



## Explanatory report of Viru Prison open prison rules of procedure

Approved by Directive No. 1-1/19 of 23 January 2013 of the director of Viru Prison, amended by Directive No. 11/133 of 7 July 2014 of the director of Viru Prison, Directive No. 1-1/152 of 11 August 2014, Directive No. 1-1/53 of 27 March 2015, Directive No. 1-1/169 of 22 December 2015, Directive No. 1-1/22 of 4 February 2016, Directive No. 1-1/196 of 29 December 2016, Directive No. 1-1/69 of 13 June 2017, Directive No. 1-1/115 of 4 October 2017, Directive No. 1-1/133 of 7 December 2017, Directive No. 1-1/82 of 2 July 2018, Directive No. 1-1/135 of 22 October 2021, Directive No. 1-1/76 of 15 June 2022, Directive No. 1-1/215 of 12 December 2023 and Directive No. 1-1/3-25/4 of 24 January 2025

## **Introduction**

The primary need to establish new rules of procedure of the open prison 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, there are amendments in the draft of the new rules of procedure due to the current practice and necessity: rewording and deletion of clauses due to the fact that they duplicate some other legislation.

The new rules of procedure should reflect the rules that currently need to be regulated in the open prison of Viru Prison and make the rules for the living arrangements of imprisoned persons more comprehensive.

## **The purpose of the new rules of procedure**

The purpose of the new rules of procedure of the open prison of Viru Prison (hereinafter the rules of procedure) is to include what is stipulated in the principal activity directives, to modernise the rules established by the rules of procedure, and to make the rules in force in the prison more comprehensive and compact. The directives issued by the director of the prison concerning the living arrangement of the imprisoned persons in the prison will be introduced into the rules of procedure and individual acts will be 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 the open prison of Viru Prison is divided into the following clauses:

### **1 General provisions**

- 1.1 The rules of procedure are established on the basis of subsection 105 (3) of the Imprisonment Act. They specify the general procedure and organisation of the execution of judgments set out in the Imprisonment Act, the 'Internal Rules of Prison', the rules of procedure of Viru Prison, and other legislation in the open prison of Viru Prison. **(Amended with Directive No. 1-1/69 of 13 June 2017, entered into force on 1 July 2017)**
- 1.2 The purpose of the provisions is to ensure that the persons staying in the open prison fulfil the requirements set out in the rules of procedure and to prevent violations of law on the territory of the prison. The obligation to comply with the rules of procedure arises from:
  - a) the provisions of 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 Minister of Justice 'Establishment and Statute of Viru Prison', pursuant to which directives and other written or oral orders issued by the director of the prison within the scope of their competence are mandatory for prison employees and imprisoned persons.
- 1.3 Introducing the schedules (e.g. visiting the store) to the imprisoned persons is necessary so that they are aware in advance when a specific activity will take place, which in turn ensures adherence to the schedule.
- 1.4 In addition to the inspector-contact person, the forms are also issued by the guards, so that the forms are still available to the imprisoned person when the contact person is not around.
- 1.5 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

compensation for material damage from the imprisoned person – for example, compensation for broken prison property or compensation for the medical treatment expenses of an imprisoned person who have caused bodily harm to themselves.

1.6 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.

1.7 The imprisoned person must:

1.7.1 stop other activities and stand up when the prison service officers enter the room, so that the prison service officer can immediately visually check the state of health and clothing of the imprisoned person. If the hands of the imprisoned person are visible, the prison service officer can immediately make sure that the imprisoned person does not have anything in their hands that could pose a threat to the prison service officer or compromise the general security of the prison. The objective of imprisonment is to help the imprisoned person lead law-abiding life and one of the goals of achieving law-abiding behaviour is the following of the rules of behaviour valid in society in the prison. To achieve discipline in prison, it is necessary to accept and follow the rules of behaviour established in society. 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.

1.7.2 Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of the 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, e.g. standing up to greet another person. The use of jargon by imprisoned persons shows a clear disrespect for the imprisoned person themselves and others in the prison. Standing up to greet another person is a common form of politeness. Polite behaviour has a general preventive effect on the behaviour of imprisoned persons after release from the prison.

1.7.3 The imprisoned person must look correct and polite. For example, tattoos must not be visible from rolled up trousers. Wearing a jacket indoors is impractical as the indoors are warm. In addition, it is possible to hide various items under the jacket to attack prison service 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.

1.7.4 Clause 67 (3) of the Imprisonment Act must be followed. The prison service officer must be notified of any lost or found items, as well as personal effects in the room or prison property that are/is destroyed or rendered unusable to ensure and protect the security and internal order of the prison and the life and health of other persons (imprisoned persons can attack the prison service officers with unnecessary items in the room). Immediately notifying the prison service officer also ensures that a lost item (e.g. keys) is found quickly by carrying out a search. In the case of prison property that is destroyed or rendered unusable, notifying the prison service officer allows identifying the culprit and take the necessary procedural actions. The purpose of notifying the prison service officer about the destruction or rendering unusable of personal effects in the room is to remove the said items from the list of items 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.

1.7.5 Considering the global trend towards more efficient use of electrical energy, and the need to get prisoners into the habit of saving electricity and the financial resources it requires after their release from prison, obliging prisoners to turn off all electrical equipment when leaving the room last is an effective measure to achieve these goals (Supplemented by Directive No. 1-1/215 of 12 December 2023, entered into force on 1 January 2024)

1.8 The imprisoned person is not allowed to:

1.8.1 the purpose of the prohibition is to prevent the commission of disciplinary violations, as well as to prevent damage to prison property.

- 1.8.2 The aim is to ensure effective supervision of the imprisoned person so that the prison service officer has an overview of their whereabouts and to prevent the imprisoned person from committing a disciplinary violation (e.g. fight, escaping).
- 1.8.3 The aim is to ensure that documents, keys, etc. that do not concern the imprisoned person do not come into their possession, as this could compromise the security of the prison (there have been situations where imprisoned persons have entered without permission and stayed in the office of the inspector-contact person or in the rooms of the security service).
- 1.8.4 The aim is to ensure that imprisoned persons do not stay in a room that is not assigned to them or at a time when they are not supposed to be there. The aim is also to ensure the law-abiding behaviour of the imprisoned person while they are being escorted and to prevent disciplinary violations. The imprisoned person engaging in extraneous activities while being escorted (shaking hands with other persons, dropping or picking up any items from the ground, looking into peepholes, pressing any button or switch, deviating from the intended route, etc.) may compromise the security of the prison.
- 1.8.5 The activities of the prison are aimed at helping the imprisoned person lead law-abiding life so that the imprisoned person, upon returning to ordinary society, can adopt the rules of behaviour accepted in society. Violence is not part of the acceptable rules of behaviour in the prison or in free society. The use of violence by the imprisoned person expresses a clear disrespect for society. Mental violence is just as burdensome to its victim as physical violence and is not accepted in society.
- 1.8.6 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 the imprisoned person uses jargon or profane, rude, threatening, or harassing expressions when communicating with other persons, it expresses obvious disrespect for the other person and violates the rights of the other person even if one of the elements of an offence stipulated in the Penal Code is not fulfilled. (Amended with Directive No. 1-1/69 of 13 June 2017, entered into force on 1 July 2017)
- 1.8.7 The prohibition is necessary to prevent the exchange of information, for example, to hand over prohibited items or to influence criminal proceedings. Such activity also interferes with the performance of the duties of the prison officials as well as the imprisoned persons (for example, during their studies). 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.
- 1.8.8 Based on the provisions of the Penal Code, incitement and instigation to criminal offences are punishable under criminal law. Inciting or instigating other imprisoned persons to behave unlawfully significantly compromises the security of the prison as a whole. The activities of the prison are aimed at helping the imprisoned person lead law-abiding life so that the imprisoned person, upon returning to ordinary society, can adopt the rules of behaviour accepted in society. Inciting or instigating another imprisoned person to violate the law is not accepted in the prison or in society. Inciting or instigating another imprisoned person to violate the law expresses a clear disrespect for society.
- 1.8.9 Pursuant to subsection 2 (1) of the Gambling Act, gambling is a game that meets all the following criteria: the player makes a bet; the player may win a prize as a result of 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 same act lists the types of gambling that also qualify for the clause of the rules of procedure. Pursuant to clause 64<sup>1</sup> 17) of the 'Internal Rules of Prison', the 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. An important reason why playing games for profit is prohibited is due to the emergence of 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, as well as the well-being and security of their family, and thus also compromise the security of the prison.

- 1) Tattooing is prohibited in the prison as it endangers 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 element 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.

- 1.8.10 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.

- 1.8.11 The purpose of the provision is to ensure order in the ward and the correct and unimpeded performance of the duties of the prison service officers. In addition, watching the public television must not disturb the peace of the persons in the ward. (Amended with Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)

- 1.8.12 The aim is to prevent sewer blockages and flooding. 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.

- 1.8.13 The aim is to prohibit making writings or markings on or sticking or attaching photos (except on the adhesive board intended for this purpose), reproductions, magazine clippings, and covers to the construction and interior elements of the room and other prison property. The provision is necessary to prevent damage to prison property and disordering of the rooms, 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 the cell would significantly complicate the surveillance operations of the prison service.

The aim of prohibiting the covering of lights and electronic surveillance devices and the using of items in such a way that they hinder visual surveillance (e.g. placing covers on tables/cabinets, placing photos on window bars, etc.) is to ensure the possibility of visual inspection of imprisoned persons and their assigned rooms to prevent, e.g., imprisoned persons from causing bodily harm to themselves, breaking prison property in the room, or hiding the damage by means of covers/cloths, e.g. covering the breaking of a window. There have been situations in the prison where the imprisoned person places 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. (Amended with Directive No. 1-1/133 of 7 December 2017, entered into force on 1 January 2018)

- 1.8.14 Section 7 of the 'Internal Rules of Prison' provides a list of room furnishings, which are: 1) 1) a bed or a bunk beds; 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) a place to wash, if possible; 8) a toilet if possible. The mentioned items are ensured in the rooms by the prison. The director of the prison may allow additional items in the open prison or the drug addiction rehabilitation ward if this is consistent with the objectives of the execution of imprisonment of the prison. Loose or broken furniture is dangerous for both the imprisoned person and the prison service officer. The obligation to report loose or broken items stems from the provisions of clause 67 3) of the Imprisonment Act, pursuant to which imprisoned persons must promptly inform a prison service officer of all the circumstances which may endanger the security or violate the order of the prison or the life or health of other persons.

- 1.8.15 The 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 an overview of the imprisoned persons and their items. 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.

- 1.8.16 The imprisoned person may not stay in a room that is not assigned to them. The imprisoned person must not commit disciplinary violations (e.g. fighting, theft). To do this, supervision of the imprisoned person must be ensured. Standing/talking between the room doors disturbs the imprisoned persons living in the room. The room is a living space for the imprisoned person, where they also have to sleep. Imprisoned persons who work in companies in the evening and at night are not able to rest outside of the lights-out hours if fellow imprisoned persons are actively communicating with each other at the door of the room at the same time. Imprisoned persons can communicate in the recreation room (kitchen), corridor, utility room, and outdoor walking area. (Added by Directive No. 1-1/76 of 15 June 2022, entered into force on 15 June 2022)
- 1.8.17 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 room. (Added by Directive No. 1-1/76 of 15 June 2022, entered into force on 15 June 2022)
- 1.8.18 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. 1-1/76 of 15 June 2022, entered into force on 15 June 2022)
- 1.8.19 Fermentation and acidification of food is unhygienic and consumption of such food can be harmful to health. (Added by Directive No. 1-1/76 of 15 June 2022, entered into force on 15 June 22);
- 1.8.20 The prison establishes this requirement based on the need to reduce various empty packages and cups. Storing products in their original packaging or in prison-approved storage boxes simplifies carrying out supervision and reduces the collection of additional domestic waste in rooms (Supplemented by Directive No. 1-1/215 of 12 December 2023, entered into force 1 January 2024.)
- 1.9 Pursuant to subsection 66 (1) of the Imprisonment Act, the supervision of prisoners 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 the Minister of Justice of 5 September 2011, '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 abovementioned 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. 1-1/76 of 15 June 2022, entered into force on 15 June 22);

## **2 Prison territory, wards, and units**

2.1 The territory of Viru Prison 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', pursuant to which 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 based on the need to ensure supervision. The outer barrier is necessary to prevent and deter prison escapes or attacks 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. Other grounds and requirements apply to the open prison, which is located outside the outer barrier of the prison.

