate values. Rather, such an activity inhibits the development of moral standards of the imprisoned persons. In addition, displaying works depicting the naked human body can create a situation in the prison where (female) officers are primarily seen as sexual objects. Such a situation can create a humiliating, disturbing, and uncomfortable feeling in both genders, which in turn can distract the officers from performing their duties. This can encourage situations that compromise the security of the prison. Displaying works exposing the naked body does not have any healthy effect on the personality of the imprisoned persons. It lacks any educational content and does not promote the norms of a moral and responsible member of society. Therefore, it is incompatible with ethical and value norms. A naked body is defined as the uncovered upper and/or lower body of a person or a body of a person barely covered with clothing. (Added by Directive No. 1-1/74 of 10 June 2022, entered into force on 13 June 2022)
- 1.12.25. The restriction is based on the need to reduce the number of various empty packages and cups in cells. Storing products in their original packaging or in prison-approved storage boxes simplifies carrying out supervision and reduces the generation of additional domestic waste in cells. (Added by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023.)
- 1.13. Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of imprisoned persons shall be organised such as to ensure compliance with this Act and the internal rules of a prison and to safeguard general security in a prison. Pursuant to clause 2 1) of Regulation No. 44 of 5 September 2011 of the Minister of Justice, 'Organisation of supervision in prison', supervision means visual or electronic monitoring of persons and premises in prison. Electronic (video and audio) monitoring is used in the common areas of the prison (e.g. corridors, walking areas, etc.). Video surveillance is an important security measure in the common areas of the prison. The right of the prison to process personal data without the consent of the data subject arises from the above-mentioned subsection 66 (1) of the Imprisonment Act. Video and audio monitoring contributes to the protection of the rights of the parties and ensures the possibility to promptly resolve the claims that have arisen

afterwards. (Added by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

2. Prison territory, wards, and units

2.1. The prison territory consists of the land area and buildings located inside and outside the outer boundary of the prison. The grounds for dividing the territory of the prison are derived from subsection 3 (1) of Regulation No. 44 of 5 September 2011 of the Minister of Justice, 'Organisation of supervision in prison'. Based on this, the prison is surrounded by a barrier, consisting of the following parts:

- 1) the internal warning barrier, which separates the inner territory of the prison from the prison barrier, and is marked with the warning sign '*Seis! Vangla piire! Läheneda keelatud! Relvastatud valve!*' every 20 metres along its entire length. If there is no internal warning barrier, the main barrier is marked with warning signs;
- 2) the main barrier, located between the inner and outer warning barriers;
- 3) the outer warning barrier, which separates the outer territory of the prison from the prison barrier, and is marked with a warning sign '*Seis! Vangla piire! Läheneda keelatud! Relvastatud valve!*' every 20 metres along its entire length.

The aim is to distinguish buildings and land areas from the need to ensure supervision. The outer barrier is needed to prevent and deter escape from the prison or attack on the prison. Buildings inside the territory (inside the outer barrier of the prison) must be under constant supervision. Buildings outside the outer barrier of the prison do not have to be under constant supervision. However, other requirements apply to an open prison, which is located outside the outer barrier of the prison.

2.2. The prison territory consists of the land area and buildings located inside and outside the outer boundary of the prison.

2.2.1.–2.2.9. The buildings located on the prison territory and their markings. The change in the markings of buildings located on the territory of the prison was based on the colour of the building – the first letter of the name of the colour of the building is used as the marking.

(Supplemented by Directive No. 1-1/101 of 8 July 2015, entered into force on 14 July 2015)

2.3. Section 29 of the Tobacco Act lists places where smoking is prohibited. The prison or its designated territory is not listed in section 29 of the Tobacco Act. Pursuant to subsection 30 (1) of the Tobacco Act, in the cases not specified in section 29 of the Tobacco Act, the possessor of premises or a designated territory shall, at the discretion thereof, decide whether smoking is allowed on the premises or the designated territory, taking account of subsections 30 (3) and (4) and section 31 of the Tobacco Act.

Pursuant to clause 30 (2) 1) of the Tobacco Act, smoking is allowed only in a smoking room or smoking area in the premises of state and local government authorities. Pursuant to subsection 105 (1) of the Imprisonment Act, a prison is a government agency in the area of government of the Ministry of Justice whose function is the execution of imprisonment, custody pending trial, and detention after service of sentence pursuant to the procedure provided by the Imprisonment Act. Therefore, the premises of the prison are the premises of a state authority within the meaning of clause 30 (2) 1) of the Tobacco Act.

Due to the above, the current Tobacco Act stipulates that the possessor of the prison decides whether to allow smoking in the prison. In the explanatory memorandum to the draft on the Tobacco Act, it is emphasised that the possessor of the premises or a designated territory is not obliged to allocate a smoking room and/or area. Therefore, the Tobacco Act does not stipulate the right of a smoker to demand that there be a smoking room or area in the place specified in subsection 30 (2) of the Tobacco Act.

The amendment prohibits imprisoned persons, officials, and other persons staying on the territory of Viru Prison from smoking on the territory of the prison from 1 October 2017. The objectives of banning smoking in the prison are 1) health protection (creating a living and working environment that supports health, not harms it);

2) ensuring prison security and saving national resources (expenses for health services); 3) overcoming addiction.

1. Health protection

The aim of the measure is to protect the health of both imprisoned person and staff. The amendment aims to reduce the health damage caused by airborne tobacco smoke for both imprisoned persons and prison officers who cannot always move away from smoking areas or smoking imprisoned persons while performing their duties. A prison is an agency where a person cannot choose a place to walk and be in the fresh air – limited areas are provided for this purpose. In addition, the person cannot leave the prison territory. It is not possible to ensure a tobacco smoke-free environment for prison staff and imprisoned persons in walled-in walking areas without making significant investments. A smoking area that is not walled-in does not provide sufficient protection from the tobacco smoke, which spreads in the air even outdoors, which is why other imprisoned persons who want to spend time in the walking area in the fresh air are also forced to stay in an environment polluted by tobacco smoke. It is also not possible to ensure that tobacco smoke does not reach the indoor spaces in the walking areas bordering the buildings.

The state has an obligation to ensure that neither prison officers nor imprisoned persons are in a situation where they cannot avoid inhaling tobacco smoke. Every person has the right to be in a tobacco-free living and working environment.

The prison cannot always prevent smoking indoors. Tobacco products circulating illegally in the prison can be both illegally taken to the prison and illegally handed over and brought into the premises. As the ban on smoking also prohibits the bringing of tobacco products into the prison territory (it is also not possible to buy them from the prison store), there are less possibilities for illegally handing over tobacco products and taking them indoors.

Based on the above, the complete prohibition of smoking in the prison and its designated territory ensures a significantly cleaner and healthier living and working environment, considering the special features of the prison compared to ordinary society.

2. Ensuring prison security and saving public resources

The aim of the measure is to enable the prison to ensure even more effective protection of order in its territory and to reduce the harm caused by the use of tobacco products. Pursuant to the amendment, smoking is prohibited throughout the prison territory, which means that there is no need to provide cigarettes from the smoking cabinet to the imprisoned person for their walk, as they cannot use them. In addition, the smoking ban reduces prison resources spent on preventing indoor smoking (searches, additional surveillance, and providing cigarettes from smoking cabinets), firefighting and damage restoration, and illegal handling of cigarettes in the prison.

After the walk, the imprisoned persons must be searched. During a normal search, it is difficult and, in some cases, impossible to discover hidden cigarettes, so a complete search must be conducted at random or in case of suspicion, i.e. body cavities should also be checked if necessary.

The fact that it is impractical to provide cigarettes to the imprisoned person for their walk also reduces the number of cigarettes illegally brought into the prison. Bringing cigarettes indoors creates a security risk in the prison. Imprisoned persons are not allowed to use lighters and matches for security reasons. However, there is a need to use them if cigarettes are brought into the premises. Various options are used for this purpose, including making lighters from the available electronic devices, as well as the conversion of electrical devices. Smoking cigarettes indoors, as well as using and making self-made lighters, create fire-threatening situations and compromise the health of prison officers and imprisoned persons.

In addition, the prison service must ensure that cigarettes are not exchanged between imprisoned persons. In addition to making supervision more difficult, the exchange and transfer of all kinds of items creates illegal debt relationships in the prison. Cigarettes continue to be a means of payment for the subculture, meaning that cigarettes are used to pay for services, and since cigarettes can be purchased from the prison store, it is easy to them use as currency. However, the emergence of such a situation is unacceptable, as it supports the spread of subcultural manifestations among the imprisoned persons, which are opposed to national policy and current legislation. It is also important that imprisoned persons often complain to the prison that their cigarettes are missing after their walk.

In order to protect the health of people in the prison, to improve the supervision of imprisoned persons, to limit the presence of cigarettes in rooms where smoking is not allowed, and to prevent the emergence of illegal debt relationships, the complete prohibition of smoking on the territory of

the prison is purposeful.

Upon admission to the prison, taking into account their previous lifestyles, the health of the imprisoned persons is damaged. It is therefore justified that the prison makes efforts to prevent health damage in the prison. This includes health damage caused by smoking, such as cardiovascular diseases and cancers, the treatment of which is extremely expensive. The state cannot prohibit this kind of self-harming activity outside of prison, i.e. if a person wants to smoke in their own home, they can do so. In prison, however, it is justified that this decision is made by the state, taking into account both individual and public interests.

Thus, the task of the prison is to ensure at least a way of life in the prison that does not harm health, which is why it is also justified that the decision not to smoke is made on behalf of the imprisoned persons. As imprisoned persons often stay in the prison for a long time, it is possible to save significantly on the costs of tobacco damage.

3. Overcoming addiction

The ratio of smokers in the prison is almost three times higher compared to persons in freedom. Imprisoned persons consider smoking to be part of the prison subculture. As a result, it can be almost impossible to quit smoking in a prison environment, even if the imprisoned person really wants to do it.

If an imprisoned person smokes three cigarettes every day (the permitted amount), they spend about 15.5 euros per month on tobacco products (the price of one pack is 3.4 euros on average). After quitting, the imprisoned person can use the funds previously spent on purchasing tobacco products for food and other consumables, as well as for long-term visits, outings, calling cards, etc., which also fulfils the purpose of resocialization. Thus, a complete ban on smoking is a suitable measure to overcome addiction in the prison.

The security of the prison, the saving of national health care costs, overcoming addiction, and providing a healthy living and working environment is more important than the self-harming activity of a person – smoking.¹ As the main purpose of the ban is to save prison resources, ensure security, and protect the health of prison officers and imprisoned persons, in the event of a conflict of fundamental rights, the more important legal benefit should be preferred. Smoking falls under the protection of the right to free self-realisation provided for in section 19 of the Constitution, and it is therefore a fundamental right with a simple legal reservation, as a result of which it can be restricted for any reason that is not directly prohibited by the Constitution.²

When imposing the restriction, the prison also takes into account the specifics of smoking as an addictive disease, meaning that the imprisoned person staying in the prison and using tobacco products needs counselling and treatment. When quitting smoking, the prison provides counselling and support: individual or group counselling, the possibility to borrow relevant literature, supplementing the list of the prison store with healthy products, etc. If necessary, the prison also provides nicotine replacement therapy.

A sufficiently long entry into force period is planned for the amendment. In the period before the entry into force, prison officers and imprisoned persons will be informed about the harmful effects of tobacco smoke. In addition, the prison has prepared various motivational programmes, which are intended for those imprisoned persons who have decided to quit smoking even before the amendment enters into force. (Supplemented by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)

3. Reception into prison and placing in the prison

- 3.1. When an imprisoned person arrives at the prison, they are placed in a waiting cell to prevent them from coming into contact with other imprisoned persons and preventing prohibited items from entering the prison territory. It is a measure to ensure the security of the prison.
- 3.2. When dealing with prohibited items, the prison follows the procedure established in the Imprisonment Act and the 'Internal Rules of Prison'.
- 3.3. The obligation to undergo a medical examination follows from the provisions of the third sentence of subsection 14 (1) of the Imprisonment Act, pursuant to which the imprisoned person is obliged to undergo a medical examination by a medical officer. The purpose of the medical examination is to get an overview of their health status, their needs for medical care and treatment (chronic

diseases, symptoms of addiction, etc.), and their sports and work ability (including information about disabilities or special needs). Medical examinations also prevent the spread of infections in the prison. The medical examination provides an overview of the medical care and special treatment needs of the imprisoned person.

¹ Position of the Chancellor of Justice,

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

- 3.4. When an imprisoned person arrives at the prison, a uniform list of their personal effects is drawn up. This list shows what personal effects the imprisoned person has with them and whether the items have been assigned to the cell or room of the imprisoned person or the storage for deposition. The list is drawn up in two copies, one of which is given to the imprisoned person, the other to the officer responsible for the storage. If the imprisoned person is transferred to another prison, the list held by the prison service is added to the personal file of the imprisoned person. The imprisoned person and the officer responsible for the storage who prepared the list confirm the correctness of the unified list with their signature. Regarding items prohibited in the prison (section 64¹ of the 'Internal Rules of Prison' and clause 8 of the rules of procedure), it is proposed to send the items out of the prison, as they cannot be used. In the cell, they are subject to the weight limit. Prohibited items deposited in the storage are separated from the other personal effects of the imprisoned person and placed in a sealed bag (all effects of one imprisoned person are on one shelf; the same shelf also contains the prohibited items of the imprisoned person, but they are in a sealed bag). A receipt will be drawn up for the valuables and cash of the imprisoned person. Valuables are placed in a safe and cash is handed over to the prison administration ward. The storage of allowed personal effects in the prison is stipulated in clause 9 of the rules of procedure.
- 3.5. The obligation to search arises from subsection 14 (1) of the Imprisonment Act, pursuant to which an imprisoned person and their personal effects are subject to a search upon arrival in a prison. The purpose of the search is to detect prohibited items and substances so that they do not enter the prison territory. The search specifies the personal effects of the imprisoned person, after which the prison service decides whether they can be kept in the prison.
- 3.6. The purpose of disinfection of an imprisoned person who has arrived at the prison or of the items they have with them is to prevent the spread of parasites and/or possible infectious diseases and to prevent an unsanitary environment in the prison.
Pursuant to subsection 46 (1) of the Imprisonment Act, imprisoned persons shall wear prison clothing provided by the prison. Persons held in custody are not obliged to wear prison clothing, therefore the prison provides clothing to a person held in custody only when necessary, i.e. if personal clothing are missing or unusable. The prison is obliged to provide the imprisoned person with bedding, towel(s), and dishes. The number of items to be provided is based on the capabilities of the prison and the needs of the imprisoned persons. The provision of a hygiene kit is regulated in section 11 of the rules of procedure.
- 3.7. In order to avoid disputes among imprisoned persons regarding the use of prison property in the cell, the prison service officer assigns the imprisoned person a bed, an adhesive board for posting information and photos, and a shelf for storing items. In order to avoid disputes when storing food in the refrigerator provided by the prison, the prison service officer assigns a shelf or drawer in the refrigerator to the imprisoned person. (Supplemented by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014 (Amended by Directive No. 1-1/132 of 7 December 2017, entered into force on 1 January 2018)
- 3.8. In general, intra-prison transfers are carried out to ensure security in the prison. A person held in custody is transferred within the prison if their status has changed to an imprisoned person, i.e. a criminal conviction has entered into force against the person. An imprisoned person is transferred within the prison if they compromise other imprisoned persons or their safety is compromised by another imprisoned person or other imprisoned persons.

4. Movement on prison territory

- 4.1. Pursuant to subsection 46 (1) of the Imprisonment Act, imprisoned persons are required to wear a name tag attached to their clothing. The purpose of wearing a name tag stems from the need to determine the identity of the imprisoned person. If an imprisoned person wears a name tag in such a way that what is written on it is not visible, it is not possible to quickly and efficiently identify them. At the plant, however, wearing a name tag can endanger the life and health of imprisoned persons when hung around their neck.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

² Constitution of the Republic of Estonia. Commented edition, available at <http://www.pohiseadus.ee/ptk-2/pg-19/>, section 19 comment 3.4.2

- 4.2. The aim is to ensure effective supervision of imprisoned persons while they are moving from one building to another and to prevent them from escaping. This prevents the unsupervised movement of imprisoned persons in the prison territory as it can lead to the commission of violations of law. The movement of imprisoned persons between buildings through the gallery makes it difficult to access prohibited items that have entered the prison territory (e.g., items thrown over the fence into the prison territory) and to retrieve other prohibited items. To use the sports field, imprisoned persons, except persons held in custody, are sent to the K-building through the gallery connecting the buildings and then to the sports field. Imprisoned persons move around the territory of the prison accompanied by a prison service official while performing their duties. In the event of an emergency (e.g. fire, etc.), imprisoned persons in danger are evacuated to a territory separated by a fence if necessary.
- 4.3. The permission to move on the prison territory is given by the prison service officer to the imprisoned person. The aim is to ensure that the prison service has an overview of the movement of imprisoned persons and can therefore guarantee the security of the prison. The obligation to move with a prison officer stems from subsection 8 (3) of the 'Internal Rules of Prison', pursuant to which an imprisoned person must be accompanied by a prison officer when moving outside their ward. A prison officer appointed by the director of the prison may allow the imprisoned person to move outside their ward without a prison officer while performing their duties. The aim is to ensure supervision of the imprisoned person when they are moving around the prison territory and to prevent them from committing violations of law (e.g. the imprisoned person communicates with other people, picks up items that do not belong to them, or throws items on the ground). (Amended by Directive No. 1-1/49 of 4 April 2023, entered into force on 1 April 2023)
- 4.4. Situations must be avoided where, for example, imprisoned persons go for a walk in winter in shorts and get sick as a result. When going for a walk, the items the imprisoned persons can take with them are limited to prevent them from exchanging items. Pursuant to the regulation which was valid until 1 October 2017, imprisoned persons could take cigarettes with them during the smoking period scheduled for the walk. As smoking is prohibited for imprisoned persons, officials, and other persons on the prison territory from 1 October 2017, there is no need to provide cigarettes from the smoking cabinet to the imprisoned person for their walk, as they cannot use them. The fact that it is impractical to provide cigarettes to the imprisoned person for their walk also reduces the number of cigarettes illegally brought into the prison. (Amended by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)
- 4.5. The aim is to reduce disciplinary offences when going for a walk and during the walk. A prison service officer may interrupt or end the walk if the imprisoned person commits an act corresponding to the characteristics of a violation of law while going for a walk or during the walk. (Amended by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014)
- 4.6. The basis for the search derives from section 68 of the Imprisonment Act and chapter 4 of Regulation No. 44 of 5 September 2011 of the Minister of Justice 'Organisation of supervision in prison'. The aim is to prevent prohibited items from entering and leaving the ward. If the palms of the imprisoned person are facing them, they cannot hide prohibited items in their hand. The officer searches the imprisoned person quickly. § 32 of Regulation No. 44 of the Minister of Justice dated 05.09.2011, Organisation of Supervision in Prison, stipulates the mandatory search of the prisoner. (Amended with Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)
- 4.7. It must be ensured that imprisoned persons do not move arbitrarily in the area adjacent to the guard room or look into the guard room to see documents from which the imprisoned person can obtain information to put the security of the prison at risk. This way, the guards have a clear view of the imprisoned person in the waiting area. The same clause applies to the production building with the same explanation. In addition to areas separated by a red line, waiting areas can be designated by prison officers, eg areas in building P where no red lines have been marked. (Amended by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023)
- 4.8. The aim is to prevent imprisoned persons from committing disciplinary offences during intra-prison escorting. The provision is necessary to ensure the general security of the prison, because escorting an imprisoned person inside the prison in itself entails a security risk, and if the imprisoned person ignores the legislation governing imprisonment during the escort, the security of the entire prison may be put at risk. (Added by Directive No. 1-1/120 of 17 June 2014, entered into force on 1 July 2014)

5. Schedule

- 5.1. The purpose of establishing a schedule is to teach imprisoned persons how to reasonably use their time, as well as the self-discipline necessary to comply with the schedule, on the basis of the positive activities performed in accordance with the schedule (studying, work, hobbies, etc.). Limiting the activities of imprisoned persons in time and space increases their law-abidingness, preparing them for release. The schedules of the wards are presented as annexes to the rules of procedure.
- 5.2.–5.3. Pursuant to subsection 8 (1) of the 'Internal Rules of Prison', an imprisoned person, with the exception of an imprisoned person staying in an open prison or an open prison ward, is not required to be in a cell when they are engaged in social rehabilitative activities. Outside the cell, the imprisoned person can move around within the boundaries of their ward in accordance with the rules of procedure during the time provided for this purpose. Imprisoned persons must have at least four hours for movement in their ward. The purpose of the provision is to motivate imprisoned persons to dutifully participate in resocialising activities and thereby contribute to mitigating risks, allowing the prison service to resocialise them and motivate non-motivated imprisoned persons to participate in employment activities. Allowing imprisoned persons the extra time for free movement in the ward can help prevent a situation where the imprisoned person misses out on employment activities in order to engage in activities they like more in the ward at the same time. The imprisoned person should not be faced with the choice of whether to engage in employment activities in accordance with the daily schedule or spend time in the open ward. They need to be assured that when they participate in employment activities, they do not have to do so at the expense of the time allotted for free movement in their ward.
- 5.4. It is necessary to inform the imprisoned persons of the fact that employment activities take place at the times specified in the rules of procedure, but the prison has the right to make changes in justified cases.
- 5.5. Imprisoned persons need to be informed of the time they are required to work. This way, imprisoned persons know what to expect each day and can plan their day accordingly.
- 5.6. The prison must guarantee the imprisoned persons the rights arising from the legislation governing imprisonment, therefore the times for guaranteeing certain rights are stipulated by different schedules. It is not advisable to include different schedules in the rules of procedure, as the schedules can often change due to the work organisation of the prison.
- 5.7. Pursuant to subsection 10 (2) of the 'Internal Rules of Prison', imprisoned persons are provided with eight hours for continuous sleep and free time to be used at their discretion. In order to ensure security, the sleep time or free time may be interrupted. The purpose of the provision is to ensure eight hours for sleep every day. At the decision of the head of the unit or the senior prison official present, imprisoned persons are allowed to use cable television and electricity in the cells until 12 a.m. (Amended by Directive No. 1-1/166 of 18 December 2015, entered into force on 1 January 2016 (Amended by Directive No. 1-1/132 of 7 December 2017) (Amended by Directive No. 1-1/41 of 9 April 2018, entered into force on 10 April 2018))
- 5.8. (Repealed by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)
- 5.9. On the basis of subsection 4 (1) of the Response to Memoranda and Requests for Explanations Act, the head of a governmental authority, a local government agency or an agency another legal person in public law shall organise the receipt of persons by a competent official or employee, or shall himself or herself receive persons during the hours which are designated for such purpose and communicated to the public. An agency shall determine reception hours with a duration of at least three hours per month. If an imprisoned person wishes to be received, they must submit a reasoned request. Receiving an imprisoned person in person is not their primary or only way to resolve issues. At the first level, the inspector-contact person solves the questions raised by the imprisoned person in cooperation with other prison service officials. Pursuant to the legislation, the imprisoned person can apply to the prison in writing by submitting a relevant written application. Due to the above and limited time resources, the imprisoned person must correctly and concretely justify their request for reception. They must also justify why a reception is needed and why the problem cannot be solved in writing. The justification of the application stems from the need to assess the content of the problem and the level of management competence needed

to solve it. The reception time is planned in accordance with the time required to clarify the background of the possible problem and taking into account the working time schedule of the involved prison service officials.

