

Inspection of Viru Prison

Advisers to the Chancellor of Justice paid an announced visit to Viru Prison from 19-21 November 2014. A medical expert took part in the inspection visit and, among other things, checked the provision of health services in Viru Prison.

According to its statutes, Tallinn Prison is a government agency in the area of government of the Ministry of Justice which carries out deprivation of freedom and preliminary imprisonment, and organises probation supervision. Viru Prison is a maximum-security prison with a provisional custody department and an open prison department. Male and female detainees (incl. minors) and male convicts (incl. minors) are held in the prison. According to the website of the prison there were 805 convicts and 145 detainees (950 persons in total) in the prison as at 27 October 2014. There are 19 persons serving life sentences, 28 minors and seven women among those detained in the prison.

The Chancellor of Justice inspected Viru Prison thoroughly in 2008 and 2011.

Advisers to the Chancellor of Justice had confidential conversations with *ca* 45 detainees individually and in smaller and larger groups on 19 & 20 November 2014. The detainees with whom conversations were held were selected from a list obtained from the prison in advance. It was taken into account that persons with different detention regimes, employment, ages and genders should be included in the sample.

In addition to the conversations, the adviser to the Chancellor of Justice reviewed the personal files of the detainees and the documents concerning the use of weapons, physical force, special equipment and restraining measures in 2013 and 2014 on a random basis on 20 & 21 November 2014. Advisers to the Chancellor of Justice also inspected the territory of the prison on 19 & 20 November 2014 and visited the prison library; the medical department; the school; the room for short and long meetings; the sports building; the walking enclosures; the solitary confinement cells; the locked cells; and residential departments E2, E3, E4, E7, E8, S7, S8, S17 and S18 and their cells and rest rooms. Conversations were held with some of the persons detained in the cells. Short conversations were held with the officers and management of Viru Prison on 19, 20 & 21 November 2014.

The Chancellor of Justice makes the following recommendations and proposals to Viru Prison as a result of the inspection visit:

1. draw the attention of prison officers to the importance and necessity of the obligation to introduce the legislation set forth in Subsection 14 (2) of the Imprisonment Act to detainees. The Chancellor of Justice advises Viru Prison to observe the obligation stipulated in Clause 28 (2) 8) of Regulation No. 72 'Internal Rules of Procedure of Prison' of the Minister of Justice of 30 November 2000, which is to have the detainees confirm with their signatures that the legislation has been introduced to them and to record this on the personal file of the detainee;
2. to set up the computer in residential block S17 which has been adapted for detainees. In order to guarantee that the right of the detainees to use the internet to the extent permitted for them can be exercised as smoothly and conveniently as possible, the Chancellor of Justice advises Viru Prison to check regularly that the computer adapted for the detainees is in working order. The Chancellor of Justice advises considering making it possible for the detainees to print out the material found online (possibly for a fee, on the basis of the relevant application);

3. raise the number of times per week that underage detainees who do not have the right to move around freely in their department and long-term detainees can use the telephone and/or extend the permitted duration of the use of the telephone. The Chancellor of Justice advises Viru Prison to plan certain days when the detainee groups in question can make telephone calls or to give them additional time for using the telephone and to inform the detainees of this;
4. provide suitable and adequate clothing that corresponds to the season, the person's mobility and health status to all detained persons (incl. to arrested persons, if necessary). The Chancellor of Justice also advises analysing the suitability of the clothing provided by the prison for the detainees and, if necessary, amending the prison's practice in providing clothing (offering suitable items of clothing to detainees);
5. analyse the shower schedules in departments P1 and P2 and, if necessary, change them in such a manner that better satisfaction of the personal hygiene needs of the detainees is guaranteed;
6. immediately provide all detainees with the opportunity to dry personal laundry (e.g. drying racks that can be mounted on the cell wall and folded up to save space);
7. equip all walking enclosures with items (e.g. call buttons and video surveillance) that detainees can use to contact prison officers or make themselves noticed;
8. in the organisation of work, proceed from the principle that a person must be escorted back to the residential department within a reasonable time of them expressing their wish to return;
9. install roofs of sufficient width in the walking enclosures so as to allow the detainees to actively move and exercise when the weather is bad. The walking enclosure must also be equipped with rest areas and, depending on the number of detainees in the walking enclosure, install a bench or benches;
10. review the times that the detainees can spend in the open air and, if necessary, change them in such a manner that being in the open air is reasonably possible for underage detainees;
11. review the time set aside for short meetings with detainees on Saturdays (thereby taking into account the times when means of public transport arrive in Jõhvi) and the organisation of such meetings, and change the practice in such a manner that as many persons as possible who wish to have short meetings with the detainees can actually exercise the right to meet with the detainees;
12. organise, as often as possible, short meetings between the detainees and their family members, particularly with underage children, without separating the detainees from the visitors; The Chancellor of Justice hereby advises the prison to consider the needs of the children who have arrived for meetings, e.g. guaranteeing the existence of equipment required for playing or joint activities;
13. create a general order list or lists of works lent to the detainees in the prison library (e.g. based on genre and topic) and make them accessible to the detainees;
14. in the future, include the results of health checks performed by a health care professional in the record of the use of physical force, a service weapon, special equipment or a restraining measure and of the inspection of the state of health of the detainee in as much detail as possible and note the data concerning the health check carried out by the health care professional (the exact time of the health check, i.e. the date and time and the name and signature of the health care professional) in the record;
15. the repeated recommendation to guarantee the additional food stipulated in Subsection 4 (2) of Regulation No. 150 'Food Norms in penal institutions' of the Minister of Social Affairs of 31 December 2002 to detainees who need it in a daily quantity that corresponds to at least 1260 kJ of energy, is varied and contains nutrients in the

quantities set forth in valid legislation. In order to guarantee that the food service is provided to the detainees in the best possible manner, the Chancellor of Justice advises Viru Prison to analyse the calorie content of the meals offered at the prison and considering the long time between dinner and breakfast, offer dinners that are richer in calories, or snacks. The Chancellor of Justice recommends giving special attention to the adequacy, age-appropriateness and variety of the food offered to underage detainees;

16. take account of the observations concerning the provision of health services in the prison and improve the quality of the health services accordingly.

The Chancellor of Justice also suggests to the Minister of Justice that he consider the establishment of separate penal institution(s) for detaining minors where the environment would serve rehabilitation purposes and guarantee the physical and mental wellbeing of the minors.

In order to check compliance with the recommendations and proposals, the Chancellor of Justice will carry out a follow-up inspection within six months of the time the recommendations were made.