2.2 It has been specified how the building of the open prison is marked.

2.3 The territory of the open prison consists of a building intended for the accommodation of imprisoned persons and an area surrounded by a wire fence. In terms of construction, the open prison is a prison with a territory marked with clearly visible signs, which can be separated from the rest of the world, for example, by an ordinary wire fence, the main purpose of which is not to prevent imprisoned persons from escaping.

## **3 Reception into prison and placing in the prison**

3.1 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 performed upon arrival at the open prison is to detect prohibited items and substances and prevent them from entering the territory of the open prison. The purpose of the search is also to identify the items the imprisoned person has with them and to decide whether their keeping in the prison is admissible.

3.2 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 package is regulated by section 11 of the rules of procedure.

3.3 When dealing with prohibited items, the prison follows the procedure established in the Imprisonment Act and the 'Internal Rules of Prison'.

3.4 In order to avoid disputes among imprisoned persons regarding the use of prison property in the room, the prison service officer assigns the imprisoned person a bed, an adhesive board for posting information and photos, and a locker for storing items. (Amended with Directive No. 1-1/133 of 7 December 2017, entered into force on 1 January 2018)

3.5 When an imprisoned person arrives in the prison, a common list of their personal effects is drawn up. The common list must indicate the list of items that the imprisoned person has with them and whether the item is kept in the room of the imprisoned person or deposited 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 stored 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 64<sup>1</sup> of the 'Internal

Rules of Prison' and clause 7 of the rules of procedure), it is proposed to send the items out of the prison, as they cannot be used in the cell but do not exceed 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 8 of the rules of procedure.

3.6 The prison must do everything possible to prevent and detect violations. As imprisoned persons in the open prison have more freedom of movement than those in the closed prison, an imprisoned person in the open prison must voluntarily agree to provide urine and/or blood samples to detect a possible state of intoxication upon first request.

3.7 The purpose of disinfection of an imprisoned person who has arrived at the open 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.

3.8 In order to better achieve the objectives set in the individual treatment plan, the education and professional skills of the imprisoned person are specified, on the basis of which the imprisoned persons are generally employed.

#### **4 Movement on prison territory**

4.1 The obligation to wear a name tag stems from the provisions of subsection 46 (1) of the Imprisonment Act, pursuant to which prisoners are required to wear a name tag attached to their clothing. The imprisoned person does not have to wear a name tag when they leave the territory of Viru Prison, for example, for prison leave or when they go to work, etc.

4.2 The permission to move on the prison territory is given to the imprisoned person by the prison service officer. The aim is to ensure that the prison service has an overview of the movement of imprisoned persons in the prison, which contributes to ensuring

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 being escorted by a prison officer while performing their duties. The purpose is to ensure supervision of the imprisoned person during their movement on the territory of the prison and to prevent them from committing offences (e.g. communicating with other people, picking up items from the ground that do not belong to them, or dropping items on the ground).

The requirement that the imprisoned person keep their hands behind their back during movement on the territory of the prison is being amended as prisoners are no longer required to keep their hands behind their backs while moving around within the prison premises. (Amended by Directive No. 1-1/215 of 12 December, entered into force on 1 January 2024)

4.3 The right to move about freely within the territory of the open prison derives from subsection 10 (1) of the Imprisonment Act.

4.4 The aim is to ensure the good state of health of the imprisoned persons: to avoid situations where, for example, they go for a walk in winter in shorts and fall ill as a result. When going for a walk, the number of items the imprisoned persons can take with them is limited, as taking unnecessary items does not serve the purpose of the walk and complicates the search.

4.5 The aim is to prevent communication with other persons and to maintain prison discipline. Sitting in places not designated for this purpose and lying on the ground are not acceptable.

4.6 The aim is to prevent the imprisoned person participating in the maintenance of the prison from communicating with people who are not involved in the task. Prohibited communication will be treated as a disciplinary violation. (Amended with Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)

4.7 The aim is to prevent the commission of disciplinary violations in the walking area. The prison service officer may interrupt or terminate the stay in the walking area if the imprisoned person commits



an act corresponding to the characteristics of a violation of law. (Amended with Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)

- 4.8 The grounds to search the imprisoned person arise from section 68 of the Imprisonment Act and section 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, it is not possible for the imprisoned person to attack the prison service officer during the search. In addition, the officer can see if the imprisoned person has prohibited items hidden in their palm.

## 5 Schedule

- 5.1 The purpose of establishing the schedule is to teach imprisoned persons how to reasonably use their time, as well as the self-discipline necessary to comply with the schedule (studying, work, hobbies, etc.). Limiting the activities of imprisoned persons in time and space increases their lawabidingness, preparing them for release. The schedule of the ward is annexed to the rules of procedure.
- 5.2 The purpose of the clause is to motivate imprisoned persons in the open ward to comply with their schedule, to promote their dutifulness, to contribute to mitigating risks, and thereby resocialize the imprisoned persons.
- 5.3 The aim is to inform imprisoned persons of the fact that participation in various employment activities takes place at the times specified in the rules of procedure, but the prison has the right to make exceptions in certain justified cases.
- 5.4 The aim is to inform the imprisoned persons of the time they are required to work so that they can plan their day.
- 5.5 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 reasonable to include different schedules in the rules of procedure as the schedules can often change depending on the current work organisation of the prison.
- 5.6 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. By decision of the head of the open prison or a senior prison official present, imprisoned persons may be allowed to use cable television and electricity in the cells until 12 p.m. (Amended by Directive No. 1-1/22 of 4 February 2016, entered into force on 12 February 2016 (amended by Directive No. 1-1/133 of 7 December 2017, entered into force on 7 December 2017)
- 5.7 Pursuant to 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. Being received in person is not the primary and only way of the imprisoned person 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 legislation, the imprisoned person can apply to the prison in writing by submitting a written request with the relevant content. Due to the above and limited time resources, the imprisoned person must correctly justify their request for reception. They must also justify why a personal 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 hours schedule of the involved prison service officials.

## **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 orally or through the sound system. 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, the imprisoned persons must be informed of the start of the roll-call so that they can stop other activities and have time to clean the rooms, make their beds, and check their appearance. 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. **(Supplemented with Directive No. 1-1/76 of 15 June 2022, entered into force on 15 June 22);**
- 6.2 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. 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.
- 6.3 Pursuant to subsection 6 (1) of the Imprisonment Act, the objective of execution of imprisonment is to help on 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 carrying out the roll-call. Standing without external support is generally accepted as polite and teaches the imprisoned persons to behave this way. An imprisoned person talking or moving, as well using of electrical devices, without the permission of the prison service 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 (Repealed by Directive No. 1-1/135 of 22 October 2021, entered into force on 22 October 2021)**
- 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', 1) a roll-call of imprisoned persons is carried out if there are imprisoned persons in the supervision area; 2) the technical condition of rooms and other rooms or facilities located in the supervision area is checked when handing over the supervision area. When carrying out the roll-call in the room, it is possible to check, among other things, the technical condition and orderliness of the room. During a visual inspection, the state of health of the imprisoned person is visually checked in order to detect any visible physical injuries and check the condition of the room and the furnishings.
- 6.6 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. As the doors of the rooms are not locked during the rollcall in the open prison, it is necessary to ensure that the imprisoned person is in the room assigned to them during the roll-call and does not leave the room until the prison service official has given permission to do so.

## **7 Prohibited items**

- 7.1 Items specified in subsection 15 (2) of the Imprisonment Act are also prohibited for imprisoned persons in Viru Prison 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 64<sup>1</sup> 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**; or 3) **may endanger the security of the prison**. 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 item, making it 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.

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, it requires the establishment of a specifying legislative act or the issuing of an individual act for a specific purpose and/or case. The list of items and substances prohibited to the imprisoned person is provided in section 64<sup>1</sup> of the 'Internal Rules of Prison'.

The list of prohibited items and substances provided in section 64<sup>1</sup> 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)–3) 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 the imprisoned person as provided for in clauses 15 (2) 1)–3) of the Imprisonment Act. In order to prohibit an item or substance for the 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 the 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 the said question, it must be decided whether the item is considered dangerous within the meaning of clauses 15 (2) 1)–3) of the Imprisonment Act.

The Imprisonment Act is based on the principle that the inmate may have items in the prison, the possession of which is not prohibited pursuant to 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, hemp tobacco may be hidden in ordinary cigarettes.

In addition, alcohol, drugs, and other prohibited items and substances may be hidden 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 foodstuffs appear 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 foodstuffs, there remains the risk that foodstuffs sent by post may spoil. Namely, it follows from subsection 50 (1) of the 'Internal Rules of Prison' that items of correspondence must be delivered to the imprisoned person within seven working days. The shelf life of some foodstuffs is less than seven working days, and the prison cannot guarantee the preservation of the foodstuffs 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 foodstuffs sent in items of correspondence (cold rooms with suitable temperature). The storage of spoiled foodstuffs on the territory of the prison endangers the health of both the prison staff and the imprisoned persons, thereby also compromising the general security of the prison. Non-compliance with basic hygiene requirements promotes the spread of diseases and parasites and the development of poisoning.

It is important to emphasise that imprisoned persons can buy cigarettes, foodstuff, toiletries etc. from the prison store, which is the only way to ensure that they do not have access to prohibited substances or items. 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 prison store, the prison provides food for the imprisoned persons and issues toiletries to the imprisoned persons if necessary, the restriction in question does not violate the rights of the imprisoned persons.

7.1.2 These items **compromise the security of the person and the prison**. A similar prohibition stems from clause 64<sup>1</sup> (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 it is also possible to use other similar items (e.g. tie, suspenders) and elements attached to the items (e.g. strap attached to the blinders) as a means of hanging, tying up persons, 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 (including short cords, ribbons, etc.) can be used to make 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. using an umbrella, flashlight, or strong metal object for hitting, using broken pieces for cutting, etc.) which 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 inherently more dangerous than nail clippers. Nail pliers can be asked from the guard if necessary. A small mirror with a diameter of up to 10 cm is allowed because imprisoned persons need a mirror. However, the bigger the mirror, the bigger the pieces if it breaks, and the more it compromises the security of the prison.

7.1.4 Self-made items can compromise the security of the prison 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 foodstuff, hygiene

requirements are violated, and the disregard of basic hygiene requirements promotes the spread of diseases, the development of poisoning, and the spread and parasites, which endangers the life and health of persons in the prison. In the case of self-made electrical devices, one cannot be sure of their quality, and connecting poor-quality electrical devices to the power network of the prison can lead to short circuits and power outages, which compromise 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 from the store or have it sent by maxi letter. The prison provides everything necessary for a decent life to those imprisoned persons who lack the necessary financial resources.