- 5.10. Section 60 of the 'Internal Rules of Prison' stipulates the items allowed to an imprisoned person in a punishment cell. There are no items of clothing in the list, therefore an imprisoned person in a punishment cell is allowed to change their clothing once a week. (Added by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014)

6. Roll-call

- 6.1. Pursuant to subsection 10 (3) of the 'Internal Rules of Prison', the roll-call is carried out in accordance with the procedure determined by the director of the prison. The order for the roll-call is given verbally or through the sound system 10 minutes before the start of the roll-call. Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of imprisoned persons shall be organised such as to ensure compliance with the Imprisonment Act and the internal rules of a prison and to safeguard general security in a prison. In order for the roll-call to take place as smoothly as possible, it is necessary to inform the imprisoned persons of the start of the roll-call, so that they can stop other activities and have time to organise the cell and check their appearance.
- 6.2. Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of imprisoned persons shall be organised such as to ensure compliance with the Imprisonment Act and the internal rules of a prison and to safeguard general security in a prison. During the roll-call, the imprisoned person is obliged to stand up by the window of the cell facing the cell door or elsewhere on the order of the prison service officer. This ensures the security of the prison service officer when entering the cell. Pursuant to subsection 45 (2) of the Imprisonment Act, imprisoned persons are required to clean their cells and the furnishings and keep them in order. Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of execution of imprisonment is to help imprisoned persons lead law-abiding life and to defend public order. Proper appearance and posture are part of the daily nature of a normal member of society. With this requirement, we create a habit of polite behaviour in the imprisoned persons. Pursuant to subsection 46 (1) of the Imprisonment Act, imprisoned persons shall wear prison clothing. Imprisoned persons are required to wear a name tag attached to their clothing. Making the bed every day helps to ensure discipline. An unmade bed can prevent quick and effective visual surveillance, as prohibited items can be hidden under/between the bedding, which may not be noticed by the prison service officer during a visual inspection, which may put the security of the prison at risk. A made bed means that the bedding placed on the bed frame (two sheets and one blanket) is straight on top of the mattress. The pillow is placed at the head of the bed. (Supplemented by Directive No. 1-1/156 of 3 October 2016, entered into force on 10 October 2016)
- 6.3. Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of execution of imprisonment is to help imprisoned persons lead law-abiding life and to defend public order. Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of imprisoned persons shall be organised such as to ensure compliance with the Imprisonment Act and the internal rules of a prison and to safeguard general security in a prison. Pursuant to clause 67 2) of the Imprisonment Act, imprisoned persons are required to not prevent prison service officers from performing their duties and not to disturb other imprisoned persons or other persons. The obligation to keep the hands at the sides (i.e. in the correct visible position) stems from the need to ensure the safety of the prison service officer conducting the roll-call. Standing without external support is generally accepted as polite and trains the imprisoned persons to behave this way. An imprisoned person talking or moving, as well using of electrical equipment, without the permission of the official can be considered as an attempt to distract the officer or compromise their safety. Therefore, such behaviour significantly interferes with the performance of the duties of a prison service officer.
- 6.4. Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of imprisoned persons shall be organised such as to ensure compliance with the Imprisonment Act and the internal rules of a prison and to safeguard general security in a prison. Pursuant to clause 2 5) of Regulation No. 44 of 5 September 2011 of the Minister of Justice 'Organisation of supervision in prison', supervision means keeping records of imprisoned persons and other persons staying in the prison and verifying the records at all facilities of the prison.

Comparing the imprisoned person with the roll-call card must ensure identification and the conviction that each imprisoned person is in the assigned place in the prison and the number of

imprisoned persons corresponds to the number shown in the internal security plan. (Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 6.5. Pursuant to subsection 45 (2) of the Imprisonment Act, imprisoned persons are required to clean their cells and the furnishings and keep them in order. Pursuant to subsection 14 (2) of Regulation No. 44 of 5 September 2011 of the Minister of Justice 'Organisation of supervision in prison', when handing over the supervision area:
- 1) a roll-call of imprisoned persons is conducted if there are imprisoned persons in the guard area to be handed over;
 - 2) the technical condition of cells and other rooms or facilities located in the surveillance area is checked.

If the roll-call is conducted in a cell, the technical condition and orderliness of the cell can be checked, among other things. During a visual inspection, the state of health of the imprisoned person is visually checked in order to detect any visible physical injuries, and the condition of the cell and cell furnishings is checked.

- 6.6. Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of execution of imprisonment is to help imprisoned persons lead law-abiding life and to defend public order. Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of imprisoned persons shall be organised such as to ensure compliance with the legislation governing imprisonment and to safeguard general security in a prison. Counting imprisoned persons during a long-term visit is one way to keep the prison safe.

7. Prohibited items

- 7.1. The following items are also prohibited for imprisoned persons in Viru Prison on the basis of subsection 15 (2) of the Imprisonment Act in accordance with subsection 15 (4) of the Imprisonment Act and clause 4 (2) 7) of 'Establishment and Statute of Viru Prison' approved by Regulation No. 20 of 13 June 2006 of the Ministry of Justice in addition to the items and substances specified in section 64¹ of the 'Internal Rules of Prison'.

Subsection 15 (2) of the Imprisonment Act stipulates that imprisoned persons are prohibited to have substances and items, which

- 1) endanger security of people;
- 2) are particularly suitable for damaging property;
- 3) may endanger the security or order in the prison;
- 4) are not in compliance with the objectives of execution of the imprisonment imposed as a punishment;
- 5) impede compliance with hygiene requirements by the prison to a significant extent; or
- 6) require the authorisation of a prison service officer pursuant to subsection 31 (2) of this Act.'

Pursuant to subsection 3 of the same section, the Minister of Justice shall establish by a regulation a list of the items which are prohibited for imprisoned persons, 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.

The security of people within the meaning of clause 15 (2) 1) of the Imprisonment Act is endangered by items or substances the use of which may compromise human life and health. Items and substances that are particularly suitable for damaging property within the meaning of clause 15 (2) 2) of the Imprisonment Act are items and substances that specifically affect the condition of the object, making the object unusable. Items and substances that may endanger the security in the prison within the meaning of clause 15 (2) 3) of the Imprisonment Act are items and substances that aggravate the security risks of the prison. Prison security must be understood in the broadest sense, including the threat to the life and health of imprisoned persons and prison staff, the order established in the prison, and the inventory of the prison. Items that endanger order are those that may not be directly dangerous to security, but make it significantly more difficult to ensure the daily regime in the prison. Items that are not in compliance with the objectives of execution of the imprisonment imposed as a punishment within the meaning of clause 15 (2) 4) of the Imprisonment Act are items that do not contribute to the resocialization of the imprisoned person, i.e. the development of their adequate values or worldview. Items that impede compliance with hygiene requirements by the prison to a significant extent within the meaning of clause 15 (2) 5) of the Imprisonment Act are items whose presence impedes compliance with hygiene requirements in the prison. Within the meaning of clause 15 (2) 6) of the

Imprisonment Act, the imprisoned person is prohibited from using the items specified in subsection 31 (2) of the same act if the prison service official has not authorised their use.

Subsection 15 (2) Imprisonment Act provides for general requirements under which substances and items may be prohibited to the imprisoned person, but it follows from the third and fourth subsections of the section that the list of prohibited items is generally established by the Minister of Justice and the prison may impose additional prohibitions. Therefore, subsection 15 (2) of the Imprisonment Act does not mean that all items and substances that meet the mentioned requirements are forbidden to the imprisoned person.

Instead, a specifying general act must be established or an individual act for a specific purpose and/or case must be issued. The list of items and substances prohibited to an imprisoned person is provided in section 64¹ of the 'Internal Rules of Prison'.

The list of prohibited items and substances provided in section 64¹ of the 'Internal Rules of Prison' is a non-exhaustive list of those items whose compliance with the grounds set forth in clauses 15 (2) 1)–6) of the Imprisonment Act is obvious and does not require separate verification. It is not possible to precisely delineate the grounds for the prohibition of items and substances for an imprisoned person as provided for in clauses 15 (2) 1)–6) of the Imprisonment Act. In order to prohibit an item or substance for an imprisoned person, it is sufficient if it meets at least one of the grounds specified in subsection 15 (2) of the Imprisonment Act. At the same time, it should be borne in mind that the decision to prohibit a specific item or substance cannot only be based on its intended purpose, since even an item or substance that is unquestionably allowed for an imprisoned person, when handled in a certain way, may turn out to meet the grounds specified in subsection 15 (2) of the Imprisonment Act. When deciding whether a single item or substance is permitted, the following question must be answered: **does the imprisoned person need it every day?** Items that are expressly left to the discretion of the director of the prison by law to prohibit are not necessary for the imprisoned person every day. In the case of a negative answer to this question, it must be decided whether the matter can be viewed as dangerous within the meaning of clauses 15 (2) 1)–6) of the Imprisonment Act.

The Imprisonment Act is based on the principle that an imprisoned person can have items in the prison, the presence of which is not prohibited in accordance with subsection 15 (2) of the Imprisonment Act. When it comes to prohibited items, in addition to this list, the list stipulated in the 'Internal Rules of Prison' must also be taken into account. The items and substances specified in the 'Internal Rules of Prison' are mostly not included in the list stipulated in the rules of procedure, unless it was necessary to specify something.

7.1.1. Liquid substances include gels, pastes, cosmetic liquids, liquid mixtures, and the contents of pressurised containers, including all kinds of creams, gels, shampoos, etc. Solid substances include stick deodorants, soaps, etc.

It is necessary to prohibit such items in order **to ensure the security of the prison**, as searching these items and substances is either difficult or even impossible in certain cases. For example, there can be cannabis wrapped in ordinary cigarettes and alcohol, drugs, and other prohibited items and substances can be hidden in a plastic wrap in a bottle containing an opaque liquid. Although it is possible for the prison to scan the items in question, search them manually, and have a detection dog check them, this does not guarantee that all prohibited items and substances will be found. For example, a detection dog may not recognise a narcotic substance hidden in a sausage, nor may it be found by manual search. Scanning does not help in this case either. Even if the food product appears to be in its original packaging on visual inspection, this does not mean that prohibited items are not hidden there or that the contents of the packaging have not been replaced by some other substance. It is not possible for the prison to send all items for examination to determine whether they contain a prohibited substance.

In addition to the questionable compliance with hygiene requirements in the event of a thorough search of food products, there remains the risk that food products sent by post may spoil. Pursuant to subsection 50 (1) of the 'Internal Rules of Prison', items of correspondence must be delivered to imprisoned persons within seven working days. The shelf life of some food products is less than seven working days, and the prison cannot guarantee the preservation of the food products sent in items of correspondence, because the prison service does not know what the item of correspondence contains. In

addition, the prison does not have the conditions for storing food products sent in items of correspondence (cold rooms with suitable temperature). The storage of spoiled substances on the territory of the prison compromises **the health of both the prison staff and the imprisoned persons, which is why the general security of the prison is also at risk**. Non-compliance with basic hygiene requirements promotes the spread of diseases and parasites and the development of poisoning.

Imprisoned person can buy food, toiletries, etc. from the store through the prison service. Only in this case is it guaranteed that the imprisoned persons do not have access to prohibited substances or items. Buying goods from the prison store also ensures that the food is in a condition suitable for eating. It should also be taken into account that the prison provides meals to imprisoned persons three times a day, and toiletries are also issued if necessary. As the imprisoned persons can purchase the items mentioned in this clause from the store through the prison, the prison provides food for the imprisoned persons, and issues toiletries to imprisoned persons if necessary, the restriction in question does not violate the rights of the imprisoned persons. Pursuant to the regulation valid until 1 October 2017, imprisoned persons could purchase cigarettes from the prison store through the prison service. As smoking has been prohibited on the prison territory since 1 October 2017, the sale of cigarette packs in the prison store is not justified as imprisoned persons cannot use them on the prison territory as intended. Therefore, from 1 October 2017, it is not possible to purchase cigarettes through the prison. **(Amended by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)**

- 7.1.2. These items **compromise the security of the person and the prison**. A similar prohibition stems from clause 64¹ (1) of the 'Internal Rules of Prison', pursuant to which imprisoned persons are prohibited from having items that can be used to cause injury, such as cords, threads, keys, ropes, and wires. For the sake of legal clarity, the prison considers it necessary to clarify the existing regulation. As other items (e.g. ties, suspenders, trouser belts) and elements attached to items (e.g. blinders strap) can be used as a means of hanging, tying people up, and causing injuries, these items must also be prohibited to ensure safety. 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 to make (including short cords, ribbons, etc.) hanging hooks or nooses, which can be used to hide prohibited items (e.g. in the ventilation shaft, toilet flush box, etc.). The rights of imprisoned persons are not infringed by this restriction as essential items are permitted.
- 7.1.3. Given the weight, strength, and durability of items or parts of items made of these materials, or the sharpness of broken pieces resulting from breaking items made of these materials, they are particularly suitable for **damaging prison property** (e.g. scratching walls, breaking windows, etc.) and **causing injury** (e.g. an umbrella, flashlight, or strong metal object for hitting, broken pieces for cutting, etc.) and **compromise prison security** (needles are used for tattooing, metal parts are used to make a tattoo machines or kettles, hooks for hanging prohibited items in the ventilation shaft, etc.).

The rights of imprisoned persons are not infringed by this restriction as essential items are permitted. Nail clippers are allowed, but not nail pliers. Nail pliers can be considered more dangerous than nail clippers. Nail pliers can be asked from the guard if necessary. Small mirrors with a diameter or diagonal of up to 10 cm are allowed, as prisoners need a mirror. The bigger the mirror, the bigger the pieces if it breaks, and the more it compromises the security of the prison. **(Amended by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023)**

- 7.1.4. Self-made items can be a **threat to prison security** for a variety of reasons. Namely, when making items, prohibited items and substances can be hidden in them, which cannot be discovered without breaking the item. In the case of items made from food, hygiene requirements are violated, and the disregard of basic hygiene requirements promotes the spread of diseases, the development of poisoning, and the spread of parasites, which **compromises the life and health of persons in the prison**. In the case of self-made electrical equipment, one cannot be sure of their quality, and connecting poor-quality electrical equipment to the power network of the prison can lead to short circuits and power outages, which are a **threat to the security of the prison**. The rights of the imprisoned persons are not violated by this restriction, as they can buy everything they need either in the store or have it sent by maxi letter. The prison provides

everything necessary for a decent life for those imprisoned persons who do not have money.

- 7.1.5. Chewing gum is a **threat to prison security** as it is particularly suitable for damaging prison property (e.g. it can be used to stuff keyholes, making it difficult or impossible to open a door). It can also be used to hang up pictures and posters, which is prohibited in the prison. In addition, chewing gum can be used to hide prohibited items by sticking the items in hidden places with the gum. This restriction does not violate the rights of the imprisoned persons because they can buy sweets from the store and brush their teeth for dental hygiene.
- 7.1.6. Storing food that has become unfit for consumption in the cell is a **threat to the life and health of those in the prison**. Namely, non-compliance with basic hygiene requirements promotes the spread of diseases and parasites and the development of poisoning. It also makes searches more difficult, which is a **threat to prison security**. This restriction does not violate the rights of the imprisoned persons because the prison provides meals to the imprisoned persons three times a day, meaning they do not need to keep expired food in the cell.
- 7.1.7. Narcotic, psychotropic, and other substances with a narcotic or strong effect are dangerous to human health. When they are consumed, a person is no longer able to adequately assess their behaviour and understanding (the imprisoned person cannot perceive their surroundings or obey the orders of prison officials and might behave unpredictably). In the case of excessive administration of these substances, the imprisoned person may overdose, causing health damage. The need to prohibit the items and substances specified in this clause in addition to the prohibition provided for in clause 64¹ (4) of the 'Internal Rules of Prison' arises from the fact that the regulation only prohibits narcotic or psychotropic and other substances with a narcotic or strong effect, but in the interest of ensuring security and legal clarity, substances that can be used to produce prohibited substances and items that contain the aforementioned substances (e.g. papers, newspapers, etc. impregnated with a narcotic substance) must also be prohibited. Therefore, it follows from the above-mentioned that since the substances and items specified in this clause **compromise the security of the prison and the life and health of persons**, they must be prohibited to the imprisoned persons.
- 7.1.8. As alcohol and alcohol-containing substances are prohibited pursuant to clause 64¹ 7) of the 'Internal Rules of Prison', imprisoned persons often prepare a mixture in the cells, from which they want to obtain an alcohol-containing liquid as the final product. Such liquid is a **threat to prison security** because it causes intoxication. An intoxicated imprisoned person is not able to adequately assess what is happening around them. This kind of handling of food (e.g. fermentation) **compromises the life and health of those in the prison** because non-compliance with basic hygiene requirements promotes the spread of diseases and parasites, as well as the development of poisoning.
- 7.1.9. The 'Internal Rules of Prison' only prohibit prescription medicinal products, but since the uncontrolled use of medicinal products or substances compromises the life and health of persons, as well as the general security of the prison, other substances whose uncontrolled use can have a negative effect on the body must also be prohibited.

Pursuant to subsection 52 (2) of the Imprisonment Act, the prison is responsible for the health of the imprisoned person (supervises, treats, refers them to treatment at relevant providers of specialised medical care if necessary). The medical ward of the prison is given the competence to assess the health condition of imprisoned persons, treat them, and prescribe medicinal products. In the case of uncontrolled consumption of medicinal products, food supplements, and other substances specified in this clause, the work of the medical ward in treating imprisoned persons becomes much more difficult because the medical ward does not have an overview and the ability to identify which substances and how much the imprisoned person has consumed.

Storing medicinal products in the cell and their uncontrolled use **compromises the health of the imprisoned person** (overdose can lead to death, irreversible brain damage, etc.), **as well as the security of the prison** (as a result of excessive use of drugs, the imprisoned person may not be aware of their surroundings, not obey the orders of prison officials, or behave unpredictably, posing as danger to all persons in the prison).

Therefore, it must be ensured that the imprisoned person follows the instructions given for the administration of medicinal products, i.e. that they do not use the medicinal products issued by the medical officer to use in larger quantities or to mix up a so-called cocktail. Imprisoned persons are not allowed to collect medicinal products issued by the prison in the cell, and their immediate administration is checked by the officials.

Energy drinks, which have a strong stimulating effect and can lead to health damage or even death in case of uncontrolled consumption, and sports drinks, which also have a stimulating effect on the body, can cause problems.

The prison cannot operationally verify whether the medicinal products, vitamins, dietary supplements, medicinal plants, sports drinks, sports powders, etc., purchased by the imprisoned persons or sent to them from the outside actually contain the substance that is claimed on the package. The sent substances may be mixed with narcotic or psychotropic substances, and the prison has no overview of the composition or quality of the purchased medicinal products. The use of narcotic substances in the prison is a major threat to prison security.

Only medicinal products issued by a prison officer are allowed. Therefore, the rights of the imprisoned persons are not violated with this restriction and they are not deprived of treatment. Instead, it is ensured that they cannot consume substances whose composition and consumption the prison has no control over. If the prison medical officer has referred the imprisoned person to treatment at relevant providers of specialised medical care on the basis of subsection 53 (2) of the Imprisonment Act, who have issued them medicinal products, these products are considered equivalent to medicinal products issued by the prison service medical officer. Instead of energy and sports drinks, imprisoned persons can drink drinks that affect their health less (e.g. juice, tea, etc.).