7.1.5 Storing expired foodstuff in the room endangers 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 compromises the security of the prison. 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 foodstuff in the room.

7.1.6 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 addition, excessive administration of these substances can lead to an overdose and damage to health. The need to prohibit the items and substances specified in this clause in addition to the prohibition provided for in clause 64<sup>1</sup> (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. As the substances and items specified in this clause compromise the security of the prison and endanger the life and health of persons, they must be prohibited to the imprisoned persons.

7.1.7 As alcohol and alcohol-containing substances are prohibited pursuant to clause 64<sup>1</sup> 7) of the 'Internal Rules of Prison', imprisoned persons often prepare a mixture, from which they want to obtain an alcohol-containing liquid as the final product. Liquid containing alcohol compromises the security of the prison because it causes intoxication. An intoxicated imprisoned person is not able to adequately assess what is happening around them. This kind of handling of foodstuff (e.g. fermentation) endangers 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.

7.1.8 Pursuant to subsection 1 of § 52 of the Imprisonment Act, health care services are provided to prisoners by a provider of health care services. In Viru Prison the provider of health care services is generally SA Ida-Viru Kesksaigla. Therefore, the provider of health care services prescribes treatment and also decides on the need for dietary supplements, vitamins etc. Only medicines, dietary supplements and vitamins prescribed or issued by the provider of health care services are permitted. Dietary supplements and vitamins purchased with the permission of the prison are also permitted. Substances obtained from sources other than the prison are prohibited, as the prison cannot verify their actual composition, and their consumption may pose risks to life and health.

Energy drinks, sports drinks and any substances intended for their preparation are also prohibited due to their strong stimulating effects. Uncontrolled consumption of these products can be harmful to health or even lead to death.

(Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force on 1 February 2025)

7.1.9 The items specified in this clause compromise the security of the prison and may endanger the life and health of the person. The medical ward of the prison is given the competence to assess the health condition of imprisoned persons, treat them, and prescribe 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. In addition, it is very easy to hide prohibited items in medical aids, which is why the use of aids must be allowed only to those imprisoned persons who actually need 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 territory of the prison 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 imprisoned persons is measured by the medical ward if necessary, so imprisoned persons do not need a blood pressure monitor in their cell. Medical aids and similar items are provided or permitted to imprisoned persons who need them. Therefore, the restriction in question does not violate the rights of the imprisoned persons.

- 7.1.10 The availability of various mobility aids may allow the imprisoned person to move faster than prison officials, which compromises the overall security of the prison as it is much harder to catch the imprisoned person. In addition, mobility aids can usually be used for hiding various smaller items (e.g. In wheelchairs, crutches, etc.). These items or their parts can also be used to attack people (endangering the life and health of persons) or to damage prison property (scratching floors, breaking windows, etc.). This clause does not violate the rights of the imprisoned persons because mobility aids are provided to those imprisoned persons who need them.
- 7.1.11 Substances and items that emit aromas (e.g. 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 endangering the life and health of these persons. The rights of the imprisoned person are not violated with the prohibition of items specified in this clause because imprisoned persons can purchase essential items (e.g. washing supplies) from the prison store, and toiletries are issued to the imprisoned persons by the prison if necessary.
- 7.1.12 Acquiring the items specified in this clause by mail compromises the security of the prison. Searching toilet paper, napkins, cleaning cloths, sponges, etc. upon arrival in the prison creates hygiene risks and requires additional 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 also be thoroughly searched. That would be very time-consuming and compliance with hygiene requirements would also be questionable. A plastic soap box, a plastic toothbrush box, and a cleaning cloth are allowed to imprisoned persons if they have been acquired with the permission of the prison service. Toilet paper and cleaning supplies are provided to imprisoned persons by the prison. Therefore, the restriction in question does not violate the rights of imprisoned persons.

(Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014)

- 7.1.13 Keeping condoms in the room compromises the security of the prison (condoms are hidden in body cavities, toilet flush boxes, etc. to hide prohibited items) 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.
- 7.1.14 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 may enter the prison with the e-cigarette, compromising the overall security of the prison. It is also possible to make a tattoo machine 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.

- 7.1.15 Tattooing is prohibited in the prison for security reasons. Firstly, the prison lacks the necessary conditions, equipment, etc. needed 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 one traditional way of maintaining 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.) compromise the security of the prison and endanger the life and health of persons.
- 7.1.16 The items specified in this clause can easily be turned into a tattoo machine. Tattooing compromises the security of the prison and endangers the life and health of the persons in the prison. Moreover, prohibited items and substances can be hidden in these devices because it is difficult to search them. In addition, they often contain wire, cord, and other parts that can be used to cause injuries, break prison property, or hide items. This provision does not violate the rights of imprisoned persons because they can use an ordinary razor or toothbrush.
- 7.1.17 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 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 a lot of time and is difficult, as some imprisoned persons may collect dozens if not hundreds of them during their stay in the prison. (Amended with Directive 1-1/135 of 22 October 2021, entered into force on 22 October 2021)

The items mentioned in this clause are dangerous for several reasons. Firstly, gel pens, ink, ballpoint pens, pens, etc. are particularly suitable for tattooing, which endangers the life and health of persons. Different colours tempt imprisoned persons to get more tattoos (especially young ones) because coloured tattoos are more attractive.

Secondly, these items are particularly suitable for damaging 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 its original condition.

Thirdly, these items are suitable for hiding small prohibited items and substances (e.g. needle, narcotic substances). However, these items are difficult and sometimes impossible to search without damaging the item, which is why they compromise the security of the prison.

Fourthly, some of the items specified in the provision (e.g. pens) can be used as an offensive weapon, which endangers the life and health of persons.

Fifthly, a black ballpoint pen makes it possible to falsify documents more effectively and to correct or supplement the writing on the document without it being noticed. In addition, 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.

(Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014, (Repealed by Directive No. 1-1/135 of 22 October 2021, entered into force on 22 October 2021)

The prohibition of glue is also necessary for several reasons. Firstly, glue is a common means of achieving toxic intoxication, which endangers the life and health of persons and compromises the general security of the prison. Secondly, it is possible to hide items inside the glue that are very difficult to open during searches. Thirdly, imprisoned persons use glue to stick pictures on the building elements of the prison, which is prohibited. In addition, these pictures 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. In addition, since scissors are sharp objects, they are particularly suitable 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. Removing staples from these items can be extremely resource-intensive. In addition, staplers contain metal parts that can be used to damage prison property. Instead of stapling papers together, imprisoned persons can use plastic paper clips and 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.). Hole punches are usually heavy, which is why it is possible to use them as an offensive weapon to hit another person. In addition, staplers often contain metal springs, which are suitable 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 devices. 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).

- 7.1.18 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 endanger the safety of persons and damage prison property. It is also possible to hide various prohibited items in office equipment that cannot be detected by the prison service. In addition, it is possible to get parts from office equipment 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 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. A prisoner is allowed to use a calculator if it is issued by the prison or purchased with the prison's permission. Calculators are a piece of technology that consists of various interconnected microcircuits and components that could potentially be used to construct other banned items within the prison. The prison is unable to conduct repeated checks to determine whether a calculator has been opened, its contents modified or parts removed. Given that calculators offer minimal benefit to individuals and pose a security risk, their use in prison cells is not permitted for all prisoners. **(Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force on 1 February 2025)**

- 7.1.19 Various prohibited items and substances can be hidden between hard paper or cardboard covers. Detecting them is very difficult and compromises the security of the prison. In addition, the items mentioned in this clause can endanger the life and health of persons. Binders can be used to cause bodily injury to other persons. In addition, the binding part in the binder is generally made of metal, and items containing metal are prohibited in the prison. Imprisoned persons are permitted to use transparent, thin, flexible plastic folders that do not contain rubber bands or metal parts to store papers. Plastic pockets are prohibited in the prison because prohibited items and substances have been transported in and out of the cell from under the cell doors with them. Folders, however, do not fit under the cell door, so folders do not compromise the security of the prison to the extent that plastic pockets do.
- 7.1.20 Photo and stamp albums and picture frames compromise the security of the prison, because it is possible to hide (e.g. stick) prohibited substances or items between them, and



as a result, it would be necessary to carry out a time- and labour-intensive search to discover the hidden items. Namely, it would require removing all pictures or postage stamps from the album and going through each page. Prohibited items may be hidden inside the covers of hardcover albums. However, it is not possible to search the album cover without damaging the album. Picture frames must also be disassembled and searched. Continuously doing so risks damaging the picture frame or picture. Imprisoned persons can keep their photos in a folder, for example.

- 7.1.21 These items have to be prohibited to ensure the security of the prison 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 hide prohibited substances between the pages of newspapers, periodicals, and other pieces of literature, and as a result, it would be necessary to search each page separately, which is time-consuming and labour-intensive. In addition, the substance may not be visually identifiable, meaning it could end up in the prison. The presence of narcotic substances in the territory of the prison 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. In addition, 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 the prison. They are also allowed to listen to radio broadcasts and watch television broadcasts, through which they can keep up with current news, and visit the library.

- 7.1.22 Musical cards are prohibited to ensure the security of the prison as prohibited items or substances can be hidden between the cards, which cannot be found without damaging the card. In addition, the electronic part 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.
- 7.1.23 Items intended for room decorating, furnishing, and covering surfaces (including tapestries, wall calendars, cloths, stickers, posters, etc.) 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 that are difficult to detect can be hidden between decorations, artificial flowers, etc.; these items can also be used to hide hiding places). Therefore, it is not possible for the imprisoned person to use these items in the prison for their intended purpose. Allowing items that cannot be used in the cell for their intended purpose makes it difficult to carry out searches.
- 7.1.24 Prohibited items and substances that are difficult to detect can be hidden inside games and toys, meaning they compromise the security of the prison. Games and toys should often be broken during the search – otherwise it would not be possible to search them. 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 make sure that the rights of imprisoned persons are not violated by this restriction, they can purchase certain board games through the prison and bring them with them upon arrival in the prison.
- 7.1.25 Due to the characteristics of the electrical system of the prison, the use of electrical devices with a capacity of more than 1.2 kW can lead to an overload of the electrical system, which in turn compromises the general security of the prison. As imprisoned persons serve their sentence in walled buildings and their movement is restricted, the failure of the electrical system of the building endangers the lives and health of imprisoned persons and prison staff. Kettles, televisions, and other electrical devices that imprisoned persons need to use are also manufactured with a capacity of less than 1.2 kW, which is why the restriction does not violate the rights of imprisoned persons. Electrical devices must be acquired 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 territory of the prison. In order to

thoroughly search an electrical device allowed in the prison, it may be necessary to open it. The prison does not have an appropriately qualified specialist who would have the right to open an electrical device, including a computer, during the warranty period (or at any other time), which means that the electrical device might be ruined due to incompetence. In addition, when an electrical device is opened by a person not authorised to do so during the warranty period, the warranty against defects usually becomes invalid. As imprisoned persons can purchase the necessary electrical devices through the prison service and bring them with them upon their arrival in the prison, the restriction does not violate their rights. (Amended with Directive No. 1-1/135 of 22 October 2021, entered into force on 22 October 2021)

- 7.1.26 A television, by its very nature, compromises the security of the prison. Namely, it is possible to hide prohibited items in it. In addition, a television located in the cell prevents supervision. As a television is a necessary device for imprisoned persons, it is not reasonable to prohibit it. The bigger the television, the more it interferes with supervision and the more time-consuming it is to search it. (Amended with Directive No. 1-1/115 of 4 October 2017, entered into force on 4 October 2017)
- 7.1.27 Power supplies are prohibited in the prison because they compromise the security of the prison. Various items can be hidden in power supplies, which are impossible to find without opening the power supply. Opening the power supply, however, may cause it to break. As some items require batteries to operate, they cannot be prohibited completely. Imprisoned persons can purchase batteries with the permission of the prison service. This is the only way to ensure that the prison can be sure that nothing is hidden in the batteries.
- 7.1.28 The items specified in this clause compromise the security of the prison and may endanger the life and health of persons. In the case of self-repaired electrical devices, one cannot be sure of their quality, and connecting poor-quality electrical devices to the power network of the prison can cause short circuits and power outages, which compromise the security of the prison. As imprisoned persons serve their sentence in walled buildings and their movement is restricted, the failure of the electrical system of the building endangers the lives and health of imprisoned persons and prison staff. Nonworking 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 endanger the life and health of the persons staying in the prison.
- 7.1.29 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 are 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 satisfy the information and entertainment needs of the imprisoned persons. Imprisoned persons can read legislation and court decisions on computers specially adapted for them. Thus, the restriction does not violate the rights of individuals.
- 7.1.30 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 64<sup>1</sup> 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, but for the sake of legal clarity, the prison specifies the wording of the provision in question. 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.

Such an interpretation stems from the fact that today, mostly all 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 dongle) that connects to a computer. As the smallest WiFi stick measures approximately 1.5 × 2 × 0.8 cm, i.e. it is a very small item, it is very difficult for prison officers to detect them and the probability that they 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 officers 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 possible with certain modifications. It is not possible for the prison to fulfil the obligation to defend public order set forth in subsection 6 (1) 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, conduct weekly expert analyses to determine whether the device has been modified or rebuilt. In addition, the expert analysis might not prove anything because since the modification can be carried out very easily, the imprisoned person can remove the dongle or other device before the expert analysis. It is also important here that the expert analyses should be conducted by persons with specialised IT competence, which prisons do not have. It is not essential for imprisoned persons to use a computer because they can do everything they can do 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.

7.1.31 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 violent, racist, hatredinciting, or pornographic content or similar works that compromise the security of the prison. 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 workforce and significantly interferes with the main work of the prison service officers. In addition, items may be hidden inside the cassettes that cannot be discovered without opening the cassette. However, opening the cassette is difficult and timeconsuming and can ruin it. Consequently, VHS cassettes compromise 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 TV shows and movies on the television. Therefore, 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 significantly compromises the security of the prison. SIM cards are also data media. They can only be used for their intended purpose in mobile phones. SIM cards make it possible to establish unauthorised contacts with a mobile phone that are dangerous to the general security of the prison. In most cases, the SIM card cannot be used for its intended purpose without a phone. As mobile phones are prohibited in the prison, SIM cards have no practical value for the imprisoned persons. 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.

7.1.32 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. It is necessary to disassemble the devices to find prohibited substances and items, but this means that the warranty will be void. In addition, disassembling items can cause them to malfunction, which in turn can lead to property damage claims against the prison. Console games are mostly violent. Owning and playing these games teaches the imprisoned persons the wrong values and can incite violence. Playing games is addictive and an irrational use of time. 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 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 that the items mentioned in the clause in question compromise the security of the prison.

- 7.1.33 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. 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, it follows from the above that a scale compromises the security of the prison. If necessary, imprisoned persons are weighed by the medical ward. Foodstuff is usually packaged in packages, on which the quantity is indicated. Therefore, imprisoned persons do not need to have a scale in the cell.
- 7.1.34 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 compromise the security of the prison and endanger the life and health of persons because they involve both mental and physical suffering.
- 7.1.35 This kind of footwear endangers the life and health of persons 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 compromise the security of the prison, so the restriction does not violate their rights.
- 7.1.36 The purpose of prohibiting these items is to ensure the general security of the prison. These items would compromise the security of the prison. 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 items 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 also have multiple bottoms, double walls, etc. Comprehensive inspection of such items and the items kept in such items is time-consuming and complex, which is why the quick and efficient execution of searches 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 into 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 room, i.e. in a closet, rack, or plastic bags. Imprisoned persons are allowed a maximum of 5 (five) plastic bags because there is no real need for more, and allowing each additional plastic bag into the cell would compromise the security of the prison. Namely, during searches, each plastic bag and its contents must be thoroughly searched, and the fewer plastic bags there are, the more efficient the search is. Moreover, practice has shown that unnecessary items are often used in a non-intended way. For example, it is possible to make a string from plastic bags. The string can be used as an assault weapon, for making hanging loops, etc. As food is best preserved in special plastic food boxes, a maximum of 2 (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. Namely, having too many boxes is unnecessary and complicates the search. The imprisoned persons are fed three times a day, so they do not need to store a large amount of food. If an imprisoned however 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, it is possible to obtain sharp pieces that can be used as offensive weapons by breaking the boxes. In addition to plastic food boxes, food or drink purchased from the prison store can also be stored in the original packaging.

7.1.37 (Repealed by Directive No. 1-1/196 of 29 December 2018, entered into force on 6 January 2017).

7.1.38 The purpose of prohibiting these items is to ensure the general security of the prison. It is necessary to prohibit clocks 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. As wrist-watches are small in size and the probability that prohibited items are hidden in them is low, wrist-watches are permitted in the prison so that imprisoned persons can tell the time. 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.

7.1.39 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 and 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.

7.1.40 Blinders compromise the security of the prison because they make it difficult to identify the wearer. In addition, blinders are generally made of multiple layers of materials, with seams or thickenings, meaning that prohibited items can be hidden there that are difficult to find. In addition, blinders generally have a string or rubber attached to them, which is a prohibited item in the prison.

7.1.41 The use of ear plugs and headphones compromises the security of the prison. 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. In addition, headphones 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.

7.1.42 A religious imprisoned person does not need more than one set of prayer beads. Imprisoned persons trade with prayer beads. The sale, exchange, etc. of items is prohibited in the prison and may create debt relationships between the imprisoned persons that compromise the general security of the prison. In addition, prayer beads contain thread/cord, which is prohibited in the prison. With several sets of prayer beads, it is possible to make a string/thread long enough to endanger the safety of persons in the prison.

This restriction does not violate the rights of imprisoned persons as one set of prayer beads is allowed.

7.1.43 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 mock-up 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 not usually possible to search them without damaging them.

7.1.44 Filters compromise the security of the prison 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 and since it is possible to purchase them from the prison store, the rights of the imprisoned persons are not violated.

7.1.45 Heaters 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. Improper use of the heater can cause a fire. In addition, it is possible to use it to burn other imprisoned persons and officials or hide prohibited items in the heater, which are relatively difficult to find inside the device without damaging it. Heaters also usually contain a wire, which can also be used as an offensive weapon. As the indoor temperature in the prison is high enough, there is no need for additional heating of the rooms. A kettle is allowed for boiling water.

7.1.46 The presence of the items specified in this clause in the cell compromises the security of the prison. Namely, it is much easier for the prison to ensure the security of the prison if the imprisoned persons only use items issued by the prison. 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. In addition, prison-issued items are usually not traded in the same way as personal effects. As the imprisoned person can still exercise their rights with items issued by the prison, the restriction does not violate their rights.

7.1.47 What these items have in common is that they compromise the overall security of the prison. There is a risk that the prison service officers will not notice the prohibited items hidden in items that are very time-consuming or difficult to search (e.g. stamp albums). 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 leads to hygiene problems (searches are also carried out by searching the item manually), which is why allowing such items is also not possible. The necessary items for the imprisoned are issued to them either by the prison or they buy them themselves from the store. This ensures that unnecessary items do not end up in the territory of the prison and are not stored in the cells, which would prevent the search of the cells and thereby compromise the security of the prison.

7.1.48 This prohibition is necessary because the prison keeps records of the personal effects of the imprisoned persons. Uncontrolled acquisition of items can lead to illicit trade. In addition, it makes it possible for imprisoned persons to give items to each other, which is prohibited in the prison. If necessary, the imprisoned person will be provided with the necessary clothing and footwear as humanitarian aid.

7.1.49 (Repealed by Directive No. 1-1/152 of 11 August 2014)

7.1.50 Non-alcoholic drinks, which in terms of name resemble alcoholic drinks (for example, non-alcoholic beer, cider, wine, etc.) are prohibited for imprisoned persons because the prison officers cannot verify their actual composition and alcohol content. In addition, it is not necessary for the imprisoned person to purchase the drinks specified in this clause from the store since they can instead purchase a drink that does not resemble a drink with alcohol content from the store. (Added by Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)

7.1.51 In one calendar month, the imprisoned person can make purchases up to the amount of the minimum monthly wage. As a result, it is not practical for the imprisoned person to have cash in an amount greater than the minimum monthly wage. Establishing a limit on the amount of cash is necessary so that the imprisoned person learns to use their money effectively and as intended. Having large amounts of cash can lead to debt obligations in the prison, which can compromise the security of the prison. In addition, it is not reasonable to have a larger amount of cash, as the imprisoned person can request more cash if necessary. Cash that exceeds the minimum wage rate is deposited into the internal personal account of the imprisoned person. (Added by Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)

7.1.52 It is not possible to search a pressurised container (bottle, package, etc.) without damaging the item. Due to the impossibility of searching, a pressurised bottle compromises the security of the prison and endangers the life and health of persons as it is not possible to determine what the item actually contains. (Added by Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)

7.1.53 Pursuant to subsection 3 (2) of the Tobacco Act, tobacco products are classified as smoking and smokeless tobacco products. Section 3<sup>1</sup> provides for products related to tobacco products Clause 64<sup>1</sup> 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 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 4<sup>1</sup> 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. 1-1/76 of 15 June 2022, entered into force on 15 June 22);

7.1.54 Imprisoned persons who know about the tactics and methodology of prison supervision and security assurance can directly compromise the security of the prison. 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. 1-1/76 of 15 June 2022, entered into force on 15 June 22);

## 8 Personal effects

### 8.1 General provisions

- 8.1.1 Pursuant to section 61 of the 'Internal Rules of Prison', the items the imprisoned person has with them when they are received into the prison (if they are not prohibited in the prison) are deposited in the storage or taken to the 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 common list of the items to be deposited in the room of the imprisoned person and in the storage is drawn up, where it is specified whether the item is in the room of the imprisoned person or in the storage. 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. Items given to the imprisoned person by the prison are generally kept in the room but in some cases, it is also possible to deposit these items in the storage (for example, a jacket when the season changes, etc.).
- 8.1.2 Foodstuffs are stored in the kitchen, in a box provided for this purpose. Conditions have been established for prisoners which allow for their foodstuffs to be stored in the kitchen and cell. To maintain sanitary conditions, prisoners are allowed to keep coffee, tea, and sweets in their cells, provided these items are stored in a closed box with a lid supplied by the prison. Storing other foodstuffs in cells is not purposeful, as it may lead to unpleasant odours and attract pests and rodents. Empty food packages, wrappers, etc, are waste and are not necessary in prison. Thus, they should be disposed of. Retaining and collecting them complicates searching cells, thus posing a threat to the overall security of the prison. Therefore, in accordance with clause 3 of subsection 2 of § 15 of the VangS (Imprisonment Act), this is prohibited. **(Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)**
- 8.1.3 To request the issuance of items from storage or their placement into storage, the prisoner must submit an application to the prison electronically or on paper. If desired, the request can be submitted using the form provided in Annex 2 of the rules of Procedure. 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. The deposition of dirty and bad-smelling items in the storage can lead to the spread of parasites or infectious diseases, which is why such items cannot be 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 medical officer if they have informed the imprisoned person of this against their signature. **(Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)**
- 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 these provisions, 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 See comment 8.1.4
- 8.1.6 The aim is to exclude a situation where another imprisoned person would get possession of foreign items. In addition, the imprisoned persons taking all their items with them provides the prison with a better overview of all the items belonging to the imprisoned person.
- 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. Therefore, there is no need to deposit the mentioned items in the storage. The prison does not have the necessary conditions for depositing foodstuffs and dry goods (including tea and coffee) in the storage. The storage is intended for the deposition of the personal effects 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. Foodstuffs 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.