- 7.1.10. The items specified in this clause **compromise the security of the prison and may endanger the life and health of a person**. The medical ward of the prison is responsible for assessing the health condition of imprisoned persons, treating them, and prescribing medicinal products. The uncontrolled use of medical aids inhibits the work of the medical ward as it does not have an overview of and the ability to identify which aids have been used by the imprisoned person. It is generally very easy to hide prohibited items in medical aids, so only those imprisoned persons who need them can use them. Medical aids may also be used for assaulting fellow imprisoned persons or officers (e.g. elastic bandages). A syringe with a needle can be used for tattooing, which is prohibited in the prison, etc. Searching a blood pressure monitor is either difficult or even impossible in certain cases. Prohibited substances (such as narcotics) and items that are difficult for a prison officer to detect can be hidden inside a blood pressure monitor. Prohibited items and substances entering the prison territory directly compromises the overall security of the prison. In addition, a blood pressure monitor can contain wires that can be used as an assault weapon. The blood pressure of the imprisoned persons is measured by the medical ward if needed, so the imprisoned person does not need a blood pressure monitor in the cell. Medical aid, etc. is allowed or issued for those imprisoned persons who need it, therefore the restriction in question does not violate the rights of the imprisoned person.
- 7.1.11. The availability of various mobility aids can provide an opportunity for an imprisoned person to move faster than prison officials. This **compromises the overall security of the prison** as it becomes more difficult to get hold of the imprisoned person. Mobility aids are generally made in such a way that smaller items can be hidden in them (e.g. in the gaps of wheelchairs, crutches, etc.). These items or their parts can be used to attack people (endanger the life and health of persons) or damage prison property (scratch floors, break windows, etc.). This clause does not violate the rights of the imprisoned persons, because mobility aids are issued to those imprisoned persons who need them.
- 7.1.12. Substances and items that emit aromas (such as incense) can hide traces of drug use and smoking, which **compromises prison security**. There is also a real risk that strong fragrances (e.g. air freshener) will cause allergic reactions in persons staying in the prison, thus **compromising the life and health of these persons**. The rights of the imprisoned person are not violated with this clause because imprisoned persons can purchase essential items (e.g. washing supplies) from the prison store, and toiletries are

issued by the prison to imprisoned persons if necessary.

- 7.1.13. Purchasing toilet paper, napkins, cleaning cloths, sponges, etc. by mail **puts prison security at risk**. Searching these items upon arrival at the prison creates hygiene risks and requires resources. Namely, every napkin, roll of toilet paper, and cleaning cloth should be unpacked to see if there is anything hidden between the layers. All kinds of sponges and cloths should be thoroughly searched. That would be very time-consuming and compliance with hygiene requirements would also be questionable. Imprisoned persons can purchase toilet paper, napkins, washing sponges and cloths, and other necessary items from the store through the prison service. The prison issues toilet paper and cleaning supplies if necessary. Therefore, this restriction in question does not violate the rights of individuals.
- 7.1.14. Keeping condoms in the cell **compromises prison security** (condoms are hidden in body cavities, toilet flush boxes, etc.) and can damage prison property (a condom thrown into the toilet can cause a blockage). As the prison issues condoms to imprisoned persons if necessary, this restriction does not violate their rights.
- 7.1.15. An electronic cigarette is an electronic device consisting of a battery, a capsule (cartridge), an atomiser (vaporiser), and a battery charger. However, an electronic cigarette is defined as a medicinal product if its capsule contains nicotine. It is not possible for the prison to verify what the capsule contains, so prohibited substances can enter the prison with the e-cigarette, **compromising the overall security of the prison**. In addition, a tattoo machine can be made from its parts. E-cigarettes also need to be recharged from time to time, but since imprisoned persons are not allowed to keep tobacco products in their cells and prison officers are not required to charge the e-cigarettes of imprisoned persons, it is very difficult to arrange for them to be recharged. This restriction does not violate the rights of the imprisoned persons because they can smoke ordinary cigarettes if they wish. In addition, smoking is harmful to health, and ensuring this right cannot be more important than ensuring the general security of the prison.
- 7.1.16. Tattooing is prohibited in the prison for security reasons. Firstly, the prison does not have the necessary conditions, equipment, or other necessities for safe tattooing. The lack of disinfectants, unhygienic conditions, repeated use of the same needle, and the presence of HIV-positive and other diseased imprisoned persons in the prison would promote the spread of HIV and other diseases among the imprisoned persons. Secondly, tattooing is traditionally one of the ways to preserve the prison subculture. In order to mark imprisoned persons who belong to the lower subculture layer, there have been cases in the prison where they are tattooed against their will. Therefore, the equipment, substances, or items used in tattooing (including stencils, needles, tattoo pictures and instructions, copy paper, etc.) are a **threat to the security of the prison and the life and health of persons**.
- 7.1.17. Electric toothbrushes, battery-powered razors, hair clippers, and similar devices can easily be made into a tattoo machine. Tattooing compromises **the security of the prison, as well as the life and health of the people in the prison**. Moreover, prohibited items and substances can be hidden in these devices because it is difficult to search them. They also generally contain wire, cord, and other parts that can be used to cause injury, damage prison property, or hide items. This provision does not violate the rights of individuals because an ordinary razor or toothbrush can be used.
- 7.1.18. The items specified in this clause must be prohibited because the prison cannot ensure their intended use and it is very difficult to search them.

These items are dangerous for several reasons:

- 1) gel pens, ink, ballpoint pens, pens, etc. are particularly suitable for tattooing, which **compromises the life and health of persons**. Different colours tempt imprisoned persons to get more tattoos (especially young ones) because coloured tattoos are more attractive;
- 2) these items can be used to **damage property** because they can be used to make drawings, scratches, etc. on walls and room elements. Removing drawings and scratches without damaging the element is difficult, and often repainting the element is the only way to restore the original condition;
- 3) small prohibited items and substances (e.g. needle, narcotic substances) can be

- hidden in these items, but it is difficult and sometimes impossible to search for them without damaging the item, therefore they compromise **the security of the prison**;
- 4) some of the items specified in the provision (e.g. pens) can be used as an offensive weapon, which poses **a threat to the life and health of persons**;
 - 5) (Repealed by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021);
 - 6) a black ballpoint pen makes it possible to falsify documents more effectively and to correct or supplement the writing printed on the document without it being noticed. In the case of a document written with a black ballpoint pen, it is not always possible to distinguish whether it is an original document or a copy. The falsification of documents **compromises the security of the prison**.

As the imprisoned persons needs to write with something, it is not possible to ban all writing instruments. Blue pens are allowed. Coloured and regular pencils are also allowed. In total, there can be up to 50 drawing and writing instruments in the cell. The imprisoned person does not need more pens. In addition, unnecessary items in the cell prevents searches and promotes the non-intended use of items. Namely, searching writing instruments one by one takes time and is difficult, as some imprisoned persons may collect dozens if not hundreds of them during their stay in the prison.

Glue needs to be banned for several reasons:

- 1) glue is a common means of achieving toxic intoxication, which compromises the life and health of persons, as well as the general security of the prison;
- 2) items that are very difficult to open during searches can be hidden in the glue;
- 3) imprisoned persons use glue to put images on prison building elements, which is prohibited. These images often cannot be removed without damaging the property.

Scissors, staples, and hole punches contain metal parts that are prohibited in the prison. Scissors are very dangerous in the prison because they can be used as an assault weapon. As they are quite sharp items, scissors can be used to cause very serious injuries. Because scissors are sharp, they are can be used for damaging prison property, such as cutting clothing or mattresses and scratching walls, floors, and furniture, etc. Staplers can also be used to cause injuries, e.g. using the stapler on the body of another person. Staplers can also be used to damage prison property, e.g. staple sheets, T-shirts, etc., from which removing staples can be extremely resource-intensive. In addition, staplers contain metal parts that can be used to scratch prison property. Instead of stapling papers together, a person can keep documents together with plastic paper clips and in the folders allowed by the prison. A hole punch is a metal object that can also be used to damage prison property (e.g. scratch, pierce the sheets, etc.). In general, hole punches are heavy, so they can be used as an assault weapon to hit another person. Hole punches have metal springs that can be used for making a plug for a self-made electrical device. If necessary, the imprisoned person can make a hole in the papers with the tools they are allowed to use.

Metal paper clips are prohibited because they can be used to open handcuffs and their wire is used to boil water and make electrical appliances. Plastic paper clips purchased through the prison service are allowed. In the case of paper clips sent from the outside, the prison cannot verify whether they are metal paper clips that are merely covered with plastic or not.

Tape can be used to bind people or stick prohibited items in hard-to-reach places (e.g. ventilation shafts).

Adhesive gum, plasticine, and clay are difficult to search, which is why they can be used to hide prohibited items. Similar to tape, they can be used to hide prohibited items (sticking items in hard-to-reach places), damage prison property, and hang pictures, posters, and decorations (covering walls is prohibited in the prison).

(Amended by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021)

- 7.1.19. The prison service cannot sufficiently ensure the intended use of substances and parts contained in office equipment. Substances found in such items (soot, ink, etc.) can be used for tattooing and thereby **compromise the safety of persons and damage prison property**. Various prohibited items can be hidden in office equipment that cannot be detected by the prison service. In addition, office equipment can contain parts that can be used to build a tattoo machine or other equipment. Devices usually come with a cord that

can be used as an assault weapon. Imprisoned persons prepare all the necessary documents in manuscript, and they perform other operations with non-hazardous means.

There is a justified need to have a calculator in the cell, for example, prisoners participating in studies or when ordering goods from the shop. However, it is possible to hide prohibited items in the calculator, but finding them is time-consuming and difficult, if not impossible, without breaking the calculator. Therefore, only a calculator issued by the prison or bought from a shop through the prison is allowed. (Amended with Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

- 7.1.20. Various prohibited items and substances can be hidden between hard paper or cardboard covers. Detecting them is very difficult, which **compromises the security of the prison**. These items can also **endanger the life and health of persons**. Binders can be used to cause bodily injury to other persons. The binding part of a binder is generally made of metal, but items containing metal are prohibited. Imprisoned person may store papers in transparent, thin, flexible plastic folders with no rubber bands or metal parts. Plastic pockets are prohibited because in the past, prohibited items and substances have been transported in and out of the cell from under the cell doors with them. Folders do not fit under the cell door, so they do not compromise prison security to the extent that plastic pockets do.
- 7.1.21. Photo and stamp albums and picture frames pose **a threat to prison security** because prohibited substances or items can be hidden between them, the detection of which is time-consuming and labour-intensive. Namely, this requires removing all pictures or postage stamps in the album and going through each page. For hardcover albums, prohibited items may be hidden inside the covers. Album covers cannot be searched without damaging the album. Picture frames must also be disassembled and searched. Continuously doing so risks damaging the picture frame or picture. The imprisoned person can keep their photos in a folder, for example.
- 7.1.22. These items need to be banned for **prison security** as they are difficult to search. There are imprisoned persons in the prison who have been diagnosed with drug addiction and who are trying to find different ways to get narcotic substances into the prison. It is possible to glue prohibited substances between the pages of newspapers, magazines, and other literature. Therefore, each page should be checked separately, which is time-consuming and labour-intensive. The substance glued on the page may not be visually identifiable. This way, a prohibited substance may end up in the prison. The presence of narcotic substances in the prison territory **directly compromises the security of the prison**.

It is important to emphasise that pursuant to subsection 30 (2) of the Imprisonment Act, an imprisoned person shall be permitted to subscribe, through the mediation of the prison service, for a reasonable number of periodicals, which ensures that no prohibited substances reach the prison through newspapers, periodicals, and other pieces of literature Pursuant to subsection 30 (1) of the Imprisonment Act, imprisoned persons shall be provided with the possibility to read national daily newspapers and national periodicals in a prison. In addition, they are allowed to listen to radio broadcasts and watch television broadcasts, through which they can keep up with current news, and visit the library.

If the prison is unable to provide a foreign citizen with daily newspapers and periodicals in their native language, it is allowed to send a reasonable number of newspapers and periodicals in their native language to them by letter. (Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 7.1.23. Musical and 3D cards are prohibited for **prison security**, as prohibited items or substances can be hidden between the cards, which cannot be found without damaging the card. In addition, the electronic content of the musical card can be used as part of a tattoo machine. Ordinary cards can be sent to imprisoned persons, meaning that the restriction does not violate their rights. (Amended by Directive No. 1-1/41 of 9 April 2018, entered into force on 10 April 2018)
- 7.1.24. Items (including tapestries, wall calendars, cloths, stickers, posters, etc.) intended for room decoration, furnishing, and surface covering compromise the security of the prison.

Namely, it is forbidden to cover walls and other surfaces in the prison, because it hinders visual surveillance and complicates searches (prohibited items and substances can be hidden between decorations, artificial flowers, etc.; these items can also be used to hide hiding places). The imprisoned person cannot use the items in question in the prison as intended. Allowing items that cannot be used in the cell hinders its search.

- 7.1.25. Prohibited items and substances that are difficult to detect can be hidden inside games and toys, meaning they compromise prison security. In general, games and toys should be searched or broken, otherwise they cannot be searched. Puzzles have a lot of pieces, and to make sure that nothing is hidden behind or inside any piece, the prison service should go through all the pieces individually. To ensure that the rights of imprisoned persons are not violated by this restriction, they can purchase certain board games through the prison and take them with them when they arrive in the prison.
- 7.1.26. Due to the peculiarities of the electrical system of the prison, the use of electrical equipment over 1.2 kW may lead to an overload of the electrical system, which **compromises the general security of the prison**. As imprisoned persons serve their sentence in a walled building and their movement is restricted, the failure of the electrical system of the building poses a great risk to the **lives and health** of imprisoned persons and prison staff. Kettles, televisions, and other electrical devices used by imprisoned persons are also manufactured with a power of less than 1.2 kW. In this way, the restriction does not violate the rights of the imprisoned persons more than the prison benefits from the restriction. Electrical equipment must be purchased through the prison for several reasons. Namely, electrical devices that have not been acquired through the prison service can compromise the security of the prison, since the prison service does not have reliable information about the origin of the device, and the prison cannot check the hiding places of the item without damaging the device. This can lead to a situation where prohibited substances and items enter the prison territory. It may be necessary to open an electrical device allowed in the prison for a thorough inspection. As the prison does not have such a qualified specialist who has the right to open an electrical device (including a computer) during the warranty period (or at any other time), the electrical device can be damaged due to incompetence. Moreover, the sales warranty given at the time of purchase of the devices is generally not valid if the electrical device is opened by an unauthorised person during the warranty period. As the imprisoned person can purchase the necessary electrical devices through the prison service and take them with them when they arrive in the prison, the restriction in question does not violate their rights. **(Amended by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021)**
- 7.1.27. A television is **an item that compromises the security of the prison** because prohibited items can be hidden in it. A television located in the cell prevents surveillance. As a television is a necessary device for imprisoned persons, it is not reasonable to ban it. The bigger the television, the more it interferes with surveillance and the more time-consuming it is to search it. At the same time, even a small television provides the imprisoned person the opportunity to watch television broadcast. Therefore, the benefits of a large television would not greatly outweigh the benefits of a small television, but a large television would pose a much greater threat to prison security.
- 7.1.28. Power supplies are prohibited in the prison because they **pose a threat to prison security**. Various items can be hidden in power supplies, which are impossible to find without opening the power supply. Opening the power supply, however, can break it. As there are items that require batteries to operate, they cannot be banned completely. Imprisoned persons can purchase batteries through the prison service. This is the only way to ensure that the prison can be sure that nothing is hidden in the batteries.
- 7.1.29. The items specified in this clause compromise the security of the prison and may endanger the life and health of a person. In the case of self-repaired electrical equipment, one cannot be sure of their quality, and connecting poor-quality electrical equipment to the power network of the prison can cause short circuits and power outages, which pose a threat to the security of the prison. As imprisoned persons serve their sentence in a walled building and their movement is restricted, the failure of the electrical system of the building poses a great risk to the lives and health of imprisoned persons and prison staff. Non-working devices are likely to be stripped of parts that can be used to make other items and devices (such as a tattoo machine). Allowing parts of items and equipment in

the cell is dangerous because imprisoned persons can use these parts to assemble other equipment and items and take them apart again after use. This cannot be accepted by the prison because it would **compromise the security of the prison and the life and health of the persons staying in the prison.**

- 7.1.30. Signal and broadcast transmitters allow imprisoned persons to listen to radio broadcasts and watch television broadcasts that are not accepted in the prison (for example, movies with pornographic content prohibited in the prison) because they **compromise the security of the prison.** In addition, these transmitters allow imprisoned persons to communicate with the outside world in an uncontrolled way, which, in addition to the security of the prison, also compromises the security of those outside the prison. Various Internet devices are dangerous because the use of the Internet is prohibited in the prison. Enough radio and television channels are allowed in the prison to provide information to the imprisoned persons and to satisfy their entertainment needs. They can familiarise themselves with legal acts and read court decisions on computers specially adapted for them. Thus, the restriction does not violate the rights of individuals. In Viru Prison, radios are provided in the cells, so there is no need for a personal radio in the cell. Unnecessary items are often used inappropriately. As the prison has provided a radio to the imprisoned persons, there is a high probability that personal radios would not be used as intended, such as rebuilding it, removing parts used to make a tattoo machine, hiding prohibited items, etc. Electronic devices are very difficult to search, so allowing them is always a risk. Consequently, allowing an imprisoned person an unnecessary radio does not benefit them much, but greatly compromises the security of the prison.
- 7.1.31. Imprisoned persons may not use the Internet in the prison (except on specially adapted computers for reading legislation and court decisions) because uncontrolled use of the Internet **compromises not only the security of the prison, but also the security of persons outside the prison.** This is also prohibited with clause 64¹ 10) of the 'Internal Rules of Prison', which stipulates that imprisoned persons are prohibited from using mobile phones and other electronic or technical means of communication in the prison, including radio transmitters, personal digital assistants, and personal computers, through which information can be transmitted and received. For legal clarity, the prison will clarify the wording of this provision. If there is a risk that information can be transmitted and received through a device, either directly (in the initial configuration of the device) or indirectly (by later modifying this device), then its presence in the prison is not and cannot be allowed. That is because mostly all modern personal computers allow the transmission and reception of information. Older personal computers in the initial configuration may not allow this, but Internet can still be accessed by installing small accessories on the computer, such as dongles or other internal computer devices, that may not be detectable. In addition, imprisoned persons may use illegal means to get hardware (such as a USB stick) that connects to a computer. As the smallest WiFi stick measures 1.5 × 2 × 0.8 cm, i.e. the item is very small, it is very difficult for officials to detect them. The probability that they will end up in the hands of the imprisoned persons is very high.

The prison cannot exclude prohibited items from reaching the prison, therefore it cannot be excluded that hardware that can be connected to laptops reaches the imprisoned persons. No matter how diligently the prison service officials do their job and check letters, packages, and people arriving at the prison, it is not possible to detect all prohibited items. Even if the prison could prove that it is not possible to transmit or receive information with a specific item, it could still be made possible with certain modifications. The prison cannot carry out the obligation to defend public order set forth in subsection 6 (1) of the Imprisonment Act and the supervision obligation set forth in subsection 66 (1) of the Imprisonment Act, because it cannot be assumed that the prison must, for example, carry out inspections every week to identify whether the device has been modified or rebuilt. In addition, the inspections might not prove anything – the devices can be modified very easily, meaning that the imprisoned person can remove the dongle or other device before the inspection. It is also important that the inspections should be carried out by persons with IT competence. However, the prison does not have such specialists. The use of a computer is not essential for imprisoned persons because they can do everything necessary without a computer. For example, letters can be written by hand, publications can be borrowed from the library or sent by mail, movies can be watched on television, music can be listened to on the radio, etc.

7.1.32. Different data media are dangerous in many ways. CDs and DVDs have sharp edges and can be used as a cutting weapon to injure yourself or others, i.e. they **endanger the life and health of persons**. VHS and audio cassettes contain a tape that can also be used as an assault weapon. In order for imprisoned persons to be able to use data media, the prison must first make sure that the data media do not contain violence, racism, hatred, or pornographic or similar works that compromise prison security. Such assurance can only be ensured by a thorough inspection. Thoroughly listening to or viewing a data medium requires an unreasonable amount of time and the application of additional staff and interferes with the main work of prison service officers. In addition, items can be hidden inside the cassettes but it is not possible to discover them without opening the cassette. However, opening the cassette is difficult and time-consuming and can ruin it. Consequently, VHS cassette **pose a threat to the overall security of the prison**. It is difficult to identify the owner of unmarked and self-made data media, which allows the imprisoned persons to more easily exchange or lend them to others. However, such activity is prohibited in accordance with the rules of procedure of Viru Prison. Imprisoned persons can listen to music on the radio and watch television shows and movies on the television, so CDs, DVDs, and VHSs cannot be considered essential items in the prison. The use of data media of unknown origin in state computers is prohibited as infecting computer systems with an unknown virus compromises the security of the prison.

SIM cards are also data media. They are used for their intended purpose only in mobile phones. In most cases, the SIM card cannot be used as intended without a phone. As mobile phones are prohibited in the prison, SIM cards have no practical value. Allowing them would possibly encourage the spread of mobile phones in the prison because if a person has a SIM card, they might want a phone as well. SIM cards make it possible to establish unauthorised contacts with a mobile phone that are dangerous to the general security of the prison. Other data media are prohibited for the same reason.