## 8.2 The imprisoned person is not allowed to

8.2.1 The aim is for the prison to have an overview of the personal effects in the room of the imprisoned person or in 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 room 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 be included in the total weight of items, and this means that once an imprisoned person has reached their weight limit, they cannot add new items to their personal effects. 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 request.

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 personal effects of imprisoned persons. As a result, any other way of obtaining possession of items is prohibited. Based on the size and technical possibilities of the room, the prison service allows one television in one room for the use of imprisoned persons. Therefore, the prison service cannot put the imprisoned person in a situation where they are forced to violate the rules of procedure by using (watching, listening to) the television in the cell of another imprisoned person (with their permission).

8.2.3 The aim is to ensure that prohibited or illegally acquired items do not end up in the territory of the prison. Imprisoned persons illegally obtain various items (including prohibited items) from detention centres and courts and try to bring them to the prison. Items that the imprisoned person has acquired in the previously described manner will be taken away and the prison service will conduct disciplinary proceedings.

8.2.4 The imprisoned person has the right to use electrical devices in the prison that are a factory product, in working order, and meet the standards of electrical devices 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 devices. The purpose of the numbered security sticker is to link a specific electrical device to its owner. The security sticker placed on the joints of electrical devices enables the prison service to determine whether the imprisoned persons have disassembled the electrical devices (imprisoned persons have hidden prohibited items inside the electrical devices). When the device is in working order, it can be used safely, which 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 is not obligated 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 capacity of more than 1,2 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 capacity of no more than 1,2 kW in the prison.

(Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)

8.2.6 The use of damaged electrical devices is prohibited in the prison as it endangers the life and health of persons, as well as compromises the security of the prison. The damaged electrical device will be taken away by the prison service. The item will be deposited in the storage, destroyed, or sent out of the prison in accordance with the wishes of the imprisoned person. 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 devices in the cell that endanger their life and health. If they do, the imprisoned person is obliged to 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. The imprisoned person may not open the security sticker or damage it in any other way.  
(Amended with Directive No. 1-1/135 of 22 October 2021, entered into force on 22 October 2021)

8.2.7 Packaging (plastic, deposit packaging, etc.) is well suited for making sports equipment and imprisoned persons have tried to do so. Pursuant to subsection 64<sup>1</sup> (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. 1-1/79 of 15 June 2022, entered into force on 15 June 22);

### 8.3 Specifications of applying for and using an electrical device

8.3.1 In order to use an electrical device in the room, the imprisoned person submits a request to the inspector-contact person, where the name, brand, location at the time of the request,

and the capacity of the electrical device must be indicated. The costs of using an electrical device are 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 capacity of the electrical device. The rates of costs for the use of electrical devices and the procedure for their calculation and compensation are established in subsections 59<sup>1</sup>, 59<sup>2</sup>, and 59<sup>3</sup> of the 'Internal Rules of Prison'. If multiple devices are used, the imprisoned person pays for the use of each device. If the 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 an electrical device, the imprisoned person makes a request to the prison that the cost of using the electrical device be deducted from their internal personal account. The cost incurred from the use of the personal electrical devices of the imprisoned person is deducted by the financial service of the prison from the internal personal account of the imprisoned person in favour of the prison by the fifteenth date of the month preceding the accounting month.

8.3.2 Self-made, rebuilt, and repaired devices or devices with a broken cord must not be stored in the room. 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.

- 8.3.3 As the prison is not an agency dealing with electricity supply, it is not liable for damage to electrical devices caused by a power cut, voltage change, or technical failure of electrical devices. The prison is only liable if the damage is caused by the illegal activity of the prison.
- 8.3.4 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 a corresponding request to the prison. The imprisoned person who has been granted permission to use an electrical device may only use the electrical device in their room where they have been placed by the prison service, and they are not allowed to move the electrical device to another room or give the electrical device to another imprisoned person to use.
- 8.3.5 Upon being granted permission to use an electrical device, the imprisoned person has the obligation to pay the costs associated with the use of the electrical device and not to violate the law by using the electrical device. If the imprisoned person does not fulfil the prespecified obligations, the prison service has the right to take away the electrical device and decide to revoke the permission to use the electrical device.
- 8.3.6 The imprisoned person has the right to submit a request in free format to send their electrical device in need of repair to a repair company. The transport and repair costs for the electrical device are covered by the imprisoned person.
- 8.4 Pursuant to subsection 46 (2) of the Imprisonment Act, an imprisoned person wears personal clothing in an open prison. 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 articles and complying with hygiene requirements. The quantity of footwear depends on the specific purpose of their use (sports, working, and staying in the ward). If the prison did not limit the amount of personal effects allowed in the room, there would be too many items in the room and this would significantly complicate searches and supervision. (Added by Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015) In the case of underwear and socks, the numerical restriction will be abolished, and the prison will allow a reasonable quantity. (Amended by Directive No. 1-1/215 of 12 December 2023, entered into force on 1 January 2024)

## **9 Provision of food for imprisoned persons**

- 9.1 In accordance with section 1 of Regulation No. 150 of 31 December 2002 of the Minister of Social Affairs 'Food norms in detention facilities', this regulation 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. Section 4 of regulation No. 150 of 31 December 2002 of the Minister of Social Affairs 'Food norms in detention facilities' stipulates food norms for imprisoned persons with special needs, pursuant to which the food norms for sick and other imprisoned persons with special needs are 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/m<sup>2</sup>, 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.
- 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.

(Amended with Directive No. 1-1/76 of 15 June 2022, entered into force on 15 June 22);

- 9.3 The imprisoned person has the right to refuse the 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 the 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 this 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 usually provided food in the room assigned to them (except, for example, imprisoned persons in school). 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. As the doors of the rooms are not locked while the food is provided to the imprisoned persons in the open prison, it is necessary to ensure that the imprisoned person is in the room assigned to them while the food is provided to them and does not leave the room until the prison service official has given permission to do so to ensure the security of the prison.
- 9.8 In the open prison, imprisoned persons are allowed to prepare their own food in the kitchen during their free time. The possibility to prepare food supports the resocialization of imprisoned persons and teaches them cope independently.
- 9.9 The imprisoned person assigned to the maintenance of the prison has to ensure the cleanliness of the common areas in general, not clean after each imprisoned person individually. If the imprisoned person prepares food for themselves in the kitchen, they are obliged to wash all the cutlery issued to them and the common cutlery that they used immediately after each meal, as well as to clean the room in order to avoid an unsanitary situation. As a rule, hot water is provided in the prison, so 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. (Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014)
- 9.10 Dishes issued to the imprisoned person are in the room assigned to them and the imprisoned person cleans the dishes.
- 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 The aim is to ensure that the imprisoned person does not unjustifiably express dissatisfaction with the food provided by the prison (for example, the food did not taste good, etc.). If the imprisoned person is provided poor-quality food (for example, there is hair, etc. in the food), they are obliged to immediately notify the prison service officer and hand over the food to the prison service officer.

## **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. Therefore, 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 Matters concerning living conditions in the prison are resolved by prison service officials, based on their duties and competences. The primary contact person for the problems of the imprisoned person is the officer appointed by the head of the ward in cooperation with other prison service officers. If resolving the matter is not within the competence of the officer appointed by the head of the ward,

they forward it to the corresponding structural unit of the prison. Problems encountered by the imprisoned persons in connection with their imprisonment are resolved by or through the officer appointed by the head of the ward. The request submitted to the prison by the imprisoned person must be understandable to the prison service, therefore it is necessary that the request is written in clearly legible handwriting and its content must be clearly and unambiguously expressed. If the submitted request is not correctly formalised or is not accurate, the prison service officer who is dealing with it must start specifying the incompletely submitted data, and the matter cannot be resolved as soon as possible.

11.1.2 Due to the work organisation of the prison, it is reasonable to distribute the forms during the roll-calls, since then all imprisoned persons in each room are visited, and they have enough free time to fill out the forms. The inspector-contact person or the guard collects the forms filled out by the imprisoned persons during the morning roll-call.

11.1.3 The request submitted to the prison by the imprisoned person must be understandable to the prison service, therefore it is necessary that the request is written in clearly legible handwriting and its content must be clearly and unambiguously expressed. If the submitted request is not correctly formalised or is not accurate, the prison service officer who is dealing with it must start specifying the incompletely submitted data, and the matter cannot be resolved as soon as possible.

11.1.4 The imprisoned person submits requests to the prison only on their own behalf because they can only request the resolution of problems that concern them in their request. Pursuant to section 10 of the Language Act, the language of public administration in state agencies is Estonian. As a result, requests 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).

### **11.2 Keeping laundry and footwear in order**

11.2.1 The right and obligation to wear personal clothing to ensure its cleanliness derives from the provisions of subsection 46 (2) of the Imprisonment Act,

pursuant to which an imprisoned person wears personal clothing in an open prison and the imprisoned person ensures the cleaning, keeping in order, and regular change thereof at their own expense. If an imprisoned person does not have suitable personal clothing, the prison service shall provide the imprisoned person with prison clothing.

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

11.2.3 To comply with hygiene requirements, the prison provides the imprisoned person with a change of bedding and towels provided by the prison generally every 14 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 has the right to submit a request to replace them.

11.2.4 Clothing and bedding issued by the prison are cleaned at the expense of the prison.

Pursuant to section 46 of the Imprisonment Act, the prison service officer may allow the imprisoned person to wear personal clothing if the imprisoned person ensures the cleaning, keeping in order, and regular change thereof at their own expense. The imprisoned person must ensure the keeping of order of their personal clothing. The imprisoned person can buy the necessary products for washing personal clothing from the prison store. Therefore, their clothing is washed at the expense of the imprisoned person.

11.2.5 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 largely depends on the price of electricity and water.

11.2.6 The provision specifies which items 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.

11.2.7 Clothing will be washed only on the basis of a written request. The imprisoned person must consent to having money for the laundry service deducted from their internal personal account.

### 11.3 Needs-based provision of hygiene preparations

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

(Amended with Directive No. 1-1/169 of 22 December 2015, entered into force on 1 January 2016)

### 11.4 Keeping the premises in order

11.4.1 The clause stipulates the obligation of the imprisoned person to keep the premises in order to ensure compliance with hygiene requirements in the prison. The imprisoned person is required to comply with the requirements of personal hygiene, keep their clothing and bedding tidy and clean, keep their room and the non-work rooms of the ward clean, make up their bed after the wake-up, and keep it tidy throughout the day. Imprisoned persons are prohibited from hanging items (sheets, towels, etc.) in front of their bed, setting up beds in non-work rooms or service rooms, or changing beds with other imprisoned persons without the permission of a prison officer. Imprisoned persons are required to keep their beds tidy

during the period from wake-up to lights-out. (Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014)

11.4.2 The clause states which means the prison provides so that imprisoned persons can keep their rooms in order.

#### 11.5 Reserving money for services

11.5.1 The imprisoned person can use several services through the prison, e.g. laundry, photocopying, etc.

11.5.2 The imprisoned person must keep records to ensure that the amount needed for the payment of the service is available in their account. An overview of the financial situation is necessary if the imprisoned person wants to use 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 internal 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 goods but no longer has the money to pay for them. Pursuant to section 54 of the 'Internal Rules of Prison', the imprisoned person can use the money in their internal personal account, for which the written application must contain: 1) the amount to be deducted from the internal personal account in both numbers and words, unless the imprisoned person is requesting a permanent deduction and the amount can be calculated on other grounds; 2) whether the imprisoned person wants to withdraw money in cash or transfer it to another current account or withhold money for the benefit of the prison or for shopping; 3) the account number and the name of the owner of the account if the imprisoned person is requesting a transfer; 4) in case of purchasing items, their name and quantity; 5) the name and signature of the imprisoned person and the date.