7.1.33. There is a wide variety of electronic and digital games, and many games require game consoles or other accessories/devices to play. Prohibited items or substances can be hidden in such devices, and they can be converted for other purposes (e.g. communication, Internet use, etc.). However, searching electronics is difficult in the prison. Prison service officers are not specialists in electronics but without specialist knowledge, it is difficult to judge whether a device has been rebuilt or not by visual inspection alone. To find prohibited substances and items, it is necessary to disassemble the devices, but this means that the warranty will be void. Disassembling the items can cause them to malfunction, which in turn can lead to material damage claims against the prison. Console games are mostly violent. Playing these games promotes the wrong values, can incite violence, and causes the imprisoned person to become addicted. Gaming is an irrational use of time and the objectives of imprisonment could be realised more effectively with other activities. Although computer games are not gambling games, there are some similarities which can also affect the psyche of an adult. Playing computer games can lead to addiction and the desire to spend more time playing, and if this opportunity is not available, it can lead to irritation and a negative attitude. Being irritated affects the communication with other imprisoned persons and causes conflicts to arise more quickly, which compromises the general security of the prison. Imprisoned persons can spend their free time in other ways. Therefore, it follows from the above these items pose a **threat to the security of the prison**.

7.1.34. The prohibition of scales is necessary to ensure the security of the prison as searching them is either difficult or even impossible in certain cases. Prohibited substances and items that are difficult for a prison officer to detect can be hidden inside a scale. Scales also contain various parts that can be used to make devices (kettle, tattoo machine). Therefore, scales **compromise the security of the prison**. If necessary, imprisoned persons are weighed by the medical ward. Foodstuffs are usually in packages with the weight marked on them. Therefore, there is no need for a scale in the cell.

7.1.35. Hangers are prohibited because they may contain wire, and wire is prohibited in the prison. Even if the hanger is made of plastic, it is a dangerous item because it can be used as an assault weapon, **endangering the life and health of persons**. The hook of the hanger can be used to hang prohibited items, e.g. in the ventilation shaft, which makes it difficult to detect them and **compromises the security of the prison**. As imprisoned persons keep their clothing in closets and racks, a hanger is not essential for them, and

their rights are not violated by the prohibition.

- 7.1.36. An imprisoned person who voluntarily wears women's clothing would most likely become a victim of hostility and taunts from fellow imprisoned persons. In addition, weaker imprisoned persons may be forced to wear women's clothing to humiliate them and entertain others. Both possibilities **pose a threat to the security of the prison and the life and health of persons** because they involve both mental and physical suffering.
- 7.1.37. Wearing a cap **puts prison security at risk**. If the imprisoned persons wore caps, it would not be possible to identify them operationally (especially through cameras). As the walking booths and yards have roofs under which imprisoned persons can find shade from the sun, and the prison issues woollen winter hats to them in cold weather, caps cannot be considered essential items in the prison, therefore banning them does not violate the rights of the imprisoned persons.
- 7.1.38. Motorcycle boots and similar footwear pose **a threat to the life and health of people in the prison**, because they can be used as an offensive weapon and for **damaging property** (e.g. using motorcycle boots for breaking windows). Imprisoned persons may wear footwear that do not pose a threat to prison security, so the restriction does not violate their rights.
- 7.1.39. Bags, suitcases, boxes, and crates are prohibited to **ensure the overall security of the prison**. These items would compromise prison security. If the items of the imprisoned persons are in bags, suitcases, boxes, or crates, it is difficult for the prison service officers to monitor and search the cells effectively. Namely, bags often have multiple seams, pleats and pockets, multiple or reinforced bottoms, etc. It is particularly easy to hide prohibited items and substances in such bags and suitcases. Boxes can have multiple bottoms, double walls, etc. Comprehensive inspection of such items and the items stored therein is time-consuming and complex, therefore a quick and effective search is hindered. In addition, some boxes are made of stronger material and have sharp corners or edges that can be used to attack other persons. Plastic trays and jugs can be broken for large sharp pieces that can be used to attack other persons. Imprisoned persons can store their items in a way that is less dangerous to the prison in a designated place in the cell, i.e. in a closet, rack, or plastic bags.

A maximum of five paper bags is allowed, because there is no need for more, and allowing each additional bag into the cell poses a threat to prison security. Namely, each bag and its contents must be thoroughly checked during searches. The fewer bags there are, the more efficiently it is possible to search them. Moreover, practice has shown that unnecessary items are often used in a non-intended way. For example, plastic bags can be used to make a rope, which can be used as an assault weapon, to make hanging loops, etc. As food is best preserved in special plastic food boxes, a maximum of two boxes with a total volume of no more than one litre are allowed. The restriction is necessary to ensure the security of the prison. There is no need for more boxes and they make it difficult to search the cell. The imprisoned persons are fed three times a day, so they do not need to store a large amount of food. If an imprisoned person stores food in dozens of boxes, it is very difficult to detect prohibited items in these boxes, which compromises the security of the prison. In addition, boxes can be broken for large sharp pieces, which can be used as offensive weapons. Food or drink bought from the prison store can be stored in the original packaging in addition to the storage boxes.

Filters pose a risk to prison security as prohibited items and substances can very easily be hidden in them. In addition, filters usually cannot be searched without damaging them. As the water filter generally contains granules or a substance necessary to purify the water, the original content of the filter can be replaced with one containing a narcotic substance, and the prison cannot detect this. Imprisoned persons may only use a water filter. The fact that they can be purchased through the prison from the store means that the rights of the imprisoned persons are not violated.

(Amended by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021 (Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022))

- 7.1.40. Using an umbrella **compromises the security of the prison and endangers the life and health of persons**. If the imprisoned persons were using umbrellas, they could not be identified operationally (especially through cameras). In addition, umbrellas can be used as offensive weapons. Umbrellas also contain wire, which imprisoned persons use, for example, to build kettles. As the walking booths and yards have roofs under which imprisoned persons can find shade in the rain, umbrellas cannot be considered essential items in the prison, therefore their prohibition does not violate the rights of imprisoned persons.
- 7.1.41. Clocks are prohibited in order to **ensure the general security of the prison**. It is necessary to ban clocks (including wrist-watches that do not originate from the prison) because it is necessary to open the clock case to determine whether prohibited substances or items are hidden therein. Opening the case may damage the clock mechanism, causing the clock to stop working. The fact that wrist-watches are small does not matter because they can be used to hide, for example, narcotic substances or a SIM card, etc., which compromises the security of the prison. Wrist-watches purchased through the prison service are allowed due to the need to ensure the security of the prison. As the imprisoned persons are informed of the activities in the schedule via loudspeaker, and wrist-watches purchased through the prison service are permitted, this restriction does not violate the rights of the imprisoned persons.
- 7.1.42. Wearing sunglasses significantly complicates the operative identification of the imprisoned person and allows the wearer to hide injuries caused by fights. Failure to respond in time to injuries and delayed provision of medical care **endangers the life and health of the imprisoned person**, but failure to respond in time to imprisoned persons fighting **compromises the security of the prison** as a whole. This provision does not violate the rights of imprisoned persons, as sunglasses are allowed or issued to imprisoned persons if medically indicated.
- 7.1.43. If necessary, imprisoned person can use blinders if any light source should disturb them. Blinders are generally made of multiple layers of materials, with seams or thickenings, so that prohibited items can be hidden there that are difficult to find, which is why they are only allowed to be purchased through the prison. (Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 7.1.44. The use of ear plugs and headphones **compromises prison security**. Their user does not clearly perceive what is happening around them, which endangers their life and health, but also compromises the general security of the prison. For example, the user cannot hear a fight taking place in their vicinity, the smoke detector signal, the orders of officials, etc. Headphones also contain wires that can be used as an assault weapon. Wireless headphones can be configured to transmit and receive information. Such uncontrolled transmission of information may endanger the safety of persons outside the prison.
- 7.1.45. A religious imprisoned person does not need more than one set of prayer beads. At the same time, imprisoned persons do business with prayer beads. The sale, exchange, etc. of items is prohibited in the prison and may create debt relationships between imprisoned persons that **compromise the general security of the prison**. In addition, prayer beads contain thread/cord, which is prohibited in the prison. If there are several sets of prayer beads, a long enough string can be made from them to **endanger the safety of those in the prison**. This restriction does not violate the rights of imprisoned persons as one set of prayer beads is allowed.
- 7.1.46. The presence of mock-up and imitation weapons creates an illusion for imprisoned persons and prison staff, which greatly disrupts the work of the prison and **compromises the security of the prison**. For example, a prison officer may not be able to understand at first glance whether they are being threatened with a model or a real weapon, so they cannot react promptly and neutralise the threat. In addition, various items can be hidden inside mock-up and imitation weapons, and it is usually not possible to search them without damaging them.
- 7.1.47. (Repealed by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 7.1.48. (Repealed by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 7.1.49. The presence of the items specified in this clause in the cell **compromises the security of the prison**. It is much easier for the prison to ensure prison security when imprisoned persons use prison-issued items. It is usually more difficult to hide something in such items and they are easier to search because the prison knows the special features of the item. Prohibited items may be hidden in items brought or sent from the outside. They may also be impregnated with narcotic substances, etc. Additionally, prison-issued items are not used for doing business as personal items are. As the imprisoned person can still exercise their rights with items issued by the prison, the restriction does not violate their rights. Disposable cutlery (e.g. knife, fork, etc.) is necessary for consuming food purchased through the prison store. (Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 7.1.50. What these items have in common is that they **compromise the overall security of the prison**. With items that are very time-consuming or difficult to search (e.g. stamp albums), there is a risk that the prison service officers will not notice the prohibited items hidden therein. Some items cannot be searched without breaking the item (e.g. toys), or there is a very high chance that the item will break during the search. As the item must be broken or is accidentally broken during the search, and items that are not intact are not handed over to the imprisoned persons, all purpose and meaning to acquire these items is lost. A thorough search of certain items involves hygiene problems (the item is searched manually), which is why handing over such items is also not conceivable. The necessary items for the imprisoned person are issued to them either by the prison or they buy them themselves from the store. This ensures that unnecessary items do not reach the prison and are not stored in the cells and this prevents the search of the cells and thereby **compromises the security of the prison**.
- 7.1.51. Sending articles of clothing and footwear through the post **compromises prison security**, as they are either difficult or in some cases impossible to search. Prohibited substances and items that are difficult for a prison officer to detect can be hidden in the pockets and between the seams of articles of clothing, as well as in the soles and heels of footwear, etc. Clothing can be impregnated with a narcotic fluid that may not be detected by the prison service officers. The imprisoned person is obliged to wear prison clothing. They can acquire items that the prison does not issue to them through the prison service. If necessary, the imprisoned person will be provided with the necessary clothing and footwear as humanitarian aid. Articles of clothing and footwear are only allowed to be sent by post to a person held in custody. Persons held in custody wear their own clothing in the cell and are allowed by legislation to receive packages in limited quantities, including clothing (one package per two months). As persons held in custody usually do not come into contact with each other, the distribution of prohibited items and substances is limited. Fans are prohibited in the prison because they **compromise the security of the prison and endanger the life and health of the persons staying in the prison**. Prohibited items can be hidden in fans, which are relatively difficult to find because the fan can break during a search. Fans usually have a cord that can be used as an assault weapon. The blades of a working fan are also dangerous. Moreover, excessive and uncontrolled use of a cooling fan can cause imprisoned persons to fall ill. As ventilation is ensured in the interior of the prison, there is no need for the imprisoned person to use a personal fan.
- 7.1.52. Imprisoned persons make heavy dumbbells from plastic bottles by filling them with salt or other substances. Keeping such heavy items in the cell **compromises the security of the prison and endangers the life and health of the persons** because heavy bottles can also be used as assault weapons. Imprisoned persons do not need to have more than six litres (limit of two purchases) of drinks in the cell as it is not possible to buy more in a month from the prison store. The imprisoned person can return the bottles/cans to the store during each subsequent store visit. A pressurised bottle cannot be searched without damaging said item. Due to the impossibility of searching, a pressurised bottle **compromises prison security and endangers the life and health of persons** as it is not possible to determine what the item actually contains.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013
(Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March

2022)

- 7.1.53. It is difficult to detect prohibited items inside items adapted to hide them and therefore, prohibited items can more easily reach the cells of imprisoned persons, which in turn compromises the security of the prison.

(Added by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

- 7.1.54. Pursuant to subsection 3 (2) of the Tobacco Act, tobacco products are classified as smoking and smokeless tobacco products. Section 3¹ provides for products related to tobacco products Clause 64¹ 3¹) of Regulation No. 72 of 30 November 2000 of the Ministry of Justice 'Internal Rules of Prison' was amended by Regulation No. 21 of 6 October 2016 of the Ministry of Justice, prohibiting imprisoned persons from smoking tobacco products and items from which and with which smoking tobacco products can be assembled or smoked. The amendment entered into force on 1 October 2017. The prison is of the opinion that smokeless tobacco products and products related to tobacco products must also be prohibited for imprisoned persons as these products are harmful to health. It is therefore justified that the prison makes efforts to prevent health damage in the prison. This includes health damage caused by the use of tobacco products, the treatment of which can be extremely expensive. The state cannot prohibit this kind of self-harming activity outside of prison. In prison, however, it is justified that this decision is made by the state, taking into account both individual and public interests.

Pursuant to section 4¹ of the Imprisonment Act, 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 stipulates that the supervision of imprisoned persons shall be organised such as to ensure compliance with this Act and the internal rules of a prison and to safeguard general security in a prison. Thus, the aforementioned provisions give the prison the right to apply restrictions if the applied restrictions are related to the need to ensure the security of the prison. With the applied restriction, the prison can minimise the exchange of tobacco products between imprisoned persons. Tobacco products are a means of payment for the subculture, which means that various tobacco products are used to pay for services. In addition to making supervision more difficult, the exchange and transfer of all kinds of items creates illegal debt relationships in the prison. However, the emergence of such a situation is unacceptable, as it supports the spread of subcultural manifestations among the imprisoned persons, which are opposed to national policy and current legislation.

As there are products available that are tobacco-free but contain nicotine, it is reasonable to ban nicotine-containing products in the prison as well.

(Added by Directive No. 1-1/55 of 24 April 2017, entered into force on 24 April 2017
(Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 7.1.56 An imprisoned person who knows about the tactics and methodology of prison supervision and security assurance can directly compromise prison security. The threat is expressed in smuggling prohibited items and substances into the prison or hiding them in such a way that the prison does not discover them during surveillance operations. Secondly, knowing the tactics and methodology of supervision, an imprisoned person can plan an escape from the prison or some other violation in such a way that the officials may not be able to prevent it in a way that does not involve significant damage to the imprisoned person(s), the prison officer, a third party, or society. Knowing the methodology of criminogenic risk assessment, an imprisoned person can manipulate the results of the risk assessment to such an extent that the officer may not be able to find out the reasons for committing the crime, and they may be assigned a lower level of treatment than required. This entails the risk that the imprisoned person will be released without mitigating the risks of the reasons of the crime, which in turn manifests itself in a higher level of repeat crime and a threat to the safety of society. Knowing the tactics and methodology of solving emergency events allows an imprisoned person to plan and carry out a violation or attack in such a way that it is not possible to solve it operatively and with little damage. This leads to a high risk to the legal interests of prison officials, imprisoned persons, third parties, and society, as well as the need to involve more resources to solve

the situation. (Added by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 7.1.57 It is possible to hide prohibited substances and objects that may endanger human health inside envelopes lined with bubble wrap or corrugated cardboard. (Supplemented by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

8. Personal effects

- 8.1.1. Pursuant to section 61 of the 'Internal Rules of Prison', the effects the imprisoned person had with them when they were received into the prison (if they are not prohibited in the prison) are deposited in the storage or taken to the cell or room of the imprisoned person at their request, taking into account the weight limit of the items and the restriction of wearing personal clothing. The imprisoned person deposits personal clothing that they are not allowed to wear in the storage. A unified list of the items to be deposited in the cell or room of the imprisoned person and in the storage is drawn up, where it is specified whether the item is in the cell or room of the imprisoned person or in the storage. The list is drawn up in two copies, one of which is given to the imprisoned person, the other to the officer responsible for the storage. If the imprisoned person is transferred to another prison, the list held by the prison service is added to the personal file of the imprisoned person. Items deposited in the storage are packed in a way that ensures their preservation. Items are deposited in the storage and issued to the imprisoned person based on the list in the storage. The deposition of items in and issuance of items from the storage is confirmed by the officer responsible for the storage and the imprisoned person with signatures on both copies of the list. Items that the prison has issued for use are generally kept by the imprisoned person in the cell but in some cases, these items can also be deposited in the storage (e.g. a jacket, when the season for its use is over, etc.).
- 8.1.2. In order to be issued items from the storage or deposit them in the storage, the imprisoned person submits a formal request. Personal clothing that the imprisoned person requests to be deposited in the storage must be washed first. The storage officer may refuse to deposit bad-smelling or dirty items in the storage because the prison service cannot allow an unsanitary situation in the prison. Depositing dirty and bad-smelling items in the storage can lead to the spread of parasites or infectious diseases, so such items are not deposited in the storage. Pursuant to subsection 62 (1) of the 'Internal Rules of Prison', the director of the prison or the deputy director appointed by them may destroy the items of the imprisoned person in order to ensure compliance with hygiene requirements on the basis of a decision made at the suggestion of a doctor if they have informed the imprisoned person of this against their signature.
- 8.1.3. (Repealed by Directive No. 1-1/133 of 14 September 2015, entered into force on 1 October 2015)
- 8.1.4. If the weight of the items of the imprisoned person exceeds 30 kilograms, the imprisoned person is asked to send the items exceeding the weight limit to relatives or other persons outside the prison (subsection 62 (2) of the 'Internal Rules of Prison'). If the imprisoned person refuses, items exceeding the limit will be destroyed, taking into account the wishes of the imprisoned person if possible. Based on the provision, the prison allows the imprisoned person to send out of the prison items that they do not need in the prison without having to destroy them or the weight of their permitted personal effects exceeding the legal limit.
- 8.1.5. The aim is to exclude a situation where another imprisoned person would get possession of foreign items. This also helps the prison get a better overview of all the items belonging to the imprisoned person.
- 8.1.6. Currently, the quantities of hygiene, body care, and cleaning products are not included in the total weight of items, therefore the imprisoned person has the opportunity to collect a large amount of the products mentioned in this clause. If the prison did not regulate the quantities of the daily hygiene and body care products and everyday items in the cell, the requirement of subsection 57 (3) of the 'Internal Rules of Prison', pursuant to which the total weight of the items of the imprisoned person must not exceed 30 kilograms, would not be met. As decorative cosmetics are generally used by women, only female imprisoned persons are allowed to own and use hair dye and mascara in the prison.

(Amended by Directive No. 1-1/68 of 13 June 2017, entered into force on 1 July 2017)

8.1.6.20 Prisoners are allowed a wash basin purchased through the prison (Supplemented by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

- 8.1.7. The hygiene, body care, and cleaning products of the imprisoned person are not deposited in the storage because the imprisoned person can generally use the prison store service twice a month, and if necessary, they can purchase these items from the store. The storage is intended for the deposition of the personal items of the imprisoned person (clothing, footwear, everyday items, electronics, etc.). The storage of foodstuffs and dry goods (including tea and coffee) requires certain storage conditions which are not available in the prison. Foodstuff and dry goods (including tea and coffee) can spoil in the storage, which can create an unsanitary situation in the storage, and parasites can also start to spread.

Regulation No. 19 of 17 February 2005 of the Minister of Social Affairs 'Conditions and procedures for the storage and transportation of medicinal products' stipulates certain requirements for the storage of medicinal products, e.g. storage location and humidity and temperature range. There are no such conditions in the storage of the items of imprisoned persons in Viru Prison, which is why it is not possible to deposit medicinal products there. The prison cannot ensure that the quality of medicinal products is maintained and that they are not contaminated. In addition, medicinal products may expire and become unusable during the detention, making it impractical to deposit them in the storage. Therefore, medicinal products are not deposited in the storage, and the prison itself provides the necessary medicinal products for the imprisoned person. Lighters and matches are not deposited in the storage as they can compromise the security of the prison and endanger the life and health of the persons in the prison. For example, a lighter with liquid fuel in it can leak and create a fire hazard. In addition, matches are flammable and are therefore not deposited in the storage to minimise the risk of fire. (Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 8.1.8. The regulation defines the exact number of packages that an imprisoned person can have in the prison. The purpose of the regulation is to reduce or keep under control the amount of packaging in the possession of imprisoned persons and to reduce their misuse. The smaller number of packages reduces the amount of items in the living wards and cells, which in turn simplifies searches and reduces the time required for them. The regulation also promotes waste management, which reduces the health risks resulting from the spoilage of food in unwashed packages and the spread of pest insects and rodents.

8.2. Prohibitions of imprisoned persons

- 8.2.1. The prison must have an overview of the personal effects of the imprisoned person in the cell or the storage. In the case of disposal of underwear and socks, it is sufficient for the prison service officer to make sure that the imprisoned person throws them away and notes this on the application. All other items which are indicated in the list of personal effects in the cell and which the imprisoned person wishes to have destroyed must be deposited in the storage with a request to that effect. There have been cases where an imprisoned person requests to have their footwear destroyed, but some time later another imprisoned person is discovered wearing them. In addition, any item that is not submitted for destruction will count towards the total weight of items, and this means that once an imprisoned person has reached their weight limit, they cannot add new items. This regulation helps to have a better overview of the items of the imprisoned person and disciplines them to actually submit the corresponding items with the application.
- 8.2.2. Pursuant to subsection 57 (1) of the 'Internal Rules of Prison', an imprisoned person has the right to keep items brought by them upon arrival at the prison and personal effects acquired through the prison service with them or in the storage of the personal effects of the imprisoned persons. Any other way of obtaining possession of items is prohibited. Based on the size of the cell and the construction technical possibilities, the prison service allows one television in one living cell. In this way, an imprisoned person does not end up in a situation where they are forced to violate the requirement of the rules of procedure by using (watching, listening to) the television allowed in the cell of a fellow imprisoned

person (if they allow it).

- 8.2.3. Prohibited or illegally acquired items must not reach the prison. Practice has shown that imprisoned persons illegally obtain various items (including prohibited items) from detention centres and courts and try to bring them to the prison. Items obtained as described above

will be confiscated and the prison service will organise disciplinary proceedings.

8.2.4. The imprisoned person has the right to use electrical equipment in the prison that is a factory product, in working order, and meets the standards of electrical equipment established in the Republic of Estonia. The provision mitigates the security risk to ensure that the security of the prison is not compromised due to the use of electrical equipment. A security sticker marked with numbers links a specific electrical device to its owner. The security sticker placed on the joints of electrical equipment enables the prison service to determine whether the imprisoned persons have disassembled the electrical equipment (it has happened that imprisoned persons hide prohibited items inside the electrical equipment). When the device is in working order, it can be used safely and it ensures the smooth operation of the electrical system of the prison. The use of a television requires the presence of a cable and the imprisoned person must take this into account when purchasing the electrical device. The permission to use an electrical device is requested and the imprisoned person uses the electrical device on their own initiative, therefore the prison does not have to issue a cable, but provides the necessary output for the use of the television.

8.2.5. The electrical system of the prison is built in such a way that connecting an electrical device with a power of more than 1 kW to the mains creates an overvoltage in the electrical system, which causes power outages. In order to avoid overloading the electrical system, it is allowed to use electrical devices with a power of no more than 1 kW in the prison.

8.2.6. The use of damaged electrical equipment is prohibited in the prison, as it poses a threat to human life and health, as well as the security of the prison. Damaged electrical equipment will be confiscated by the prison service and the item will either be deposited in the storage, destroyed, or sent out of the prison as the imprisoned person wishes. The shipping costs are borne by the imprisoned person. The purpose of the provision is to ensure that the imprisoned person does not have electrical equipment in the cell that is dangerous to their life and health. If there are, the imprisoned person must inform the prison about it as soon as possible. If the security sticker of an electrical device is damaged, the electrical device must be handed over to the prison service immediately. Opening the security sticker or damaging it in any other way by the imprisoned person is prohibited.

(Amended by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)

8.2.7 The provision regulates the number of personal books given to the imprisoned person in the cell. A reasonable number of personal books in the cell is five as the imprisoned person can borrow up to five books from the prison library. Therefore, the imprisoned person can have a total of ten books in their cell. (Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

8.2.8 Foodstuffs can spoil. Spoiled food directly endangers the health of the imprisoned person. Foodstuffs attract rodents, cockroaches, etc., which can transmit various infectious diseases, bacteria, etc. In an environment where food is readily available to rodents, the number of rodents increases rapidly. Dry and warm rooms are suitable for rodent habitats. In the prison, this means, for example, server rooms, communication shafts, etc. Thus, a large population of rodents directly threatens the functioning of the energy and communication equipment of the prison. The prison provides the imprisoned person with a hot meal three times a day, which ensures their daily energy needs, so there is no need for more food. It is also important that the search of foodstuffs is time-consuming (mayonnaise, ketchup, spreads, etc.) and in certain cases they are no longer hygienic after the search. Having a lot of items (including food) in the cell makes it difficult to search the cell, while there is no real need to have more food there. (Added by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

8.2.9 Packaging (plastic, deposit packaging, etc.) is well suited for making sports equipment and imprisoned persons have tried to do so. Pursuant to subsection 64¹ (9) of the VSKE, imprisoned persons are prohibited from owning sports equipment. Keeping such heavy items in the cell compromises the security of the prison and endangers the life and health

of the persons because heavy bottles can also be used as assault weapons. Packaging is large in size. Having a lot of these items in the cell makes it difficult to search the cell and thus find prohibited items. In addition, they can be used to hide hiding places, break building elements, etc. It is difficult to find prohibited items hidden in opaque packaging. Therefore, they compromise the overall security of the prison.

Keeping used deposit packaging longer than until the next store day and keeping used packaging longer than until the next waste drop-off day is not necessary. In addition, as a result of their drop-off, prison security increases as searches are easier to carry out.

(Added by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

8.3. Clothing permitted in exceptional circumstances

- 8.3.1. The prison has issued clothing (except shoes, underwear) to the imprisoned person, except for a person held in custody. Determining the number of articles of clothing ensures a reasonable amount of personal clothing, taking into account the wear and tear of the items and ensuring hygiene requirements. The purpose of determining the quantities of footwear is to ensure the use of footwear based on their specific purpose (sports, walking and staying in the ward). If the prison did not limit the amount of personal effects allowed in the cell, it would be difficult to search the cell and perform visual surveillance due to the abundance of items. Allowing the wearing of personal clothing is justified because the prison clothing provided to the imprisoned person by the prison service does not include all the articles of clothing mentioned in this clause, but are needed under normal conditions to comply with basic hygiene requirements in the prevailing weather conditions in Estonia. In order to ensure that articles of clothing that could also be worn as outerwear do not reach the cell under the name of long underwear, the nature of long underwear has been specified. Long underwear must not be visible on the imprisoned person under the prison clothing. Prison clothing must be worn correctly. When an imprisoned person is committed to a punishment cell, they must wear punishment cell clothing – a V-neck short-sleeved shirt and long pants. The short-sleeved shirt worn in the punishment cell means that long underwear can be seen from under the clothing of the imprisoned person. The imprisoned person is allowed to purchase up to three hair ties from the prison store based on the request to take care of their long hair or beard. This allows imprisoned persons with long hair or beards to comply with basic hygiene requirements. Other imprisoned persons are not allowed hair ties because they cannot be used as intended. (Amended by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021)
- 8.3.2. Section 93 of the Imprisonment Act allows persons held in custody to wear personal clothing. The purpose of determining the quantities of items listed in this clause is to ensure that personal articles of clothing are stored in a reasonable quantity in the cell, taking into account the wear and tear of the items and complying with hygiene requirements. The quantity of footwear depends on the specific purpose of their use (sports, walking and staying in the ward). If the prison did not limit the amount of personal effects allowed in the cell, it would be difficult to search and supervise the cell. The amendment of the list of items allowed to persons held in custody resulted from the need to provide them with clothing suitable for the weather conditions and to take care of their own hygiene. The purpose of the provision is to allow imprisoned persons to wear personal long underwear suitable for the weather conditions. Long underwear must not be visible on the person held in custody under the prison clothing. The person held in custody must be properly dressed. When a person held in custody is committed to a punishment cell, they must wear punishment cell clothing – a V-neck short-sleeved shirt and long pants. The short-sleeved shirt worn in the punishment cell means that long underwear can be seen from under the clothing of the person held in custody. (Added by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 8.3.3. If the person held in custody does not want to wear their own clothing and requests clothing from the prison, it is reasonable for them to deposit the personal articles of clothing that they do not use in the storage. This ensures that no clothing is issued to the punishment cell in excess of the established norm, and facilitates the search of the cell and items.
- 8.3.4. Subsection 60 (1) of the 'Internal Rules of Prison' contains a list of items that an imprisoned person may have in the cell. The remaining items are kept by the prison, and

the prison service deposits them in the storage of the punishment cell designated for this purpose.

- 8.3.5. Imprisoned persons can wash their personal clothing with washing machines placed in the wards by the prison. The washing of prison clothing issued to imprisoned persons is ensured by the prison. Persons held in custody generally wear personal clothing, and they can only wash their clothing in the cell as there are no washing machines in their wards. Therefore, it is reasonable and justified to allow a person held in custody a personal washing bowl in the cell. (Added by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 8.3.6. An imprisoned person can purchase one floor cloth during one visit to the store, which is why it is reasonable to allow them to have two floor cloths in their cell. (Added by Directive No. 1-1/250 of 3 December 2014, entered into force on 22 December 2014)

8.4. Specifications of applying for and using an electrical device

- 8.4.1. In order to get an electrical device in the cell, the imprisoned person submits an application to the inspector-contact person (Annex 2), in which they indicate the name, brand, and location of the electrical device at the time of the request, as well as the power of the electrical device. The cost of using the electrical device is covered by the imprisoned person. The length of the calculation period for the cost of using the electrical device is one month and the calculation of the cost is based on the power of the electrical device. The rates of costs for the use of electrical equipment and the procedure for their calculation and compensation are established in subsections 59¹, 59², and 59³ of the 'Internal Rules of Prison'. If multiple devices are used, the imprisoned person pays for the use of each device. When an imprisoned person is temporarily away from the prison, they deposit their electrical device in the prison service storage. The prison service reduces the fee paid by the imprisoned person in proportion to the time when the person did not use the electrical device if the imprisoned person requests a reduction of the amount and pays an additional cost of 0.63 euros related to the calculation. Together with the request for permission to use electrical equipment, the imprisoned person makes a request to the prison that the cost of using electrical equipment be deducted from their personal account. The cost incurred from the use of the personal electrical equipment of the imprisoned person is deducted by the financial service of the prison from the personal account of the imprisoned person in favour of the prison by the fifteenth date of the month preceding the accounting month.
- 8.4.2. Self-made, rebuilt, and repaired equipment or devices with a broken cord must not be stored in the cell. The use of a television requires the presence of a cable and the imprisoned person must take this into account when purchasing the electrical device. The permission to use an electrical device is requested and the imprisoned person uses the electrical device on their own initiative. Therefore, the prison is not obligated to issue a cable, but provides the necessary output for the use of the television.
- 8.4.3. As the prison does not supply electricity, it is not liable for damage to electrical equipment caused by a power cut, voltage change, or technical failure of electrical equipment. The prison is only liable if the damage is caused by the illegal activity of the prison.
- 8.4.4. The imprisoned person is obliged to use the electrical device in accordance with its instructions for use, otherwise they may endanger their health or compromise the safety of the entire prison. Permission to use an electrical device is granted to an imprisoned person who has submitted an application to the prison. An imprisoned person who has received permission to use an electrical device may use the electrical device only in their cell, where the prison service has installed it. They may not move the electrical device to another cell or give it to another person to use.
- 8.4.5. If an imprisoned person receives permission to use an electrical device, they become obligated to pay the costs associated with using the electrical device. They must not commit violation of law by using the electrical device. If the imprisoned person does not fulfil these obligations, the prison service has the right to confiscate the electrical device and decide whether to revoke the permission to use the electrical device.
- 8.4.6. The imprisoned person has the right to submit a request to send their electrical equipment

in need of repair to a repair company. Transport and repair costs for the electrical equipment are covered by the imprisoned person.

9. Provision of food for imprisoned persons

- 9.1. Subsection 1 of Regulation No. 150 of 31 December 2002 of the Ministry of Social Affairs 'Food norms in detention facilities' establishes the daily food norms for imprisoned persons in detention facilities.
- 9.2. Pursuant to subsection 47 of the Imprisonment Act, the provision of food for imprisoned persons shall be organised in conformity with the general dietary habits of the population with a view to meet the food requirement necessary for survival. Food shall be provided for imprisoned persons on a regular basis and it shall be such as to meet the requirements of food hygiene. A medical officer shall supervise the preparation of the menu of the prison and the provision of food. Imprisoned persons shall be ensured with dietetic food as prescribed by a medical officer. As far as possible, imprisoned persons shall be permitted to observe the dietary habits of their religion. Subsection 4 of Regulation No. 150 of 31 December 2002 of the Ministry of Social Affairs 'Food norms in detention facilities' establishes the food norms for imprisoned persons with special needs. The food norm for sick and other imprisoned persons with special needs is determined by a health care professional who takes into account the health protection requirements established by this regulation and the regulations of the Minister of Social Affairs. Imprisoned persons with a body mass index below 18.5 kg/m², women with a height of over 180 cm, and men with a height of over 190 cm must be provided food that covers the additional need for food energy of 1260 kJ or 300 kcal in addition to the standard food energy requirement presented in Table 1.

The purpose of providing meat-free meals is to allow the imprisoned person to avoid eating foods containing meat if their health condition or religious views do not allow it. If an imprisoned person buys foods containing meat from the prison store, the non-meat food provision to them will be stopped and they will be provided regular meals. If the imprisoned person wants to eat meat-free food for personal reasons, they must apply to the unit and they will be provided meat-free food. (Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

- 9.3. The imprisoned person has the right to refuse food offered by the prison. If the imprisoned person has submitted a written request to this effect, they will not be provided a food portion, and the prison service officer will record this.
- 9.4. If the imprisoned person has expressed a desire to eat food provided by the prison, the prison has the obligation to ensure that the imprisoned person is provided food by the prison.
- 9.5. The need to replace regular food may arise if it is not possible to feed the imprisoned person in the prison. In such a case, the imprisoned person will be issued a dry food package.
- 9.6. The prison is obliged to provide the imprisoned person with the portions of food specified in the menu during the meals specified in the menu, so that the imprisoned person is guaranteed the amount of food corresponding to the food norm during each meal.
- 9.7. The imprisoned person is generally provided food in the cell assigned to them, except for some exceptions (e.g. imprisoned persons staying at school).
- 9.8. The food is distributed by the imprisoned person acting as the assistant under the supervision of a prison service officer, so that the food is distributed correctly. The prison service officer visually checks the amount of food to be distributed to make sure that the assistant does not hand over extraneous items into the cell.
- 9.9. When an imprisoned person arrives at the prison, they are issued dishes. In general, dishes issued to the imprisoned person are in the cell assigned to them and the imprisoned person cleans the dishes. The imprisoned person must handle the items entrusted to them prudently. If the imprisoned person does not use the dishes as intended, the dishes will be taken away from them and food will be provided in disposable plastic containers instead. (Amended by Directive No. 1-1/46 of 17 March 2015, entered into force on 27 March 2015 (Amended by Directive No. 1-1/41 of 9 April 2018, entered into force on 1 May 2018))
- 9.10. The imprisoned person places the dishes on the cell door hatch so that the assistant can put the food in the dishes. The imprisoned person must accept the food prescribed for them to avoid later disputes.

- 9.11. The prison provides food to each imprisoned person individually. In order for the imprisoned person to be guaranteed the daily food norm, it is forbidden to give the food issued to them to another imprisoned person.
- 9.12. Prison cells are generally provided with hot water so that imprisoned persons can wash their own dishes. In order to prevent the spread of infectious diseases, the prison service officer has the right to prohibit the distribution of food in unwashed dishes.
- 9.13. To avoid unsanitary conditions or the spread of parasites in prison wards, the imprisoned persons generally eat and drink in their cells.
- 9.14 Pursuant to the work organisation of the prison, it is not expedient to bring imprisoned persons working in the production building and in practical training to their wards only for meals, so they are provided food in the canteen of the production building. Imprisoned persons in the P-building training centre are sent to their assigned ward for lunch and are provided food in the cell.
(Amended by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014)
- 9.15. The imprisoned person may not express unfounded dissatisfaction with the food provided by the prison (e.g. the food did not taste good, etc.). If the imprisoned person has been provided poor-quality food (e.g. there are foreign objects in the food, etc.), they must immediately inform the prison service officer and hand over the food to them.

10. Waste management

- 10.1. The living space of an imprisoned person is a cell or a room. The activities of the imprisoned person generate municipal waste. Pursuant to subsection 31 (1) of the Waste Act, local governments shall organise sorting, including separate collection of waste in order to enable recovery of the waste to the highest possible extent.

Pursuant to subsection 3 (3) of Regulation No. 71 of 15 September 2011 of Jõhvi Rural Municipality Council 'Jõhvi rural municipality waste management regulations', waste must be separately collected in order to enable recovery of the waste to the highest possible extent. When sorting municipal waste at the site of generation, it must be collected separately, and when sorting mixed municipal waste at the waste management facility, at least the following types of waste must be separated: 1) paper and cardboard; 2) packaging; 3) hazardous waste; [---] 6) waste of products of concern, including waste electrical and electronic equipment and their parts, batteries and accumulators; 7) combustible waste, including wood and plastics; [---] 9) metals.

The prison has imposed an obligation on the imprisoned person to sort waste at the site of generation and has created conditions for collecting waste separately. The imprisoned person can dispose of the waste with a certain regularity, so that there is no accumulation (deposit) of waste in their living space, which can prevent the prison service officer from supervising or endanger the health of the imprisoned person.

- 10.2. Pursuant to subsection 3 (3) of Regulation No. 71 of 15 September 2011 of Jõhvi Rural Municipality Council 'Jõhvi rural municipality waste management regulations', batteries must be handled separately from other waste. The imprisoned person hands the batteries over to the prison service officer, who places them in the appropriate collection site.

11. Matters concerning living conditions

- 11.1. Resolving matters concerning living conditions in the prison

- 11.1.1. Issues concerning living conditions in the prison are resolved by prison service officials based on their duty and competence in accordance with their position. The primary contact person for the problems of the imprisoned person is the officer appointed by the head of the unit in cooperation with other officers of the prison service. If solving the problem is not within the competence of the officer appointed by the head of the unit, they forward it to the corresponding structural unit of the prison. The problems encountered by the imprisoned person in connection with their imprisonment are solved by the official appointed by the head of the unit or through their mediation. The need for the amendment stems from subsection 3 of Regulation No. 62 of 29 December 2014 of the Minister of Justice 'Amending the regulations of the Minister of Justice related to prisons', which changed the structure of Viru Prison. (Supplemented by Directive No. 1-1/101 of 8 July

2015, entered into force on 14 July 2015)

- 11.1.1.1. tablets have been introduced in the prison, with the help of which the prisoner can prepare electronic appeals and submit them through the prisoner portal. (Supplemented by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)
- 11.1.2. Due to the work organisation of the prison, it is reasonable to distribute the forms during the evening roll-call, since at that time all imprisoned persons in each cell are visited, and they have enough free time in the evening to fill in the forms. The forms are collected by a prison officer during the morning roll-call. This saves the time of inspectors-contact persons and helps them to work more efficiently and solve the questions raised in the morning during the day. (Amended by Directive No. 1-1/41 of 9 April 2018, entered into force on 10 April 2018)
- 11.1.3. The application submitted by the imprisoned person must be comprehensible to the prison service. Therefore, the application must be written in clearly legible handwriting and its content must be clearly and unambiguously expressed. If the submitted application is not correctly formalised or is not accurate, the prison service officer who is solving it must start specifying the incompletely submitted data, and the issue cannot be resolved as soon as possible.
- 11.1.4. The imprisoned person submits applications to the prison only on their own behalf, because they can only request the resolution of problems that concern them in their application. Pursuant to section 10 of the Language Act, the language of public administration in state agencies is Estonian. Consequently, the applications must be submitted in Estonian.
- 11.1.5. 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 not later than within 30 calendar days after the date of registration thereof. Under special circumstances, the term may be extended to up to two months depending on the complexity of the response. The person shall be informed of extension of the term for response, and of the reasons for extension. As an exception, specific deadlines prescribed by law must be considered, from which it is not allowed to deviate (e.g. a response for a request for information must be provided without undue delay, but no later than within five working days).
- 11.1.6. The main purpose of the cell terminal in the cell is to enable the imprisoned persons to notify the prison service of the need for medical care or other situations that compromise the security of the prison and require the immediate intervention of prison service officials, especially when the cell doors are locked. The cell terminal can also be used at other times to report an emergency. The cell terminal is not intended for the transmission of ordinary questions concerning living conditions. As the cell terminal is intended for transmitting information about situations that may compromise the general security of the prison, calls made through the cell terminal may be recorded in order to ensure the objectivity and completeness of possible future administrative and judicial proceedings related to the report. (Added by Directive No. 1-1/120 of 17 June 2014, entered into force on 1 July 2014 (Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 11.2. Keeping laundry and footwear in order
- 11.2.1. The obligation to ensure the cleaning of personal clothing derives from the provisions of subsection 46 (2) of the Imprisonment Act.
- 11.2.2. Clothing and bedding issued by the prison are cleaned at the expense of the prison. Pursuant to subsection 46 of the Imprisonment Act, imprisoned persons shall wear prison clothing and pursuant to section 93 of the Imprisonment Act, persons in custody shall wear personal clothing. Personal clothing must be kept in order by the imprisoned person. The imprisoned person can buy the necessary products for washing personal clothing from the prison store. Therefore, the imprisoned person washes their personal clothing at their own expense.