11.5.3 For services provided in the same month, money is deducted from the internal personal account on the last date of the month.

#### 11.6 Money transfers

11.6.1 Pursuant to the clause, 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, at the request of the imprisoned person, the savings fund may be deposited in an amount exceeding the amount provided for in subsection (3) of this section and the funds reserved for the use of the 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 submit a request.

11.6.2 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.

11.6.3 Pursuant to section 54 of the 'Internal Rules of Prison', the imprisoned person can use the money in their account, for which the written application must contain: 1) the amount to be deducted from the internal personal account in both numbers and words; 2) whether the imprisoned person wants to withdraw money in cash, transfer it to another current account, or withhold money for the benefit of the prison, etc.; 3) the account number and the name of the owner of the account if the imprisoned person is requesting a transfer; 4) in case of purchasing items, their name and quantity; 5) the name and signature of the imprisoned person and the date.

#### 11.7 Issuance of cash

11.7.1 The provision gives the imprisoned person the right to receive cash from their internal personal account to cover other justified expenses (for example, travel expenses). (Supplemented by Directive No. 1-1/196 of 29 December 2016, entered into force on 6 January 2017)

## 12 Smoking

12.1 The purpose of the provision is to explain how cigarettes are handled in the prison. As smoking is prohibited on the territory of the prison, cigarettes belonging to the imprisoned person are placed in a lockable locker provided by the prison service, which is opened and locked by a prison service official in the presence of the imprisoned person. (Amended with Directive No. 1-1/69 of 13 June 2017, entered into force on 1 October 2017)

12.2 – 12.3 (repealed by Directive No. 1-1/69 of 13 June 2017, entered into force on 1 October 2017)

12.4 – 12.5 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. It is emphasised in the explanatory memorandum to the draft on the Tobacco Act 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.

Smoking is prohibited on the territory of the prison for imprisoned persons, prison officers, and other persons staying on the territory of Viru Prison. The objectives of prohibiting smoking on the territory of the prison are 1) health protection (creating a living and working environment that supports health, not harms it); 2) ensuring the security of the prison and saving national resources (expenses for health services); 3) overcoming addiction.

As the smoking restriction does not extend outside the territory of the prison and the imprisoned person may smoke outside the territory of the prison, the prison must organise the storage of the cigarettes and matches of the imprisoned person in the designated place, i.e. in this case, in the corresponding locker. To ensure the general safety of the prison, as well as to prevent smoking on the territory of the prison and cigarettes and prohibited items and substances from entering the rooms, the imprisoned person may not bring cigarettes from outside the prison back to the prison because it is impossible to search the cigarettes without damaging them. The imprisoned person can only bring matches back to the prison, which are placed in the corresponding locker. As the imprisoned person can only store cigarettes and matches in the locker provided for this purpose, the imprisoned person must not purchase more cigarettes and matches from the store than can fit in the drawer provided for them in the locker. Based on the above, the prison allows the imprisoned person to send smoking products that do not fit in the drawer out of the prison. If the imprisoned person does not agree to this, the prison has the right to destroy them. (Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014 (amended by Directive No. 1-1/69 of 13 June 2017, entered into force on 1 October 2017)

## 13 Visits, telephone calls, postal items, and subscription to periodicals

### 13.1 Short-term visit

13.1.1 Provides for all short-term visit registration channels. Necessary in order for the imprisoned person to know which ways a visit can be registered.

13.1.2 The prison informs prisoners separately of meeting times, thus there is no need to specify them in the rules of procedure. (Amended by Directive No. 1-1/215 of 12 December 2023, entered into force 1 January 2024)



- 13.1.3 The person visiting the imprisoned person least 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. When visiting the imprisoned person, a valid identity document must be presented in order to avoid situations where the person visiting the imprisoned person presents an expired document upon entering the prison.
- 13.1.4 Sets out a list of identity documents required for a child. The regulation is needed so that everyone has a clear overview of the list of identity documents that are required for a visit on the territory of the prison.
- 13.1.5 The regulation specifies what the person visiting the imprisoned person should do with the items that they have with them that are prohibited for the imprisoned person in the prison and where in the prison they can store them during the visit.
- 13.1.6 Provides the general rules for visits. Based on them, smoking in the visit rooms and bringing smoking products to the visit are not allowed. The prohibition is based on the right of the imprisoned person to smoke only in the designated place.
- 13.1.7 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 territory of the prison.
- 13.1.8 The prison has the right to interrupt the visit (except with the criminal defence counsel) if the parties to the visit violate the legislation governing the internal order of the prison or generally accepted moral standards in society or compromise the security of the prison.
- 13.1.9 -13.1.10 The regulation gives the prison service officer organising the visits the right to interrupt the visit in case of disorder. The prison service officer informs the imprisoned person and the person visiting them about the possible consequences of the disorder committed during the visit. The regulation aims to prevent possible violations by the parties to the visit.
- 13.2 Telephone calls
- 13.2.1 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. If the imprisoned person does not have the right to move freely within the boundaries of their ward during the time prescribed by the rules of procedure, they can make a telephone call based on a request.
- 13.2.2 § 511 of the Internal Rules of Prison (VSkE) of the Regulation of the Minister of Justice No. 72 of 30 November 2000 regulates in detail the procedure for registering telephone calls, so there is no need to overregulate it in the rules of procedure and duplicate the provisions of the VSkE. (Amended by Directive No. 1-1/215 of 12 December 2023, entered into force on 1 January 2024)
- 13.2.3 Pursuant to subsection 29 (2<sup>1</sup>) 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 compromise the security of the prison.

(Supplemented with Directive No. 1-1/169 of 22 December 2015, entered into force on 1 January 2016)

### 13.3 Correspondence

13.3.1 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, preliminary investigators, or courts (hereinafter official correspondence), the delivery costs of which are covered by the prison.

#### 13.3.2 PRIVATE CORRESPONDENCE

Pursuant to section 48 of the 'Internal Rules of Prison', the imprisoned person hands over their letter to the prison service officer in an open envelope. 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. Indicating the name of the sender ensures that the letter is returned in case of a possible return (for example, wrong address).

#### OFFICIAL CORRESPONDENCE

Correspondence 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.

13.3.3 There is no need to regulate the receipt or delivery of letters at specific times; these activities take place during the day. (Amended by Directive No. 1-1/215 of 12 December 2023, entered into force on 1 January 2024.)

13.3.4 – 13.3.6 The purpose of the clauses is to describe how a letter addressed to the imprisoned person is delivered to them.

13.3.7 Explains the procedure for handing over various appeals to the prison.

13.3.8 In general, the imprisoned person must pay the delivery costs of all correspondence, with the exception of letters addressed to the Chancellor of Justice, prisons, the Office of the President, prosecutors, preliminary investigators, or courts, the delivery 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 the envelope, postage stamp, hand-delivery, and other paid services. The prison is thus not obliged to provide imprisoned persons with writing paper.

13.3.9 To ensure the efficient use of envelopes, they are issued by the officers who collect the letters immediately before receiving the letter.

13.3.10 The prison provides free writing paper to imprisoned persons who have no money or not enough money in their internal personal account and for whom the prison cannot provide a job

to ensure that they are also able to contact to the Chancellor of Justice, prisons, the Office of the President, prosecutors, preliminary investigators, or courts for the protection of their rights. For the purpose of economical and targeted use of the budget of the prison, the number of papers distributed free of charge must be limited to a reasonable limit.

### 13.4 Subscription to periodicals

13.4.1 - 13.4.3 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 of the prison or violates the order of the prison.

### 13.5 Receiving and sending packages

The receiving and sending of packages is provided for in § 28<sup>1</sup> and § 98 of the Imprisonment Act and chapter 15 of the internal rules of prison. Pursuant to subsection 1 of § 74<sup>2</sup> of the internal rules of prison, prisoners (including detained person) are allowed to receive one package per calendar month. On four days a week, it is possible to personally bring a package to the prison for the prisoner or send the necessary items via postal package. The maximum dimensions of a package sent or brought to the prisoner in the prison are 65 cm in length, 40 cm in height and 40 cm in width. Clauses 13.5.1.–13.5.3. of the rules of procedure explain the handling of packages arrived for the prisoner and sent by the prisoner. The items allowed to be received in the package are provided for in § 74<sup>1</sup> of the internal rules of prison. Clauses 13.254.–13.5.6. of the rules of procedure specify the procedures for sending personal items in packages from the prison. (Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)

## 14 Prison leave and prison leave under supervision

- 14.1 The basis for prison leave comes from the provisions of section 32 of the Imprisonment Act. The regulation is necessary because 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 the 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 prison leave in the request. During imprisonment, the prison must ensure supervision of the imprisoned person, and since the time spent by an imprisoned person on prison leave shall be included in the duration of the sentence, it is also mandatory to ensure supervision during the prison leave. This can only be ensured by a correctly completed prison leave plan, which allows the prison to 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 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. Therefore, the regulation is necessary to specify what period of time the prison takes into account when it comes to prison leaves.
- 14.2 Pursuant to subsection 32 (7) of the Imprisonment Act, the imprisoned persons shall bear the cost of their prison leave. Allowing the imprisoned person on prison leave usually entails financial expenses for the imprisoned person (e.g., transportation costs, etc.). This means that in order to ensure the fulfilment of the objectives of the prison leave, the imprisoned person must have sufficient financial resources. Pursuant to subsection 15 (1) of the Imprisonment Act, the prison service shall deposit the personal effects which the 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.
- 14.3 Pursuant to subsection 32 (4<sup>1</sup>) 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 on prison leave shall be included in the duration of the sentence of the imprisoned person. Therefore, even during the leave, serving the sentence must be a purposeful activity (work, study, housing, etc. problems are solved), which helps mitigate the risks arising from criminal behaviour. The prison must defend public order during the prison leave, which is verified by the police or the prison service officials. The imprisoned person is obliged to inform the chief specialist-steward of extraordinary circumstances, as well as changes in the prison leave plan or location, as the prison service must be aware of the changes in order to avoid a situation

where the prison service does not have an overview of the activities and location of the imprisoned person.

- 14.4 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, the person is still considered an imprisoned person during the prison leave. Pursuant to section 64<sup>1</sup> of the 'Internal Rules of Prison', an imprisoned person may not have narcotic, psychotropic, or other strong substances in the prison. Pursuant to section 330 of the Penal Code, the manufacture, acquisition, and possession of alcoholic beverages or other substances containing spirit by an imprisoned person is prohibited and punishable under criminal law. The same restrictions apply to the use of narcotic or psychotropic substances based on section 331 of the Penal Code.
- 14.5 Even during the prison leave, serving the sentence must be a purposeful activity (work, study, housing, etc. problems are solved), which helps mitigate the risks arising from criminal behaviour. The imprisoned person can also be given a worksheet that they are required to fill out and that helps to achieve the objectives of the prison leave.
- 14.6 Pursuant to subsection 57 (1) of the 'Internal Rules of Prison', the 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 personal effects of imprisoned persons. Pursuant to subsection 74 (1) of the 'Internal Rules of Prison', the imprisoned person does their shopping under the supervision of the prison service. Items acquired by the imprisoned person during the prison leave have not been acquired under the supervision of the prison service, therefore 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.
- 14.7 As serving the sentence during prison leave must help to mitigate the risks arising from criminal behaviour, the imprisoned person and the inspector-contact person will assess its purposefulness in cooperation after the prison leave.
- 14.8 - 14.10 When processing a request of the 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'. 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 'Internal Rules of Prison', the decision to grant permission for prison leave for family emergencies is made within three working days from the receipt of the request.