- 11.2.3. The imprisoned person must take into account that they must still wear the prison uniform correctly even when some of their articles of clothing are being washed. The provision specifies how many articles of clothing the imprisoned person can wash at a time. The jacket does not need to be washed as often as other articles of clothing.
- 11.2.4. The provision specifies which articles of clothing are not washed. Outerwear may be washed in exceptional cases if the imprisoned person confirms with their signature on the request that they are aware of the possible consequences of washing the articles of clothing.
- 11.2.5. To comply with hygiene requirements, the prison provides the imprisoned person with a change of bedding, towels, and prison clothing generally every fourteen days. If the blanket, mattress or pillow is dirty, the imprisoned person has the right to request that they be washed once a year. If the blanket, pillow, or mattress has become unusable, the imprisoned person submits a request to exchange the items.
- 11.2.6. The provision specifies how the imprisoned person can acquire detergents for washing personal clothing.
- 11.2.7. The clause provides for the option of having personal clothing taken to a laundry. A fixed price list cannot be provided in the rules of procedure as the price of washing clothing depends on the price of electricity and water.
- 11.2.8. The prison may provide or mediate paid services to imprisoned persons for which the law does not oblige the prison (e.g. repairing their personal effects). The prison establishes the terms and conditions and price list for the provision of such services, and the use of the service is conditional upon the agreement with the imprisoned person. The prison provides or mediates services only on the basis of the written request of the imprisoned person. Information on services and service fees provided or mediated by the prison is made available to the imprisoned persons by the prison (for example, on the notice board of the ward). (Amended by Directive No. 1-1/110 of 28 July 2016, entered into force on 1 August 2016)
- 11.2.9. Infectious diseases (e.g. scabies, etc.) and parasites (e.g. body lice, etc.) have spread in the prison. Pursuant to subsection 49 (1) of the Imprisonment Act, the prison must organise health care of imprisoned persons. The spread of infectious diseases and parasites can endanger the health of imprisoned persons. Health is an important value without which the exercise of most other fundamental rights is not possible. The right to health protection in the system of fundamental rights is both an independent fundamental right and a value that is used as a limitation of other fundamental rights. The Constitution establishes the right of everyone to the protection of their health and the obligation of the state to act in the field of health protection, including the obligation to take preventive steps in the protection of health. To protect the health of imprisoned persons, the prison organises the disinfection or destruction of the personal or prison-issued items of the imprisoned persons to prevent the spread of infectious diseases and parasites. Thus, there is a conflict between the right of ownership and the right to the protection of health. In such a situation, the need to limit rights inevitably arises. The right to the protection of health must be more important than the right of ownership. It must also be taken into account that by not taking the necessary measures, the prison would endanger the health of a large number of persons staying in the prison and thus the general security in the prison would be compromised. (Added by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014)
- 11.2.10.-11.2.12 Pursuant to subsection 1 of § 105 of the Imprisonment Act, a prison is a government agency in the area of government of the Ministry of Justice whose function is the execution of imprisonment, detention and custody pending trial pursuant to the procedure provided for in this act. In order to fulfil its duty, the prison issues prisoners clothing and bedding, and the prison is responsible for their maintenance and repair. However, the prison is not obliged to bear any costs incurred by prisoners in relation to the maintenance and repair of their personal items, including footwear. Similarly, prisoners must reimburse the cost of washing their personal clothing pursuant to the current procedure. In a situation where the prison has no obligation to cover the cost of washing prisoners' personal items, leaving the cost of shoe repair to the prison is not justified. Both the Supreme Court and the recommendation 'European Prison Rules' of

the Committee of Ministers of the Council of Europe to Member States state the principle that life in prison must be as similar as possible to life with freedom, and thus repairing personal footwear in prison for a fee is not contrary to the functioning organisation of freedom, where people are also obliged to cover the repair costs of their personal footwear. The established regulation also contributes to improving the ability of prisoners to learn to use their financial resources more effectively and helps prevent learned helplessness. (Added by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023)

11.3. Need-based provision of toiletries (Amended by Directive No. 1-1/166 of 18 December 2015, entered into force on 1 January 2016)

- 11.3.1. Pursuant to subsection 50 (1) of the Imprisonment Act, imprisoned persons must take care of their personal hygiene. The prison will provide the missing basic toiletries to an imprisoned person who does not have enough financial resources based on their respective request.
- 11.3.2. The clause specifies the toiletries that the prison provides, if necessary. In the opinion of the prison, compliance with the basic hygiene requirements of the imprisoned persons is ensured by the mentioned toiletries.
- 11.3.3. The clause stipulates the conditions under which an imprisoned person has the right to receive a toiletries package. It is necessary to establish a financial limit in order for the imprisoned person to use their money in the store as intended and to purchase the necessary toiletries themselves. Otherwise, the imprisoned person spends money in the store on other items, assuming that the prison will provide them with toiletries.

11.3.4. Invalid

11.3.5. Invalid

(Amended by Directive No. 1-1/166 of 18 December 2015, entered into force on 1 January 2016)

11.4. Articles of clothing

- 11.4.1. The clause establishes the procedure and conditions for issuing articles of clothing to low-income imprisoned persons.

11.5. Keeping the premises in order

- 11.5.1. The imprisoned person is obliged to keep the premises in order to ensure compliance with hygiene requirements in the prison.
- 11.5.2. The clause states what the prison provides to the imprisoned persons for keeping their cells in order.

11.6. Reserving money for services

- 11.6.1. The imprisoned person can use various services, e.g. laundry, photocopying, etc. through the prison.
- 11.6.2. The imprisoned person must keep records to ensure that the amount needed for the payment of the service is available in the account. An overview of the financial situation is needed if the imprisoned person wants to order several services. If it turns out that there are not enough free funds for all services and the imprisoned person does not decide which service they will opt out of using, the last ordered service will not be provided. The prison reserves the money immediately after receiving the application from the imprisoned person to use the service. The money is reserved in advance so that the imprisoned person cannot spend the amount of money available in their personal account for other purposes before the amount needed for the provision of the service has been deducted from the reservation. This reservation protects the prison from a situation where the imprisoned person receives the ordered item but no longer has the money to pay for it.
- 11.6.3. For services provided in the same month, money is deducted from the personal account on the last date of the month.

11.7. Money transfers

- 11.7.1. The imprisoned person can make bank transfers through the prison (pay state fees, loans, send money to family, etc.). Pursuant to subsection 44 (4) of the Imprisonment Act, the savings fund may be deposited in an amount exceeding the amount provided for in subsection (3) of the same section. The funds reserved for the use of the imprisoned person inside the prison may be used for the satisfaction of monetary/financial claims, sent to their family members or dependants, or transferred to their bank account. For this, the imprisoned person must write an application.
- 11.7.2. The deadline for paying the state fee may be stipulated in the law, so the state fee is transferred by the prison as soon as possible.
- 11.7.3. Pursuant to section 54 of the 'Internal Rules of Prison', the imprisoned person can use the money in their personal account. The application written for this purpose must contain:
 - 1) the amount to be deducted from the personal account, which is indicated both in numbers and in words;
 - 2) whether they want to withdraw money in cash, make a transfer to another current account, withhold money for the benefit of the prison, etc.;
 - 3) if they want a transfer, the current account number and the name of the current account owner;
 - 4) in case of purchasing items, their name and quantity;
 - 5) their name, signature, and date.

12. Smoking in the prison

(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

(Amended by Directive No. 1-1/69 of 29 April 2016, entered into force on 16 May 2016)

(Amended by Directive No. 1-1/68 of 13 June 2017, entered into force on 1 July 2017)

(Amended by Directive No. 1-1/102 of 16 August 2017, entered into force on 1 September 2017)

(Amended by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)

13. Visits and telephone calls

13.1. Short-term visit

- 13.1.1. All short-term visit registration channels are provided. This is necessary so that the imprisoned person knows how to register for the visit. Advance notice is required to organise the visit. It is necessary to notify the cancellation of the visit so that, if necessary, the same visit time can be offered to another imprisoned person. The regulation changes the time of registering for a short-term meeting by phone. (Amended by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)
- 13.1.2. Short-term meeting times are based on the prison's schedule, which is announced to prisoners through internal communication. (Supplemented by Directive No. 1-1/101 of 8 July 2015, entered into force on 1 August 2015) (Amended by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)
- 13.1.3. The person visiting the imprisoned person must fill out an application at the pre-entrance 40 minutes before the start of the visit. This is the minimum time required to prepare the documentation and perform the procedures for entering the prison.
- 13.1.4. A list of identity documents of children is provided. The regulation is needed so that everyone has a clear overview of the list of identity documents that are required for a visit in the prison territory.
- 13.1.5. The regulation provides a guideline for what the person should do with the items they have with them which are prohibited to the imprisoned person in the prison, and where they can store them during the visit.

13.2. Long-term visit

(Amended by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October

2019)

- 13.2.1. The amendment is necessary to make the work organisation of the prison more flexible. The prison prepares a schedule that lists the weekly times of long-term visits so that the time of a possible long-term visit is known to the imprisoned person in advance and the prison can plan its organisation. (Amended by Directive No. 1-1/250 of 3 December 2014, entered into force on 22 December 2014)
- 13.2.2. The time for submission of applications, to whom the application must be submitted, and who will accept it is provided. The time limit for submitting an application for long-term visits is necessary so that the prison service has enough time to process the application and prepare a schedule for long-term visits. Given that, in practice, imprisoned persons submit applications for long-term visits at the beginning of the month, the five-day deadline for submitting applications is reasonable. The exact address of submitting the application ensures a faster and more efficient application process. On 18 March 2013, amendments to Regulation No. 72 of 30 November 2000 of the Minister of Justice 'Internal Rules of Prison' entered into force. Pursuant to section 1⁷ of the 'Internal Rules of Prison', the inspector-contact person makes the decisions of long-term visits stipulated in subsections 25 (1) and (2) of the Imprisonment Act. (Amended by Directive No. 1-1/46 of 17 March 2015, entered into force on 27 March 2015)
- 13.2.3. Pursuant to subsection 25 (1) of the Imprisonment Act, only a limited group of people who are related to the imprisoned person have the right to long-term visits. If a person applies for a long-term visit for the first time, they must provide documentary evidence which proves that the person they want to visit is related to them pursuant to subsection 25 (1) of the Imprisonment Act, so that the prison service can assess whether the person coming to the visit belongs to the above-mentioned group.
- 13.2.4. When coming to the visit, a valid identity document must be presented in order to avoid situations where the person arriving for the visit presents an expired document upon entering the prison.
- 13.2.5.–13.2.6. The price list for long-term visits is based on the rates established in the 'Internal Rules of Prison'. The rate for long-term visit rooms in Viru Prison is 1.13 euros per square metre pursuant to subsection 41¹ (2) of the 'Internal Rules of Prison'. The visit costs must be paid before the visit to ensure clarity and to avoid missing or late payments.
- 13.2.7. In order to ensure the security of the prison, the imprisoned person must be fully searched and drug tested. The obligation to search the imprisoned person arises from clause 32 (2) of Regulation No. 44 of 5 September 2011 of the Minister of Justice 'Organisation of supervision in prison'.
- 13.3.-13.7. A person who is suspected of being intoxicated or under the influence of narcotic or psychotropic substances and who does not comply with the orders of the prison service officer and refuses to follow the rules in force in the prison is not allowed to the visit. The purpose of the regulation is to ensure that intoxicated persons and persons who are rude to prison service officials or who try to bring prohibited items to imprisoned persons do not enter the prison territory. It is forbidden for an imprisoned person to take with them items or substances that they did not have before the visit. This ensures that imprisoned persons do not exchange or accept items from the person who visited them. This prevents prohibited items from being taken to the prison. The prison has the right to interrupt the visit (except with the defence counsel or a representative who is advocate) if the visit violates the legislation governing the internal order of the prison or generally accepted moral standards in society or compromises the security of the prison. The prison service officer organising visits has the right to interrupt the visit in case of disorder and to inform the imprisoned person and the person visiting them about the possible consequences of the disorder committed during the visit. An additional objective of the regulation is to prevent potential violations from being committed during the visit. Amended by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)
- 13.8. The prohibition is necessary so that the prison service can have an accurate overview of the items in the cell of the imprisoned person. The prison service does not allow the visitors to hand over items to the imprisoned person during the visit. The imprisoned person can purchase necessary

items from the prison store with personal money.

13.9. Telephone calls

- 13.9.1.1. Pursuant to subsection 51 (2) of the 'Internal Rules of Prison', an imprisoned person may use the telephone once a week. The telephone number is dialled by the imprisoned person or a designated prison service officer.
- 13.9.1.2. Pursuant to subsection 51 (4) of the 'Internal Rules of Prison', the imprisoned person enters the following information in the application: 1) first and last name of the imprisoned person; 2) cell number; 3) the person or institution and data on the person whom the imprisoned person wishes to call (if the data has not previously been submitted in accordance with section 51¹ of this regulation; 4) the preferred date and time of the call; 5) other important information; 6) date of submission of the application. Pursuant to subsection 51 (5) of the 'Internal Rules of Prison', the imprisoned person indicates the information provided in clauses 4 1), 2), and 4–6) in the application submitted to the prison service. (Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 13.9.1.3. Pursuant to clause 143¹ (1) 2) of the Code of Criminal Procedure, if there is sufficient reason to believe that a suspect or accused who is held in custody or imprisoned or serving detention may adversely affect the conduct of criminal proceedings by their behaviour, a Prosecutor's Office or court may issue a ruling on the transfer of the suspect or accused for complete isolation from other persons held in custody or prisoners or detained persons

A Prosecutor's Office or court may also, by a ruling, restrict or totally prohibit the following with regard to a suspect or accused: right to correspondence or use of telephone. The restriction specified in clause (1) 2) of this section shall not extend to the correspondence and use of 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, imprisoned persons have the right to correspondence and use of telephone. Pursuant to subsection 28 (3) of the same act, a prison service officer may restrict the right provided for in subsection (1) of the same section if such right compromises the security or violates the order of the prison or damages the objectives of execution of imprisonment. It is prohibited to restrict the right of correspondence or use of telephone for communication with state agencies, local governments or their officials, or with the criminal defence counsel.

- 13.9.1.4. The basis derives from the provisions of subsection 51 (2) of the 'Internal Rules of Prison', pursuant to which the imprisoned person is allowed to use the telephone at least once a week. The telephone number is dialled by the imprisoned person or a designated prison service officer. The detailed time and duration of telephone use is provided for in the rules of procedure (Annex 1). The basis derives from subsection 51 (3) of the 'Internal Rules of Prison', pursuant to which imprisoned persons who do not have the right to move freely within the boundaries of their ward may make calls based on an application during the use of the telephone prescribed in the rules of procedure.
- 13.9.2.1–13.9.2.2 This clause provides the general procedure for using the telephone in the open ward in accordance with amendments to Regulation No. 72 of 30 November 2000 of the Ministry of Justice 'Internal Rules of Prison' which entered into force on 18 March 2013. Imprisoned persons working in the production building and in vocational training are allowed to call state agencies, local governments or their officials, and the criminal defence counsel from the payphone located on the ground floor of the production building, as it would be unreasonable and resource-intensive to send the imprisoned persons to their living ward for these telephone calls. (Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 13.9.2.3. The provision concerns the call procedure of an imprisoned person in the open

ward who does not have the right to movement during the time specified in the schedule, who is committed to a punishment cell, in a separate locked cell, or who has been placed in a separate cell due to a serious disciplinary violation. Pursuant to subsection 51 (3) of the 'Internal Rules of Prison', the said imprisoned persons can make a can call based on a written request. See also clause 13.9.1.2 of the explanatory memorandum (Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

13.9.3. (Repealed by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

13.9.4. Pursuant to subsection 29 (2¹) of the Imprisonment Act, the prison service shall verify with whom the imprisoned person communicates by telephone. If an imprisoned person gives or makes known to another imprisoned person the number and PIN code of the calling card issued to them by the prison, or uses the number and PIN code of the calling card issued to another imprisoned person, it is difficult or in some cases impossible for the prison service to verify with whom the imprisoned person communicates by telephone. In addition, the previously described activity can lead to debt relationships between imprisoned persons and thus the security of the prison can be compromised. (Added by Directive No. 1-1/46 of 17 March 2015, entered into force on 27 March 2015)

14. Prison leave and prison leave under supervision

14.1. Prison leave

- 14.1.1. The basis derives from subsections 32 (1) and (2) of the Imprisonment Act. Pursuant to subsection 80 (2) of the 'Internal Rules of Prison', requests for prison leave must be reviewed within a month, and the prison must have enough time to assess the purpose of the leave stated in the request and verify the correctness of the data on the persons/agencies visited during the leave provided in the request, on the basis of which the final decision can be made. Pursuant to subsection 32 (7) of the Imprisonment Act, the time spent by an imprisoned person on prison leave shall be included in the duration of the sentence of the imprisoned person. Therefore, even during the leave, serving a sentence must be a purposeful activity (work, study, housing, etc. problems are solved), which helps mitigate the risks arising from criminal behaviour. Therefore, the imprisoned person must justify the necessity of the trip in the application. During imprisonment, the prison must ensure supervision of the imprisoned person. As the time spent by an imprisoned person on prison leave is included in the duration of the sentence, supervision must also be ensured during the prison leave. This can only be achieved with a correctly completed prison leave plan, on the basis of which the prison can identify the movement trajectory and places of stay of the imprisoned person. A prison leave plan submitted with incomplete data may not be sufficiently motivated to show that the leave is necessary. In addition, it may mean that the prison is unable to supervise the imprisoned person.
- 14.1.2. Subsections 32 (1) and (2) of the Imprisonment Act stipulate that a prison service officer may grant permission for prison leave with the overall duration of twenty-one calendar days annually. The law does not regulate from what time the prison leave starts. Consequently, it is necessary to specify in the law what period of time the prison takes into account when it comes to prison leaves.
- 14.1.3. Pursuant to subsection 32 (7) of the Imprisonment Act, the imprisoned persons shall bear the cost of their prison leave. Granting permission for an imprisoned person for prison leave means financial expenses for the imprisoned person (e.g. travel expenses, etc.). In order to fulfil the objectives of the prison leave, the imprisoned person must have enough money. Pursuant to subsection 15 (1) of the Imprisonment Act, the prison service shall deposit the personal effects which an imprisoned person has with them and their identity documents upon reception into a prison. Therefore, in order to use an identity document, the imprisoned person must submit an application to that effect. As pursuant to clause 63 (1) 3) and clause 64¹ 16) of the 'Internal Rules of Prison', the imprisoned person may not have documents or cash in the prison, the cash and requested documents are handed over to the imprisoned person immediately before leaving.
- 14.1.4. Pursuant to subsection 32 (4¹) of the Imprisonment Act, a prison service officer may determine by a directive the places where an imprisoned person may or shall stay during

a leave, and the time periods during which the imprisoned person is required to or shall not stay in the determined places, or activities, which are excluded during the leave or which the imprisoned person is required to do. Pursuant to subsection 32 (7) of the Imprisonment Act, the time spent by an imprisoned person according to prison leave shall be included in the duration of the sentence of the imprisoned person. Therefore, even during the leave, the purposeful activity of serving a sentence must continue (work, study, housing, etc. problems are solved), which helps mitigate the risks arising from criminal behaviour. It is the duty of the prison to ensure that the imprisoned person does not violate legal order during their prison leave. This is checked by police or prison service officers. The imprisoned person is obliged to inform the chief specialist-warden of extraordinary circumstances and changes to the prison leave plan or location. The prison service must have an overview of the activities and whereabouts of the imprisoned person.

- 14.1.5. Since, on the basis of subsection 32 (7) of the Imprisonment Act, the time spent by an imprisoned person on prison leave shall be included in the duration of the sentence of the imprisoned person, the person is still considered an imprisoned person during the prison leave. Pursuant to section 64¹ of the 'Internal Rules of Prison', an imprisoned person may not have narcotic, psychotropic, or other strong substances in the prison. If an imprisoned person makes, acquires, or possesses an alcoholic beverage or other substance containing alcohol, it is prohibited and punishable under criminal law in accordance with section 330 of the Penal Code. The same restrictions apply to the use of narcotic or psychotropic substances based on section 331 of the Penal Code.
- 14.1.6. Pursuant to subsection 57 (1) of the 'Internal Rules of Prison', an imprisoned person has the right to keep items brought by them upon arrival at the prison and personal effects acquired through the prison service with them or in the storage of the personal effects of the imprisoned persons. Pursuant to subsection 74 (1) of the 'Internal Rules of Prison', the imprisoned person does the shopping under the control of the prison service. The items that the imprisoned person acquired during the prison leave are not under the control of the prison service, so they are not allowed in the prison. If the imprisoned person has items with them or in the storage of personal effects of imprisoned persons that they no longer wish to keep in the prison, they may take these items with them during the prison leave. These items will no longer be allowed in the prison after the prison leave.
- 14.1.7. Pursuant to clause 64¹ 16) of the 'Internal Rules of Prison', it is forbidden for an imprisoned person to keep cash in the prison. Therefore, after returning from the prison leave, the cash that the imprisoned person had with them is placed in their personal account pursuant to subsection 44 (1) of the Imprisonment Act . Before the prison leave, the amount taken by the imprisoned person is fixed, from which deductions are made based on subsection 44 (2) of the Imprisonment Act. If the imprisoned person returns to the prison with a larger amount than was originally taken for the prison leave, deductions will be made from the value exceeding the amount on the basis of subsection 44 (2) of the Imprisonment Act.
- 14.1.8. When processing a request of an imprisoned person for prison leave in the case of an emergency, the general conditions for prison leave are applied with the exceptions given in subsection 32 (5) of the Imprisonment Act and subsection 79 (4), subsection 80 (3), and subsection 81 (2) of the 'Internal Rules of Prison'.
- 14.1.9. Pursuant to subsection 32 (5) of the Imprisonment Act, a prison service officer may grant permission to an imprisoned person for prison leave with the duration of up to seven days in the case of the terminal illness or death of the spouse, father, mother, grandfather, grandmother, child, adoptive parent, adoptive child, brother or sister of the imprisoned person, or in the case of other family emergencies. Pursuant to subsection 80 (3) of the Prison Integral Rules, the decision to grant permission for prison leave for family emergencies is made within three working days from the receipt of the request.

14.2. Prison leave under supervision

- 14.2.1. Pursuant to section 80¹ of the 'Internal Rules of Prison', the costs of prison leave under supervision consist of the costs of using the escort guards of the prison service and the transport of the prison service, as well as other expenses. The rate of costs for prison leave under supervision using the escort guards of the prison service is 6.96 euros per hour per member of the escort guards. The smallest cost accounting unit is 30 minutes.

In addition to these costs, the transport costs of the prison service used for prison leave under supervision are added per kilometre. Transport costs include the cost of fuel, repair and maintenance, tires, insurance and comprehensive insurance, the cost of vehicle rental, and other necessary costs, such as the cost of car chemicals, washing, and others. The corresponding calculations are made by the administrative ward of the prison. In addition to these costs, expenses arising from the specifics of the particular prison leave under supervision, such as ferry tickets, parking fees, tolls, or other real expenses must be paid.

Pursuant to section 80² of the 'Internal Rules of Prison', together with the request for prison leave under supervision, the imprisoned person also requests that the costs of the prison leave under supervision be deducted from their personal account. The costs of prison leave under supervision are calculated before the prison leave under supervision on the basis of a price list, which is also provided to the imprisoned person. If the imprisoned person does not have money in their personal account at the time of submitting the request for prison leave under supervision or when the permission is granted, the director of the prison may exceptionally authorise the imprisoned person to pay the costs of the prison leave under supervision after the prison leave under supervision. The imprisoned person signs the obligation to pay for the prison leave under supervision.

- 14.1.2. The goal is to ensure an accurate and correct prison leave plan, which the imprisoned person may not know.

15. Postal items (including parcels of a person held in custody and subscription to periodicals)

15.1. Correspondence

15.1.1. Pursuant to section 47 of the 'Internal Rules of Prison', the imprisoned person sends letters at their own expense (hereinafter *private correspondence*), except for letters addressed to the Chancellor of Justice, prisons, the Office of the President, prosecutors, investigators, or courts (hereinafter *official correspondence*), the shipping costs of which are covered by the prison. The postal service provider is AS Eesti Post, which has established the requirements for formulating the address for the letter. The imprisoned person must comply with the requirements of the postal service provider. (Supplemented by Directive No. 1-1/41 of 9 April 2018, entered into force on 10 April 2018)

15.1.2. In **private correspondence**, the imprisoned person hands over their letter to the prison service officer in an open envelope pursuant to section 48 of the 'Internal Rules of Prison'. The prison officer verifies the contents of the envelope, the imprisoned person seals the envelope in the presence of the prison service officer, and writes their name and the date of handing over the letter to the prison officer on the back of the envelope. The name of the sender ensures that the letter is returned if, for example, the address on the letter is wrong.

In **official correspondence**, the letter paid for by the prison is handed over to the prison officer in a sealed envelope. The imprisoned person writes the exact address of the institution on the envelope and their first and last name, as well as the date of handing over the envelope, on the back of the envelope in the presence of a prison service officer.

15.1.3. The postal service is not provided on the weekend, so private letters from imprisoned persons are not accepted on Fridays. Considering the various surveillance activities throughout the prison, a schedule has been established during which certain activities are carried out.

15.1.4.-15.1.6. The objective is to deliver the letter addressed to the imprisoned person.

15.1.7. The procedure for submitting various requests to the prison has been explained.

15.1.8. In general, the imprisoned person must pay the shipping costs of all correspondence, with the exception of letters addressed to the Chancellor of Justice, prisons, the Office of the President, prosecutors, investigators, or courts, the shipping costs of which are paid by the prison. The term 'correspondence' includes both shipping costs and expenses for stationery (envelopes, paper, writing instruments, etc.). The term 'shipping costs' includes the costs associated with

sending a letter and delivering it to the addressee, such as the cost of an envelope, postage stamp, hand-delivery, and other paid services. The prison is not obliged to provide imprisoned persons with writing paper.

- 15.1.9. To ensure that the envelopes are used as intended, the officers who collect the letters issue the envelopes just before receiving the letter.
- 15.1.10. The prison provides free writing paper to imprisoned persons who have no money or not enough money in their personal account and for whom the prison cannot provide a job to ensure that they are also able to contact the Chancellor of Justice, prisons, the Office of the President, prosecutors, investigators, or courts for the protection of their rights. In order to use the budget money of the prison economically and purposefully, the number of paper distributed free of charge must be reasonably limited.
- 15.1.11. An imprisoned person (except for a person held in custody) who has refused to work will not be given writing paper regardless of the lack of money in their personal account.
- 15.1.12. The purpose of the amendment is to regulate to whom the prisoner may submit appeals in a sealed envelope. (Added by Directive No. 1-1/49 of 4 April 2023, entered into force on 12 April 2023) (Amended by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

15.2. Packages sent to a person held in custody

- 15.2.1. Pursuant to section 74¹ of the 'Internal Rules of Prison', a package addressed to a person held in custody may contain the following items:
 - 1) clothing and footwear;
 - 2) nail clipper and comb;
 - 3) stationery, including paper, writing instruments, envelopes, postage stamps, postcards;
 - 4) books, periodicals, legislation;
 - 5) religious symbolism;
 - 6) photos.
- 15.2.2. The purpose is to stipulate and notify the times when the prison accepts packages addressed to a person held in custody.
- 15.2.3. Pursuant to section 75 of the 'Internal Rules of Prison', the person who brought the package submits the application together with the package to the prison service officer. The prison service officer verifies the contents and weight of the package in the presence of the person who brought the package, signs one copy of the application about receiving the package, and returns the application to the person who brought the package. The second copy of the application is signed by the person held in custody on receipt of the package.

15.3. Subscription to periodicals

- 15.3.1. Pursuant to subsection 30 (2) of the Imprisonment Act, an imprisoned person shall be permitted to subscribe, through the mediation of the prison service, for a reasonable number of newspapers, periodicals, and other pieces of literature out of their personal resources unless the subscription endangers the objectives of execution of imprisonment or the security or violates the order of the prison.

16. Shopping

- 16.1. Pursuant to subsection 74 (1) of the 'Internal Rules of Prison', the imprisoned person does the shopping under the control of the prison service. The imprisoned person pays for the shopping with their personal account. Shopping is allowed at least once a month. Generally, the prison allows the imprisoned person to use the service of the prison store twice a month.

Pursuant to section 48 of the Imprisonment Act, imprisoned persons may buy foodstuffs, toiletries, and other items the holding of which is permitted in 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 the 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. Imprisoned persons of open prisons may also do the

shopping outside the prison. The expenses on shopping done by an imprisoned person in one month may not exceed the limits of the minimum monthly wages established by the Government of the Republic. An imprisoned person 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 health of the imprisoned person. The quantities of goods for an imprisoned person during one visit to the store are stipulated in clause 16.4 of the rules of procedure.

- 16.2. The imprisoned person does not physically go to the prison store. Instead, shopping is done by placing an order and delivering the goods ordered based on it. Based on the K-Raha program, the appointed prison service officer reserves the amount of money available for the imprisoned person, prepares their order form for the goods, and notes the amount of money available in their personal account on the form.

The money is reserved in advance so that the imprisoned person cannot spend the amount of money available on their personal account for other purposes before the amount on the order sheer has been deducted from the reservation. This reservation protects the prison from a situation where the imprisoned person receives the ordered goods but no longer has the money to pay for it.

- 16.3. The prison service officer gives the imprisoned person a product order form (Annex 12) and a list of goods that can be purchased from the prison store. The imprisoned person correctly fills out the order form and returns it to the prison service officer. The order form must be filled out correctly (indicating the product name, product code, product quantity, product cost, and the name and signature of the imprisoned person who placed the order) so that the store can fulfil the order. If the order form is filled out incorrectly or is submitted late, the store will not be able to fulfil the order and the prison service officer will cancel the reservation. The imprisoned person must also take into account the total cost of the ordered goods, so that the cost of the ordered goods does not exceed the amount in their personal account. Unfilled order forms must be returned so that the prison service officer can cancel the reservation placed on the personal account of the imprisoned person. When filling out the order form, the imprisoned person must follow the quantities of goods stipulated in clause 16.4. of the rules of procedure. See clause 16.4 of the explanatory memorandum. (Supplemented by Directive No. 1-1/120 of 17 June 2014, entered into force on 1 July 2017, the wording of the second sentence of this clause was amended by Directive No. 1-1/9 of 25 January 2017, entered into force on 1 February 2017), (Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)
- 16.4. The goods specified in this clause and their quantities are primarily based on the consumption/use of the listed goods in a reasonable quantity per person. It has also been taken into account that, in general, the prison allows an imprisoned person to do the shopping twice a month, and the quantities are calculated per order. As smoking has been prohibited on the prison territory since 1 October 2017, the sale of cigarettes in the prison store is not justified as imprisoned persons cannot use them on the prison territory as intended (Supplemented by Directive No. 1-1/69 of 29 April 2016, entered into force on 16 May 2016 (Amended by Directive No. 1-1/68 of 13 June 2017, entered into force on 1 July 2017 (Amended by Directive No. 1-1/102 of 16 August 2017, entered into force on 1 September 2017 (Repealed in terms of clause 16.4.19. by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)
- 16.4.5. Pursuant to clause 7.1.53 of the rules of procedure, pressurised bottles, plastic bottles, and bottle caps are prohibited for imprisoned persons. Water and soft drinks are only sold in plastic or glass containers, which are prohibited for imprisoned persons, and therefore the prison store does not sell these goods. (Added by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013 (Amended by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)
- 16.5. The imprisoned person is obliged to fill out the order form for the goods correctly so that the order can be fulfilled. When ordering goods, the imprisoned person is obliged to proceed from the quantities stipulated in clause 16.4. of the rules of procedure, i.e. the quantities of ordered goods must not exceed the quantities stipulated in clause 16.4. of the rules of procedure. If the imprisoned person has filled out the order form in illegible handwriting, it is not possible to fill out the order. If the order form is filled out incorrectly, the prison may refuse to fulfil the order. (Amended by Directive No. 1-1/120 of 17 June 2014, entered into force on 1 July 2014)
- 16.6. The store issues the goods only to the person who placed the order. A prison service officer helps identify the person. The signature confirms that the imprisoned person received the ordered

goods based on the order form. The aim is to ensure that the goods are not issued to another imprisoned person who did not actually order them. The imprisoned person must immediately visually check the goods issued to them to avoid later disputes regarding the fulfilment of the order.

- 16.7. The staging of imprisoned persons is based on an execution plan, which may result in the release of an imprisoned person from the prison coming unexpectedly to the prison. The prison does not issue goods to an imprisoned person who is in the stage because the prison does not know when the imprisoned person will return to the prison, and the ordered goods may be spoiled by that time or may have exceeded the storage time.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 16.8. The total cost of the order is deducted from the reservation placed on the personal account of the imprisoned person and the remaining money is released from the reservation.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 16.9. Situations where the imprisoned person refuses to accept the ordered goods without a valid reason must be avoided. It is necessary to explain to the imprisoned person that refusing to accept the goods without a valid reason does not release them from the obligation to pay for the goods.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 16.10. In exceptional cases, the imprisoned person is allowed to buy goods the use of which is essential for them.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 16.11. Articles of clothing, footwear, leisure equipment, and other electrical equipment are recorded in the register of imprisoned persons and entered in the common list of the items of imprisoned persons. The electrical device is deposited in the storage, and to use it the cell, permission to use the electrical device must be requested from the prison service. After obtaining permission, the prison service officer puts the necessary security stickers on the electrical device, the number of which is linked to the imprisoned person who purchased the electrical device.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)
- 16.12. In the absence of a prison store, the prison only issues items for complying with basic needs to the imprisoned persons. The aim is to ensure that the imprisoned persons have the opportunity to communicate with their loved ones and comply with daily hygiene requirements.
(Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

17. Studying, working, and participating in programmes

- 17.1. The main resocialising activities during imprisonment are studying and working. The acquisition of education and the obligation to work in the prison are regulated by sections 34–43 of the Imprisonment Act. The purpose of acquiring education and working is to increase the ability of the imprisoned person to cope independently after being released from serving the prison sentence. Raising the level of education and acquiring and maintaining work habits and skills ensure better competitiveness on the labour market.

Imprisoned persons participate in short-term social programmes. The programmes are attended at certain stages of imprisonment, depending on the purpose of the programme (e.g., a pre-release programme is completed immediately before release). All social programmes are designed to teach specific skills, so imprisoned persons do not participate in programmes that are not included in their individual treatment plan. As the duration of the social programmes is short, they should not interfere with study or work.

Meeting religious needs has a broader meaning than just holding religious services. Chaplains advise and organise social programme that help imprisoned persons to form attitudes, analyse themselves, and set goals.

- 17.2. The conscientious attitude of the imprisoned person towards the activities offered by the prison contributes to the formation of work and study habits and allows them to increase their knowledge and improve their qualifications.

17.3. Learning

- 17.3.1. Each imprisoned person is guaranteed individual treatment and a plan on the basis of the individual treatment plan which provides for the periods and priorities of various activities.

This ensures continuity for each imprisoned person in acquiring an education and finding a job.

- 17.3.2. The need to learn the national language is also provided for in the individual treatment plan (except for persons held in custody – an individual treatment plan is not prepared for them and the need is assessed by the inspector-contact person in cooperation with the organiser of the national language study).
- 17.3.3. An individual treatment plan is not prepared for a person held in custody. If they want one, they can turn to the prison. The prison does not have to allow the person held in custody to participate in study, but they may study independently.
- 17.3.4. The education administrator can determine the educational level and previous work skills of the imprisoned person and, based on this, give advice on how to continue their education. A consultation is needed to get an overview of what study opportunities are available in the prison and what documents need to be submitted to the school in order to start studying.
- 17.3.5. In order to organise studying more smoothly, education is acquired based on a lesson plan, which also states the room where the studying takes place.
- 17.3.6. The imprisoned person actively participates in studies and acquires knowledge. A teacher is equated with a prison service official – their commands are equal to those of prison service officials, which must be followed (clause 67 1) of the Imprisonment Act).
- 17.3.7.-17.3.8. Imprisoned persons must fulfil their school obligations. Discipline allows all imprisoned persons to focus on their studies. The imprisoned person must not disturb others or the teacher during the lesson. Education is acquired on the basis of programmes, the completion of which requires intensive work. Therefore, it is not reasonable for a teacher to waste time during class to prevent or stop disorder.
- 17.3.9. The imprisoned person only needs the educational materials prescribed in the lesson to study in school. Other items distract the imprisoned persons and their use in class does not serve the purpose of attending school. It also ensures that imprisoned persons do not compromise the security of the prison while studying.
- 17.3.10. The prudent use and return of school property enables the imprisoned person to study in a technically sound, clean, and stimulating environment and to use correct and necessary educational materials.
- 17.3.11. Various items are made during the lessons which should be recorded in the list of items in the cell. Some of the items are prohibited in the prison (e.g. dishes made of clay, etc.), which means that the prison would have to examine each item, which requires a lot of resources. Based on the above, the prison prohibits the acquisition of items made while studying at school.
- 17.3.12. This clause sets out the prerequisites for studying outside the prison territory.
- 17.3.13. The ban ensures the general security of the prison and prohibits the exchange of items and information. The clause does not prohibit communication with imprisoned persons studying in the same specialisation.

17.4. Working

- 17.4.1. Pursuant to subsection 38 (1) of the Imprisonment Act, the prison service shall ensure, if possible, that an imprisoned person is provided with work, considering the physical and mental abilities and skills of the imprisoned person. If it is impossible to ensure that an imprisoned person is provided with work, the imprisoned person shall be required, if possible, to participate in the maintenance of the prison. Pursuant to subsection 2 of the same section, the prison service may build plants within or outside its territory, allow imprisoned persons to work outside the prison, or require imprisoned persons to participate in the maintenance of the prison in order to ensure imprisoned persons with work. The prerequisite for working outside the prison territory is that the imprisoned person is placed in an open prison ward.
- 17.4.2. As a general principle, the work of an imprisoned person does not fall under the regulation of labour law. The imprisoned person does not work under a private contract, but is

obliged to work through a public power relationship. Maintenance work is easier, meaning it gives the prison a better overview of the abilities and motivation of the imprisoned person. Later, they may be employed in positions requiring more specific skills.

- 17.4.3. The imprisoned person does not have the right to demand that they be employed. This is done at the request of the prison service officer.
- 17.4.4. Placement in an open prison ward is based on the principles of section 20 of Imprisonment Act. To allow an imprisoned person placed in an open prison ward to work outside the prison territory, the prison must be convinced that the imprisoned person can manage outside the prison independently and without constant supervision.
- 17.4.5. The purpose of the work schedule is first of all to plan work in accordance with the needs of the prison. In addition, following the work schedule allows prison service officers to plan their resources, as well as have an overview of the location and time use of imprisoned persons.
- 17.4.6. The imprisoned persons in the E and P buildings primarily work at workplaces where there is no possibility to wash themselves or store personal effects. Therefore, it is neither reasonable nor necessary to bring other items to the workplace.
- 17.4.7. The specified items are allowed as there are washrooms at the workplace. In addition, this solution ensures better and more effective hygiene for the imprisoned persons.
- 17.4.8. As there are different specialisations, the clothing required for the practical training may differ from the uniform of the imprisoned persons. Therefore, the prison ensures that all imprisoned persons participating in practical training are properly dressed. The clothing is stored in the locker room of the production building to prevent them from being lost or misused by imprisoned persons.
- 17.4.9. Issuing a marked tool ensures that the prison can verify that the tool is in the possession of the imprisoned person and that it is only used for work duties. Notification is necessary to let the prison service know that the tool may be used to commit or prevent a violation of law. Imprisoned persons may not take tools or equipment from the workplace or facility due to prison security considerations, as they are often dangerous and prohibited items for the imprisoned persons for daily use. Moreover, tools and equipment must be in the place where their owner has intended them to be used.
- 17.4.10. Imprisoned persons are moved from one building to another, which is why it is necessary for the prison service officials to be present for the escorting, as well as to conduct a search, in order to prevent prohibited items from getting out of the territory of the production building. A metal detector is one tool for detecting prohibited items.
- 17.4.11. The purpose of the ban is, above all, to ensure the general security of the prison.
- 17.4.12. By recording the working time of imprisoned persons participating in the maintenance of the prison, the imprisoned person is guaranteed wages based on the time actually worked.
- 17.4.13. As practical training takes place in the production building of the prison, this chapter also applies to imprisoned persons in practical training.
- 17.4.14. The ban ensures the general security of the prison and excludes the possible exchange of prohibited items and information. The provision does not prohibit the imprisoned person from communicating with the imprisoned persons working in the same room of the production building.
- 17.4.15. (Repealed by Directive No. 1-1/133 of 14 September 2015, entered into force on 1 October 2015)
- 17.4.16. The provision gives prisoners working in the prison kitchen or in the production building the opportunity to bring coffee and tea to their workplace, ie to the kitchen or the production building, for personal use. For security reasons, the packet must not be opened before being taken to the workplace, and it is also not permitted that the aforementioned substances are brought from the workplace back to the ward. (Supplemented by Directive No 1-1/128 of 28 June 2023, entered into force on 1 July 2023). (Amended by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

17.5. Resocialization activities

Resocialization activities are organised on the basis of cases with the imprisoned person, based on risk assessment and their individual treatment plan. Case-based work organisation ensure that imprisoned persons participate in activities that mitigate their individual risks. The prison is not obliged to allow a person held in custody to participate in social programmes and support groups, but the person held in custody can contact a contact person to participate in the social programme. The prison allows participation if it is possible. The purpose of resocialization activities is to ensure effective work with the imprisoned person both individually and as a group. Therefore, it is reasonable to remove an imprisoned person who prevents this from the activity for a certain period of time or permanently. Such removal can be justified by the fact that the imprisoned person lacked the motivation to participate in the activity.

(Amended by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021)

18. Sports, recreational activities, using the library, and other leisure opportunities

18.1. Sports

- 18.1.1. Sports for imprisoned persons (except persons held in custody) consists primarily of aerobic activities (running, ball games, exercises for different muscle groups, etc.). The good health condition of the imprisoned person is one of the prerequisites for returning to the labour market and reintegrating into society after release from prison.
- 18.1.2. Imprisoned persons located in wards K1-K6, R1-R6, S1-S5, V1, V3, V5, and V6 are allowed to engage in sports both in the ward and in the sports facilities of the prison in accordance with the schedule. In the wards, imprisoned persons can do aerobic activities (e.g. walking, exercises for different muscle groups, etc.). In the sports facility, imprisoned persons can play team sports (e.g. volleyball, basketball, etc.). In the prison, the purpose of sports is to stay healthy, not to do competitive sports. The sports facilities are used in accordance with the schedule. When preparing the schedule, the higher frequency of use of sports facilities by imprisoned persons engaged in useful activities is taken into account. The change will bring the practice of the prison into line, and prisoners in wards V7 and V8 will be allowed to use the prison's sports facilities according to the decision of the head of the unit. (Amended by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019) (amended by Directive No. 1-1/24/47 of 2 April 2024. Entered into force on 15 April 2024)
- 18.1.3. Purposeful and prudent use of sports equipment helps prevent imprisoned persons from being injured or sports equipment being broken. If an imprisoned person commits a disciplinary offence in the sports facility, the prison service officer has the right to stop the sports activity as the security of the prison may be at risk.
- 18.1.4. Imprisoned persons located in the wards specified in clause 19.1.2 of the rules of procedure can engage in sports in the prison in the gym or on the field. The sports facility is chosen by a prison service official who has information about which facility is available and what condition it is in.
- 18.1.5. The imprisoned person is responsible for their actions during sports. They must not create a situation where the life or health of themselves or others is endangered. If an imprisoned person is injured during sports, the prison service officer must be notified immediately, so that the injured imprisoned person can receive medical treatment quickly if necessary.
- 18.1.6. Invalid (Repealed by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

18.2. Using the library

The library service in the prison ensures the availability of information necessary for the development of the imprisoned person and promotes the improvement of their educational level. Publications, except educational literature, are located in the library unit and imprisoned persons can read them there. Therefore, the provisions regulating the time of borrowing publications and the procedure for returning them have been abolished. As the publications are located in the unit and searching them is complicated, an imprisoned person can have a reasonable number (1–2) of books in their cell. There is a different procedure for educational literature, which is primarily borrowed to imprisoned persons participating in school activities. Educational literature

is borrowed to others only if the library has available publications. There is also information about what the consequences are if the book is misused or damaged. The person who borrowed the book is solely responsible for the preservation and use of the book. If the imprisoned person borrowed the book to another imprisoned person, there would be more users and the prison would not have an overview of who currently has the book. When leaving the prison, the imprisoned person must return the book to the prison. This ensures that the property of the prison remains on the prison territory and does not come into the possession of strangers.