## 15 Shopping

- 15.1 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. Shopping is done in accordance with the schedule approved by 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. (Supplemented with Directive No. 1-1/169 of 22 December 2015, entered into force on 1 January 2016)
- 15.2 (Repealed by Directive No. 1-1/169 of 22 December 2015, entered into force on 1 January 2016).
- 15.3 The imprisoned person has the right to use electrical devices in the prison that are a factory product, in working order, and meet the standards of electrical devices 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 devices. When the device is in working order, it can be used safely, which ensures the smooth operation of the electrical system of the prison.
- 15.4 This mitigates the security risk. Bringing goods in an open package to the prison is prohibited, as there have been cases where prohibited items have been hidden in them. Therefore, due to the

need to ensure security, it is justified to prohibit bringing goods in an open package to the prison. In addition, their search is time-consuming and prevents effective work organisation.

- 15.5 -15.6 In order to receive cash, the imprisoned person submits a request, on the basis of which cash is issued to them. In order for the prison to process the requests on time and issue cash on the right day, the request must be submitted no later than three working days before using the store service. Cash is issued before visiting the store. (Amended with Directive No. 1-1/196 of 29 December 2016, entered into force on 6 January 2017)
- 15.7 (Repealed by Directive No. 1-1/196 of 29 December 2016, entered into force on 6 January 2017)
- 15.8 In the absence of a store service, it is only possible to provide imprisoned persons with items that satisfy their basic needs through the prison. The aim is to ensure that the imprisoned persons have the opportunity to communicate with their loved ones and comply with daily hygiene requirements.
- 15.9 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 with Directive No. 1-1/53 of 27 March 2015, entered into force on 13 April 2015)
- 15.10 The imprisoned person has the right to bring goods purchased from the store to the territory of the open prison (except for items prohibited in the prison) if they have a store purchase receipt for the purchased goods. (Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014)
- 15.11 The prisoner is allowed to purchase goods from the store only for their own use. Similar to the provisions of clause 8.2.2 of the Rules of Procedure, goods purchased from the store may not be transferred, sent, or given to other prisoners. There is no need to purchase supplies in large quantities considering that the prison provides prisoners with three meals a day, and that visits to the store are provided regularly. (Supplemented by Directive No. 1-1/215 of 12 December 2023, entered into force on 1 January 2024)

## **16 Studying, working, and participating in programmes**

- 16.1 The main emphasis of resocialization activities during imprisonment is on learning 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 the prison. Raising the level of education and acquiring and maintaining work habits and skills ensure better competitiveness on the labour market. The 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-term, they should not interfere with the main occupation, i.e. studying or working. Meeting religious needs has a broader meaning than just religious services. Chaplains offer counselling and conduct social programmes that contribute to the attitude formation, self-analysis, and goal setting of imprisoned persons.
- 16.2 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.
- 16.3 Studying
- 16.3.1 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.

- 16.3.2 As imprisoned persons are placed in the open prison with the aim of teaching them so that they can cope with an independent life, they study in educational institutions outside the prison.
- 16.3.3 The education organiser or inspector-contact person can determine the educational level and previous work skills of the imprisoned person and, accordingly, give advice on continuing their education path. A consultation is also needed to get an overview of what study opportunities are available and what documents need to be submitted to the school in order to start studying.
- 16.3.4 In order to carry out the studies more smoothly, the education is acquired in a specified school and on the basis of its lesson plan. For this purpose, the imprisoned person is issued a prison leave certificate, on the basis of which they stay at the school.
- 16.3.5 In the course of the study, various objects are made, which should also be written down in the list of items in the cell. Some of these 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. As a result of the above, the prison prohibits the acquisition or possession of items made at the school.
- 16.3.7 The imprisoned person is given permission to attend school by regulation, which stipulates additional obligations and restrictions to ensure the security of the prison.

#### 16.4 Working

- 16.4.1 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, in order to ensure imprisoned persons with work, 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. The prerequisite for working outside the territory of the prison is that the imprisoned person is placed in the open prison.
- 16.4.2 The organisation of the employment of imprisoned persons is based on the labour needs of those employers with whom the prison has established permanent partnerships in the form of a cooperation agreement. The imprisoned person may also apply to work for another employer by fulfilling the requirements set out in clauses 16.4.2.1 – 16.4.2.3 of the rules of procedure. Those imprisoned persons whose risk of escape has been assessed by the prison as low have been placed in the open prison. To allow an imprisoned person placed in the open prison 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.
- 16.4.3 The purpose of the work schedule is to plan work in accordance with the needs of the prison and the employer. 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 the imprisoned persons. The purpose of recording the working time of imprisoned persons participating in the maintenance of the prison is to ensure that they are paid in accordance with the time actually worked.
- 16.4.4 These items are allowed because the imprisoned persons have the opportunity to wash at the workplace. In addition, this promotes better and more efficient compliance with hygiene requirements. Imprisoned persons are also allowed to bring with them the amount of cigarettes specified in the rules of procedure. In order to ensure security and to carry out an effective search, the imprisoned person is not allowed to bring foodstuff or cigarettes with them when they return to the prison.
- 16.4.5 Pursuant to subsection 41 (3) of the Imprisonment Act, an employer shall transfer the wages of an imprisoned person who is working outside a prison to the bank account of the prison service.

16.4.6 The imprisoned person is allowed to work on the basis of a directive, which stipulates the related restrictions and obligations.

#### 16.5 Activities of the probation supervision ward

16.5.1 The activities specified in this clause are carried out with the imprisoned person on a case-by-case basis, based on a risk assessment and their individual treatment plan. Casebased work organisation ensures that the imprisoned persons participate in activities that mitigate their individual risks.

16.5.2 The aim is to ensure effective work with the imprisoned person both individually and in a group, therefore it is reasonable to remove the imprisoned person who prevents it for a certain period of time or permanently.

### 17 Sports, recreational activities, using the library, and other leisure opportunities

#### 17.1 Sports

17.1.1 Sports for imprisoned persons 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 the prison.

17.1.2 Imprisoned persons located in the open prison are allowed to engage in sports in the outdoor sports facilities of the prison. They can engage in aerobic activities (for example, walking, exercises for different muscle groups, etc.). In the sports facilities, it is possible to engage in team sports (for example, basketball, etc.). In the prison, the purpose of engaging in sports is to stay healthy, not to do competitive sports.

17.1.3 The purposeful and prudent use of sports equipment helps to prevent imprisoned persons from being injured or sports equipment being broken.

17.1.4 If the imprisoned person commits a disciplinary violation in the sports facility, the prison service officer has the right to stop the sports activity as it may compromise the security of the prison.

17.1.5 The imprisoned person is responsible for their actions when engaging in sports and must not create a situation where the life or health of their own or another person 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.

17.1.6 While engaging in sports in the outdoor area of the open prison building, the imprisoned person may get thirsty and need to drink water. Therefore, the imprisoned person is allowed to take one plastic bottle with a capacity of up to 1.5 litres of drinking water to the outdoor area. In order to ensure that prohibited substances do not end up in the open prison building and garbage does not end up in the outdoor area, the imprisoned person may only enter the open prison building from the outdoor area with an empty plastic bottle.

(Amended with Directive No. 1-1/133 of 7 July 2014, entered into force on 21 July 2014)

#### 17.2 Using the library, listening to radio broadcasts, and watching television broadcasts (amended by Directive No. 1-1/135 of 22 October 2021, entered into force on 22 October 2021)

17.2.1 – 17.2.4 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, the imprisoned person can have a reasonable number (1–2) of books in their room. 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.

17.2.5 The aim is to ensure that the property of the prison remains on the territory of the prison and does not come into the possession of strangers.

17.2.6 Imprisoned persons can watch television broadcasts and listen to radio broadcasts through personal technical devices. The prison has also installed the corresponding equipment in the common rooms.

17.2.7 The purpose of the clause is to clarify that the devices must be switched off after use.

### 17.3 Recreational activities

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

17.3.2 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.

**17.3.3** 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. Recreational activities mainly focus on crafts.

## 18 Satisfying religious needs

18.1 Imprisoned persons in the open prison may, in certain situations, attend church outside the prison.

18.2 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.

18.3 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.

18.4 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.

18.5 If the imprisoned person wants individual counselling by or a meeting with the chaplain, they are guaranteed this opportunity by the prison. The chaplain, based on their assessment and work organisation, organises an individual meeting with the imprisoned person if necessary.

18.6 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.

18.7 The imprisoned person has the opportunity to buy religious symbols. If the imprisoned person does not have the financial means to purchase religious symbols, the prison will, if possible, provide them with religious symbols through the chaplain. The prison chaplain decides on the need to provide religious symbols to the imprisoned person. The prison keeps records of the religious



symbols provided 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. (Supplemented with Directive No. 1-1/169 of 22 December 2015, entered into force on 1 January 2016)

18.8 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 officers. For example, the imprisoned person may use prayer beads in their cell, living section, on walks, and in the chapel, but not in school, social programmes, or other activities organised by the prison.

## **19 Provision of health care services**

19.1 According to subsection 1 of § 49 of the Imprisonment Act, health care in prisons constitutes a part of the national health care system. Health care in prisons is financed within the limits of the possibilities of the state budget on the basis of the Health Services Organisation Act, taking into consideration the special rules provided in the Act. According to subsection 3 of the same section, provision of health care services to a prisoner, detained person or person in custody (hereinafter person detained in prison) is organised by the Health Insurance Fund.

19.2 Since the prisoner cannot contact the provider of health care services immediately, they inform the prison of the need to see a health care worker.

19.3 – 19.4 Medications are prescribed and dispensed into medication boxes by health care workers. A health care worker delivers the prescribed medications to the prisoner in a medicine box. The prisoner has the medicine box in their possession and administers the medication according to the treatment regimen prescribed by the health care worker. To prevent medications from falling into the hands of other prisoners or being misused, all medications must be stored in a medication box issued by a health care worker. If a prisoner does not take the medication, the medication must be left in the medication box. Storing medications outside of the medication box is prohibited. If the prisoner does not follow the treatment plan prescribed by the health care worker or refuses to administer the medication according to the treatment plan, this relevant information is forwarded to the provider of health care services.

According to the procedure for the acquisition, use and handling of narcotic and psychotropic substances of the provider of health care services of Viru Prison, Regulation No. 73 of the Minister of Social Affairs 'the conditions and procedure for handling of narcotic drugs and psychotropic substances for medical and research purposes, and the conditions and procedure for maintaining records and reporting' and preparations included in the list of narcotic and psychotropic substances may only be handled by medical personnel who have familiarised themselves with the relevant procedure. Crushing medication is necessary for proper administration and to prevent prisoners from intentionally hoarding it. Administering higher doses of narcotic and psychotropic medications can lead to life-threatening poisoning by drugs

19.5 The writing of personal data on medication packaging by the provider of health care services is necessary to ensure that the medication reaches the correct prisoner and that the information is available for supervision purposes.

19.6 An autoinjector (insulin pen), syringe needles and a lancet are sharp piercing tools and may be contaminated; improper use of the medication can also be dangerous, causing blood sugar levels to drop too low. Therefore, these tools must not fall into the wrong hands. Limiting the number of glucometer test strips is necessary to balance budget resources. For needle exchange, the prisoner must give the guard a used needle in exchange for a new one. There may only be one insulin autoinjector (pen) per active ingredient in the cell, as spare injectors must be stored at refrigerator temperature.

19.7.1 The use of prescription medications without a prescription from a health care worker is prohibited for prisoners, as this could endanger the life or health of the prisoner or others in the facility, thereby threatening prison security. Adherence to the treatment regime is extremely important for

achieving results, as uncontrolled use of medications may lead to fatal consequences. The use of medications must only serve the purpose of recovery.

- 19.7.2 Self-initiated piercing, inserting rings, and similar activities are prohibited in prison and pose a risk to the health of prisoners and other individuals in the prison, as such actions may lead to the spread of various infectious diseases (HIV, hepatitis, and other bloodborne diseases), thereby endangering the life or health of the prisoner. The removal of a tattoo (mark) is a complicated procedure and may permanently harm an individual's health. It may also be a form of self-harm. In the case of such activities, the risk of infections is very high, which is why a prisoner must not, on their own initiative, alter or pierce their body, nor may they allow others to do so.

(Amended by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)

## **20 Reception of officials**

- 20.1 The reception schedule for the officers of the open prison is located on the information board of the unit). Defining specific reception times is necessary because it helps officials plan their working hours.
- 20.2 As imprisoned persons may also have unexpected problems and questions, they can also be received by an officer outside of scheduled hours by submitting a reasoned request.

## **21 Disciplinary proceedings and enforcement of disciplinary penalties**

- 22.1 This clause explains the purpose of disciplinary proceedings. 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.
- 21.2 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.
- 21.3 Pursuant to subsection 38 (2<sup>2</sup>) 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 prisoners, suspension, and release of prisoners 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.
- 21.4 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 room 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 room from which they were committed to a punishment cell. The prison is not responsible for items left in the former room 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.

## 22 Transfer and release from the prison

- 22.1 Imprisoned persons are released from the prison on the basis of the procedure for the release of an imprisoned person from prison. The procedure for the release of an imprisoned person from prison stipulates the operations of the prison, which must be carried out in the preparation and release of the imprisoned person from the prison.
- 22.2 Imprisoned persons are transferred based on the treatment plan.
- 22.3 The imprisoned person must return the property of the prison that they used to the prison immediately before release or transfer to another prison or from the open prison to the closed prison. The return of prison property is fixed by the prison service officer. The imprisoned person is obliged to collect all their personal effects in the cell and take the items with them before being released from the prison or transferred to another prison.
- 22.4 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.
- 22.5 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 possible, the clothing will be provided free of charge.
- 22.6 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 their 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 released from the prison 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 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.
- 22.7 Pursuant to subsection 75 (4) of the Imprisonment Act, on release, the deposited savings fund accrued from the funds deposited in the internal 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 internal 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 internal personal account. The rate of the benefit is stipulated in section 23<sup>1</sup> of Regulation No. 11 of 25 January 2001 of the Minister of Justice 'Procedure for the release of an imprisoned person from prison'.
- 22.8 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.

22.9 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 items deposited in the prison, funds in the internal 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.

The purpose of the clause is to inform the imprisoned persons 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. They are also informed that 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.

## **23 Compensation for travel expenses**

These clauses of the rules of procedure regulate the compensation for travel expenses incurred by imprisoned persons serving a sentence in the open prison while obtaining an education, completing social programmes, and visiting a health care provider outside of the prison.

## **24 Using a tablet**

24.1 By electronic operations, the prison primarily means the submission of communications to the prison (challenges, requests, requests for information etc) through digital solutions. The tablet simplifies the prisoner's communication with the court in various proceedings and enables the use of the prison's e-store. In addition to the tablet, prisoners retain the possibility to use a computer in the computer room. The electronic form of communications simplifies proceedings as there is no need to scan the communications and there are no problems understanding the words when reading the text in handwriting. Where secure technical capacities are available, the prisoner can confirm the receipt or examination of administrative acts and other documents electronically.

24.2. Using facial recognition when logging into the profile verifies the prisoner's identity. Unlike individuals in freedom, prisoners cannot use Mobile-ID to access the e-file system, as the use of mobile phones is not allowed in prison, and also many prisoners do not have an ID card (including they do not meet the conditions set by law to apply for one). It is necessary to use an authentication method that also allows for the identification of these individuals. The use of facial imaging prevents situations where another person could maliciously use, for example, the username and password/PIN code issued to the prisoner. If necessary, a prison officer assists the prisoner in using the tablet.

24.3 Logging out of the profile after finishing use of the tablet is mandatory, as this protects the prisoner's privacy. As the tablet is a shared device that can provide access to information regarding the execution of imprisonment (including personal data of special categories), which the prisoner does not wish to disclose to third parties.

24.4 The designation of a location by the unit establishes a shared understanding of where the device should be stored when idle and where the prisoner must return the device after use, ensuring access to the device for other prisoners.

24.5 Clause 4 of § 67 of the Imprisonment Act stipulates that the prisoner is obligated to handle items entrusted to them prudently. The prisoner is responsible for the items provided by the prison for use during the period of use and is also obligated to return the items provided by the prison to the prison. The careful use of property provided by the prison ensures a longer lifespan for the device.

24.6.1-24.6.3 Outlining the prohibitions ensures a clear understanding of the prison's expectations regarding the use of the tablet.

Giving the tablet to another prisoner while the prisoner is logged into their profile using facial recognition creates a situation where the prison can no longer be certain of the identity of the person who performed the electronic operation. Specifically, another prisoner could submit communications to the prison or the court, place an e-store order, or mark themselves as having reviewed a document.

Using the tablet on behalf of another prisoner may create debt obligations and intrigue between prisoners. In this way, it becomes easier to incite and involve other prisoners in submitting malicious or mass communications. Handing over the device to another prisoner may also result in a violation of procedural rights of the prisoner who handed over the device, for example, the other prisoner may confirm the review of a document, which could affect deadlines for filing challenges.

If a prisoner damages the device, the owner of the device acquires the right to claim compensation for the damage caused. By device misuse, the prison means anything that does not fall under permitted electronic operations and other activities not approved by the prison, such as restoring the device to its factory settings, playing games, or engaging in prohibited communication outside of the prison. Modification of the device primarily includes altering the integrity of the device, regardless of whether it concerns the hardware of the device (the structural form of the tablet and the devices included in it) or the software (programs). Connecting the device to another device may render the device unusable.

(Added by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)

## **25. Use of the Internet**

25.1 A prisoner has the right to access websites provided for in § 52<sup>1</sup> of the internal rules of prison through a securely adapted prison device. Additionally, prisoners have access to a translation application website. Prisoners may utilise the e-file system adapted to the prisoner, submit appeals to the prison and communicate with loved ones according to the purposes outlined in § 23 of the Imprisonment Act. Additionally, prisoners may be allowed to view information collected about them in the prison register and the accounting system of financial resources of prisoners, except for certain information restricted by law. They can also make purchases through the online system.

25.2-25.3 In addition to the provisions of Sections 52<sup>1</sup> and 52<sup>2</sup> of the internal rules of prison, a prisoner serving a sentence in an open prison may be allowed to use the Internet for studying, working and other re-socialisation activities approved by the prison if this is done under supervision and is in accordance with the goals of imprisonment. Prisoners must have previously approved the use of the Internet with the prison before they can use it. Re-socialisation activities include, for example, participating in various training courses, applying for documents and communicating with institutions. It is important that prisoners use the Internet purposefully, contributing to their re-socialisation while aligning with the objectives of their imprisonment.

25.4 Tampering with and damaging devices provided for Internet use is strictly prohibited, as it poses risks to human life and health as well as to prison security. Connecting different devices to the computer (including a tablet) may damage the device and also corrupt the device's original settings.

25.5 The prison service may restrict access to certain parts of websites and monitor Internet usage and devices to maintain prison security and order, as well as enforce other restrictions outlined in the Imprisonment Act. The prisoner's Internet and device usage activities are logged. Subsection 2<sup>1</sup> of § 29 of the Imprisonment Act provides that the prison service shall verify with whom the prisoner communicates by telephone or corresponds. The content of messages may only be checked in cases provided for by law. The prison service must be able to exercise sufficient supervision over Internet use to minimise the risk of prisoners committing new criminal offences in prison.

25.6 By allowing the use of the Internet, the prison must also ensure that the use of the Internet does not involve activities by prisoners that may harm or infringe on the constitutional rights and security of other persons (including persons outside the prison). Pursuant to § 17 of the Constitution of the Republic of Estonia, no one's honour or good name shall be defamed, and laws provide for the protection of personal rights of individuals, including against defamation and expression of incorrect value judgments. If a prisoner uses jargon, obscene language, rude remarks or threatening and harassing expressions when communicating with others, it demonstrates a clear lack of respect and violates the rights of those individuals, regardless of whether any elements of an offence under the Penal Code are met. Therefore, prisoners are also prohibited from accessing the part of a website that allows electronic communication.

(Added by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)

## **26. Using a mobile phone**

A prisoner serving a sentence in an open prison may be issued a mobile phone by the prison for use outside the prison. Issuing a mobile phone is necessary for situations where a prisoner needs to inform the prison of important circumstances related to their stay outside the prison or when the prison needs to contact the prisoner.

Upon receiving a mobile phone, the prisoner is required to log in in the presence of an officer to ensure that the mobile phone is in working order and that the prisoner is available to the prison service outside the prison. Prisoners are required to keep their mobile phones with or near them, ensuring that the device is stored in a way that prevents damage. They must also remain logged into their mobile phones and keep them in normal mode at all times. Switching the device to any other mode is prohibited, as prisoners must be accessible to the prison at all times, and altering the device's mode could hinder normal usage and monitoring. This requirement helps the prison service monitor whether the prisoner behaves in a law-abiding manner outside of prison, ie stays in the agreed place at the agreed time. A prisoner is only allowed to make and receive calls using the mobile phone to numbers known to the prison. This restriction is in place to ensure that prisoners do not communicate with individuals outside the prison whom they have not reported to the prison. Unmonitored communication poses a security risk and could lead to serious consequences, including the potential for a prisoner to escape. If a prisoner has not informed the prison about persons with whom they communicated by phone, they are obliged to do so no later than the following day.

To prevent misuse of data, the prisoner must delete all of their data from the phone before returning it to the prison. Deleting call logs eliminates the situation where a fellow inmate may call unfamiliar phone numbers in the call log of the mobile phone issued to them. Prisoners are responsible for maintaining their mobile devices in good condition. If a device becomes damaged, they are required to immediately notify a prison official. It is also prohibited to charge the device with any charger other than the one provided, as using an incompatible charger may cause damage.

While prisoners in open prisons face a less stringent regime than those in closed facilities, they must still adhere to the behavioural requirements established by the prison to ensure the orderly execution of their sentences. These requirements apply even when the prisoner is outside the prison, such as when they are working or on leave for any purpose. The prison must be informed of a prisoner's whereabouts, and the prisoner's location can be monitored accordingly.

The costs associated with using the mobile phone are borne by the prisoner, similar to telephone calls made in the closed part of the prison.

(Added by Directive No. 1-1/3-25/4 of 24 January 2025, entered into force 1 February 2025)