(Amended by Directive No. 1-1/64 of 31 May 2021, entered into force on 1 June 2021)

18.2. Recreational activities

18.3.1. Recreational activities are guided activities based on interest in order to acquire knowledge and skills. Recreational activities develop personality traits such as motivation, determination, need for achievement, and a sense of responsibility.

18.3.2. As dangerous and prohibited items for daily use are used in recreational activities, their use is justified only in the rooms used for recreational activities. Moreover, these items must be in the place where the prison has intended them to be used.

18.3.3. The items used in recreational activities are the property of the prison. If an imprisoned person joins a hobby group, they must take into account that they cannot take the items they make there with them. The hobby group mainly focuses on crafts. The purpose of allowing crafts, music, or other recreational activities in the prison is to create prerequisites for the imprisoned person to cope well in society after release. Therefore, the imprisoned person can deposit one of the items made during the recreational activity during imprisonment in the storage or send it outside the prison if they pay the costs of the materials used to make it. In this case, they must also pay the shipping costs.
(Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

19. Ensuring freedom of religion

19.1. Pursuant to section 40 of the Constitution of the Republic of Estonia, everyone is entitled to freedom of conscience, freedom of religion, and freedom of thought. Everyone is free to belong to any church or any religious society. There is no state church. Everyone is free to practise their religion, alone or in community with others, in public or in private, unless this is detrimental to public order, public health, or public morality. Pursuant to section 62 of the Imprisonment Act, the prison service shall ensure that imprisoned persons are provided with an opportunity to satisfy their religious needs. Pursuant to subsection 9 (1) of the Churches and Congregations Act, 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 the prison, or the rights of others staying or serving in the prison. On 17 September 2020, the Estonian Council of Churches approved the minimum standards of religious freedom in prisons, which specifies the minimum requirements and measures to ensure freedom of religion for imprisoned persons.
(Supplemented by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

19.2. Pursuant to subsection 9 (2) of the Churches and Congregations Act, 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.

19.2.1. The aim is to meet the religious needs of all interested imprisoned persons.

19.2.2. The chaplain first talks with the imprisoned person to clarify their religious needs and whether the person is motivated to participate in church services and other religious events.

19.2.3. If the imprisoned person cannot attend the service due to security reasons or other important reasons (e.g. serious illness), they can request an individual service with the sacraments (baptism, communion) in the living ward. As a rule, the sacraments are distributed in the chapel. In exceptional cases, it can also be done in another suitable room. Registration for religious events is voluntary for the imprisoned person. In order to

register, the imprisoned person must contact the contact person. The registration takes place in accordance with the current procedure in the prison. If the imprisoned person has been granted permission to participate in a religious event and has come to the chapel, they must participate in the event. This means that the imprisoned person must behave correctly and must not disturb the organisation of the event with their actions.

- 19.2.4. Imprisoned persons are taken to the chapel only for religious activities. Other activities are prohibited there and would not be compatible with the purpose of staying in the chapel. An extraneous activity is one that is not provided for in the plan of the event taking place and does not directly need to be organised. This includes, for example, imprisoned persons talking to each other, handing over and exchanging items, demonstrative and defiant behaviour, singing louder than usual, and praying.
- 19.2.5. Pursuant to subsection 90 (3) of the Imprisonment Act, a person in custody shall be lodged in a locked cell on a twenty-four-hour basis, except during the time when the person in custody is working or studying. Pursuant to subsection 5 of the same section, the prison service or house of detention is required to take all measures to prevent any communication between persons in custody who are lodged in different cells. Based on the above, persons in custody are not allowed to take part in the church service, but they can contact the prison chaplain individually for spiritual matters.
- 19.3. If the imprisoned person wants a chaplain to counsel them individually or to listen to them, they are guaranteed the opportunity for this. Based on their assessment and work schedule, the chaplain organises an individual meeting for the imprisoned person if necessary.
- 19.4. To the extent possible, the prison guarantees the imprisoned person, regardless of their religion, a meeting with a representative of the same religion, if necessary, taking into account the peculiarities of subsection 9 (1) of the Churches and Congregations Act.
- 19.5. The prison chaplain decides on the need to issue religious symbols to the imprisoned person. The prison keeps records of the religious symbols issued to the imprisoned person. Limiting the number of holy images is legitimate as their excessive amount significantly complicates the performance of surveillance operations, namely visual inspection and search of the cell. The limit is not unreasonable as a maximum of three holy images is sufficient for religious activities, and a larger number of holy images may have a disturbing effect on imprisoned persons with no religious orientation or other religious orientation. The limit ensures equal treatment and balance in the implementation of freedom of religion. (Amended by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014 (Amended by Directive No. 1-1/133 of 14 September 2015, entered into force on 1 October 2015))
- 19.6. The aim is to ensure that imprisoned persons use religious symbols in accordance with religious traditions and not in a way that disturbs other imprisoned persons and prison staff. For example, an imprisoned person may use prayer beads in their cell, living section, on walks, and in chapel, but not in school, social programmes, or other activities organised by the prison.
- 19.7. Pursuant to subsection 60 (1) of the 'Internal Rules of Prison', an imprisoned person may have a scripture in the cell.
- 19.8. If the imprisoned person wishes to have a church wedding, they first turn to the contact person, who informs the chaplain of their wish. The chaplain meets with the imprisoned person and explains the conditions and operations necessary to conclude the marriage. If the imprisoned person wants to get married, the chaplain sets the wedding date. Three options are possible: 1) a chaplain marries a previously registered marriage, 2) the marriage is registered by a civil law notary, 3) the marriage is registered and the imprisoned person is married by a chaplain with registration rights. (Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)

20. Medical surveillance

- 20.1. Pursuant to section 49 of the Imprisonment Act, health care in prisons constitutes a part of the national health care system. Health services are organised in the prison on the basis of the Health Services Organisation Act. The provision of health services to imprisoned persons is financed from the state budget through the Ministry of Justice. Thus, all requirements for the quality of treatment of imprisoned persons are based on the same principles as those for free persons.

Pursuant to section 28 of the Constitution of the Republic of Estonia, an imprisoned person is entitled to protection of their health. At the same time, the imprisoned person has the responsibility to take care of their own health, strengthening the body and preventing the development of diseases (no smoking, regular light physical exercise in the form of work or sports, maintaining personal hygiene, keeping the cell clean, daily exposure to fresh air, compliance with the prescribed treatment plan, etc.).

The activities of the medical ward are licensed and supervised by the Health Board.

- 20.2. Pursuant to subsection 2 (1) of the Health Services Organisation Act, health services are the activities 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 development of the diseases, and restore their health. Pursuant to subsection 3 (1) of the Health Services Organisation Act, health care professionals are doctors, dentists, nurses, and midwives if they are registered with the Health Board. Pursuant to subsection 3 (2) of the Health Services Organisation Act, a health care professional may provide health services within the acquired profession or 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 an activity license to Viru Prison, which includes the following outpatient medical care services: family medicine service, psychiatric service, infectious disease service, dental service, radiology service, gynaecology service, ophthalmology service, neurology service, general surgery service, dermatovenerology service, and urology service. The activity license is for the provision of inpatient health services – nursing care service.

The volume of the service depends on the budget. If the imprisoned person requires health services, for which the prison does not have an activity license or medical equipment, the medical ward refers them to a health service provider who has a corresponding activity license and with whom a contract has been concluded.

Planned activities are based on the budget and the priority of objectives. In the case of an emergency, only the health of the imprisoned person is considered.

- 20.3. When imprisoned persons register for the waiting list, the severity and urgency of the problem is taken into account, i.e. in the case of problems requiring immediate intervention, the imprisoned person is invited to an appointment as soon as possible, in the case of scheduled examinations or consultations, the doctor puts the imprisoned person in the waiting list. This ensures the smoothness of work while guaranteeing that situations requiring emergency intervention are resolved immediately, eliminating the risk of permanent health damage or death. If the imprisoned person does not want to disclose their health problem, they can go to a doctor's appointment without explanation. In this case, they are placed at the end of the waiting list. **(Amended by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)**
- 20.4. Pursuant to section 133 of the Imprisonment Act, 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 execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning imprisoned persons which may help to achieve the objectives of execution of imprisonment. A prison officer is required to immediately inform a medical officer or a nurse of illness, injury or intoxication of an imprisoned person or a person in custody. Illness is a sudden change in health that requires immediate intervention. Conditions and situations that require emergency care are those where, if medical care is not provided within 24 hours, permanent deterioration of the health condition or death may occur.
- 20.5. **(Repealed by Directive No. 1-1/27 of 25 February 2022, entered into force on 1 March 2022)**
- 20.6. If the imprisoned person provides false information about their health to the health service provider, it is not possible to give the person a correct diagnosis or prescribe the appropriate treatment. This can result in incorrect treatment and can be life-threatening.
- 20.7. Medicinal products are prescribed and divided into medicinal product box by the medical ward, so it is very precisely known who must take which medicinal product and when. When prescribing the medicinal product for the first time, the medical professional explains to the imprisoned person what the medicinal product is, what its expected therapeutic effect is, what the possible side effects are, and how to take the medicinal product. Therefore, there is no need for a medical professional to administer the medicinal product. Other people take their medicinal products at home in the same way. The assumption is that the person in need of treatment is interested in

getting well and exactly follows the instructions given to them. Following the treatment plan prescribed by the medical ward is a very important part of recovery. If the imprisoned person does not follow the treatment plan, the disease may worsen, resistance to the medicinal product may develop, and in the case of more severe diseases, a life-threatening condition may occur. If the medicinal products prescribed by the doctor are not suitable and side effects, etc. occur, the medical ward must be informed immediately in order to change the treatment plan. If the imprisoned person does not follow the treatment plan or refuses immediate administration of medicinal products in the presence of a prison service officer, the medical ward will consider terminating the treatment as there is no right to forcibly treat a person, except in the case of a life-threatening condition and the provision of emergency medical care if the person is not capable of deciding on their own treatment.

- 20.8. Pursuant to the procedure for the acquisition, use, and handling of narcotic and psychotropic substances of the medical ward of Viru Prison, the preparations specified in Regulation No. 73 of the Minister of Social Affairs 'Conditions and procedures for the handling of narcotic and psychotropic substances for medical and scientific purposes and the accounting and reporting thereof, as well as lists of narcotic and psychotropic substances' can only be handled by medical staff familiar with the procedure. It is necessary to crush the medicinal product to ensure the correct administration of the preparation and to prevent imprisoned persons from deliberately collecting the medicinal products. Administration of narcotic and psychotropic substances in larger doses can lead to life-threatening drug poisoning.
- 20.9. Medicinal products are dispensed only in plastic cups to avoid sharp-edged or breakable materials with which the imprisoned person may intentionally or unintentionally injure themselves. The name of the imprisoned person, the cell number, and the date of issue are written on the medicinal product cup, so that it can be identified to whom and when the medicinal product was issued.
- 20.10. The syringe, syringe needles, and lancet are sharp piercing instruments and may be infected, and if the medicinal product is used incorrectly, it can be dangerous, bringing the blood sugar level too low. Therefore, these instruments must not fall into the wrong hands. The number of glucometer test strips must be limited so that budget resources remain balanced. If necessary, the specialist-nurse exchanges syringes one for one, i.e. new ones for old ones (for example, when the nurse gives the imprisoned person two needles, the imprisoned person must give the nurse two used needles in exchange). Therefore, depending on the number of injections per day, there can be a certain maximum number of needles in the cell. To exchange needles, the imprisoned person comes to the barred door in the open sector. In the closed sector, the needles are exchanged through the hatch. There can only be one insulin syringe per active substance in the cell as spare syringes must be stored at refrigerator temperature.
- 20.11. It is necessary to fix the refusal of treatment because in this case, the imprisoned person is responsible for their own state of health. The prison does not have the right to forcibly treat an imprisoned person, except in the case of a life-threatening condition.
- 20.12. The imprisoned person is prohibited from:

The activities specified in clauses 20.12.1. to 20.12.3. of the rules of procedure are prohibited for the imprisoned person, as the life or health of the imprisoned person or other persons staying in the prison may be endangered. Pursuant to subsection 38 (1) of the Regulation of 1 October 2011 of the Minister of Justice 'Organisation of supervision in prison', prison service officers distribute medicinal products to imprisoned persons in accordance with the amount and time prescribed by the prison health care professional. Pursuant to subsection 2 of the same section, a health care professional must be present when psychotropic and narcotic substances are distributed. Pursuant to subsection 3 of the same section, the prison service officer is obliged to check whether the imprisoned person administers the medicinal product. Adherence to the treatment plan is extremely important to achieve the result. Uncontrolled use of drugs can lead to fatal consequences. The use of medicinal products must only serve the purpose of restoring health.

20.12.4. Piercing, etc. activities are prohibited in the prison and endanger the health of the imprisoned persons and other persons staying in the prison because various infectious diseases (HIV, hepatitis, and other blood-borne diseases) may start to spread as a result, thus the life or health of the imprisoned person would be endangered. Removing a tattoo (mark) is difficult and can damage the health of an imprisoned person permanently. It can also be a form of self-harm. During such activities, the risk of infection is very high, therefore the imprisoned person must not mutilate or pierce their body nor let others do it.

(Amended by Directive No. 1-1/234 of 20 December 2013, entered into force on 1 January 2014)

21. Reception of officials

21.1. See the explanation in clause 5.9. (Amended by Directive No. 1-1/92 of 21 May 2013, entered into force on 1 June 2013)

22. Disciplinary proceedings and enforcement of disciplinary penalties

- 22.1. The purpose of disciplinary proceedings is to quickly detect a disciplinary offence, to find out the culprit and the reasons for the offence, and to impose a disciplinary penalty fairly. Disciplinary proceedings are based on a document that contains information about a disciplinary offence. Disciplinary proceedings are initiated in the prison when signs of a disciplinary offence appear, which are recorded as a report.
- 22.2. A disciplinary offence is a wrongful act which consists of failure to fulfil obligations arising from legislation or not properly fulfilling them. Pursuant to subsections 63 and 100 of the Imprisonment Act, disciplinary penalties may be imposed on a prisoner for the violation of the requirements of the Imprisonment Act, internal rules of the prison, or other legislation by the fault of the imprisoned person.
- 22.3. Pursuant to clause 100 (1) 4) of the Imprisonment Act, disciplinary penalties may be imposed on persons in custody for the wrongful violation of the requirements of the Imprisonment Act, internal rules of the prison, or other legislation, such as deprivation for up to two months of the right of supplementary alimentation purchased out of the personal funds of the person in custody. Pursuant to subsection 61 (1) of the Administrative Procedure Act, 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 disciplinary penalty has been applied to the person held in custody, they will be issued a form to order goods from the prison store during the validity of the disciplinary penalty, but they will not have the right to purchase food.
- 22.4. Pursuant to subsection 38 (2²) of the Imprisonment Act, an imprisoned person may be suspended from work or released from mandatory work if the imprisoned person is unable to perform the mandatory work or if the working endangers the security of the imprisoned person or the prison or if the working poses a threat to the discipline in the prison. The Minister of Justice shall establish by a regulation the procedure for employment of imprisoned persons, suspension, and release of imprisoned persons from work. Pursuant to clause 5 (2) 8) of Regulation No. 9 of 7 February 2007 of the Minister of Justice 'Procedure for employment of imprisoned person, suspension, and release of imprisoned person from work' (hereinafter *the procedure*), the work obligation of the imprisoned person is suspended as a disciplinary penalty for up to one month in case of release from work. Pursuant to section 65 of the Imprisonment Act, disciplinary penalties shall, as a rule, be enforced immediately. However, if the penalty of the imprisoned person is removal from work for up to one month, the start of the penalty is counted from the moment when the imprisoned person is actually removed from work.
- 22.5. Imprisoned persons are usually committed to a punishment cell that is separate from the cell they are placed in under normal conditions. An imprisoned person committed to a punishment cell in another cell or ward is required to take all items with them. The personal effects that were in the cell with the imprisoned person are deposited in the storage and returned to the imprisoned person after release from the punishment cell. The prison does not guarantee that the imprisoned person will be placed in the same living ward or cell from which they were committed to a punishment cell. The prison is not responsible for items left in the former cell or living ward of the imprisoned person. Found items, the owner of which cannot be identified, are dealt with on the basis of legislation governing imprisonment.

23. Transfer and release from the prison

- 23.1. Imprisoned persons are released from the prison on the basis of Regulation No. 11 of 25 January 2001 of the Minister of Justice 'Procedure for the release of an imprisoned person from prison'. The procedure lays down the prison operations that need to be done in order to prepare the imprisoned person and release them from prison.
- 23.2. Imprisoned persons are transferred based on the treatment plan.

- 23.3. Immediately before release or transfer to another prison, the imprisoned person has the obligation to return the property of the prison that they used to the prison. In case of transfer to another prison, the imprisoned person does not have to return the prison uniform. The return of prison property is fixed by the prison service officer. Before being released from the prison or transferred to another prison, the imprisoned person is obliged to collect all their personal effects in the cell and take the items with them.
- 23.4. Pursuant to subsection 75 (3) of the Imprisonment Act, on release, the items, documents, and personal clothing deposited in the prison service shall be returned to the imprisoned person. If the imprisoned person has no personal clothing or if their personal clothing is not suitable for the season, the prison service shall provide the imprisoned person to be released with clothing without charge. Pursuant to subsections 64 (1) and (6) of the 'Internal Rules of Prison', the items deposited in the prison are returned to the person released from the prison, which the imprisoned person confirms with their signature.
- 23.5. If the imprisoned person has no personal clothing or if their personal clothing is not suitable for the season, they submit a request to the prison to be provided clothing as humanitarian aid at least two weeks before the release date. On the basis of the submitted request, the prison will provide clothing as humanitarian aid on the day of the release of the imprisoned person, and if possible, the clothing will be provided free of charge.
- 23.6. The person to be released is identified by the prison based on section 19 of the 'Procedure for the release of an imprisoned person from prison'. The imprisoned person is asked for their biographical information and their answers are compared with the information in the certificate of release and personal file. Photos and descriptions of special characteristics in the personal file are compared with the imprisoned person.

Pursuant to section 11 of Regulation No. 11 of 25 January 2001 of the Minister of Justice 'Procedure for the release of an imprisoned person from prison', the person is issued a certificate of release from prison, on which is included the name of the prison that issued the certificate, the number of the certificate, the first and last name of the imprisoned person, the date of birth or personal identification code of the imprisoned person, a photo of the imprisoned person, a signature of the imprisoned person, the date of issue of the certificate, the period of validity of the certificate, the beginning and end of detention, the first and last name of the issuer of the certificate, the title of the issuer of the certificate, and the signature of the issuer of the certificate. The certificate of release from prison is valid for six months from the date of issue and the expiry date is indicated on it. The imprisoned person confirms the receipt of personal documents, including the certificate of release, with their signature on the inside of the back cover of the personal file.

- 23.7. Pursuant to subsection 75 (4) of the Imprisonment Act, on release, the deposited savings fund accrued from the funds deposited on the personal account of the imprisoned person and the funds reserved for the use inside the prison shall be paid to the imprisoned person. If the amount payable from the personal account of the imprisoned person is smaller than the rate of the benefit, the imprisoned person shall be paid a lump-sum benefit to the extent of the difference between the established rate and the amount payable from the personal account. The rate of the benefit is stipulated in section 23¹ of Regulation No. 11 of 25 January 2001 of the Minister of Justice 'Procedure for the release of an imprisoned person from prison'.
- 23.8. Pursuant to subsection 9¹ (1) of the 'Internal Rules of Prison', a medical record is kept for the imprisoned person in the prison. If the imprisoned person expresses a wish to receive a copy of the medical record or an extract of the medical history upon release, they must submit the request in accordance with the provisions of the Public Information Act. This extract will be issued to them immediately before they leave the prison in a sealed envelope against their signature to protect sensitive personal data.
- 23.9. Pursuant to section 27 of Regulation No. 11 of 25 January 2001 of the Minister of Justice 'Procedure for the release of an imprisoned person from prison', an imprisoned person released in the courtroom will be issued a certificate of release by the institution where the imprisoned person was immediately before release upon their request. A prison service officer organises the issue of personal effects deposited in the prison, money held in the personal account, valuables, and documents of the released person at the entrance to the prison at 8.30 a.m. to 4.30 p.m. on Monday to Thursday and at 8.30 a.m. to 3.30 p.m. on Friday. The released person confirms the

receipt of the items with their signature.

Imprisoned persons need to know what to do if they are released from outside the prison, i.e. from the courtroom or the prosecutor's office, and when they can get their personal effects deposited in the prison. A certificate of release can be obtained retrospectively after the release upon written request. This certificate is necessary especially for those persons who do not have a valid identity document.

24. (Repealed by Directive No. 1-1/24/47 of 2 April 2024, entered into force on 15 April 2024)

24.5. (Repealed by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)

25. (Repealed by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)

25.1. (Repealed by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)

25.2. (Repealed by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)

25.3. (Repealed by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)

25.4. (Repealed by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)

25.5. (Repealed by Directive No. 1-1/55 of 24 April 2017, entered into force on 1 October 2017)

25.6. (Repealed by Directive No. 1-1/89 of 26 September 2019, entered into force on 1 October 2019)