

Inspection visit to the house of detention of the Northern Prefecture's detention centre

On 26 February 2020, advisers to the Chancellor of Justice carried out an unannounced inspection visit to the house of detention of the detention centre of the Police and Border Guard Board's Northern Prefecture. A family doctor participated in the inspection visit as a health care expert.

It is positive that a number of requests which were made by arrested persons, persons compelled to appear, detainees and other detained persons and in which the detained persons expressed their will to contact a person close to them or their attorney or requested toiletries were granted on the same day the request was submitted or on the following day. It is also commendable that the toilet area of the pre-chambers and detoxification chambers of the house of detention were hidden from video surveillance (as confirmed by the PBGB) soon after advisers to the Chancellor of Justice called attention to it. The food provided to the detainees was decent and in compliance with relevant requirements.

However, numerous shortcomings were also noticed.

Detainees arriving at the Tallinn house of detention are generally strip searched. Activities taking place in the processing room are monitored via video feed and only small area under the camera is hidden from view. Normally, a male officer with special training monitors the video feed from a video surveillance room. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT) has recommended that an individual risk assessment is always concluded when persons are strip searched. The dignity of a detainee must be ensured during a search by taking reasonable steps. In general, the detainees should not be forced to undress completely, and a step-by-step undressing procedure should be implemented instead. The detainee and the officer monitoring the detainee via video feed should also be of the same gender.

The Chancellor of Justice has repeatedly drawn attention to the fact that the implementation of constant video surveillance in all chambers is not in compliance with the standards applicable to the treatment of detainees. In each specific case, it should be considered whether the 24-hour video surveillance of the detainee is absolutely necessary (e.g. due to their health status) and then decided whether and, if yes, to what extent video surveillance should be used. When using a video feed to monitor activities taking place in the chamber, it is also important that the detainee(s) in the chamber and the officer monitoring the video feed are of the same gender.

It was discovered that the door to the phone room is not completely shut when detainees are making phone calls so that an officer of the house of detention is able to verify that the detainees are only calling people who they are permitted to contract. By operating this way, the confidentiality of messages delivered by phone is not ensured, because the detainee's conversations can be overheard by third persons (in particular, by the officer of the house of detention). A technical solution which would allow the officer to verify that the detainee is making a call to a prescribed phone number but would also ensure that a third person cannot overhear the phone call should be implemented.

In the Tallinn house of detention, phone calls can only be made on Mondays and Saturdays and the detainee must apply for the phone call a day earlier. Some of the detainees voiced their concern about the fact that when a detainee arrives at the house of detention, for example, on a Monday, the earliest time available for making a phone call to persons close to the detainee is

on Saturday. The concern is understandable because there are situations where emergency calls must be made for the purposes of organising family and work life. If the administration of the house of detention can facilitate it, the option of permitting the detainees to make phone calls without a one-day notice and, under extraordinary circumstances, to make phone calls on days other than Mondays or Saturdays should be considered.

Some of the detainees had not familiarised themselves with the daily schedule of the house of detention and did not know when food was being served as well as when they were permitted to meet with persons close to them or to receive packages. Each detainee should have an up-to-date daily schedule, and some houses of detention post these on the chamber doors.

Not all detainees were able to bring to their chamber a document that lists their rights and obligations and, in multiple instances, this document was kept in the personal file of the detainee. The Chancellor of Justice has previously explained that persons should be permitted to keep such informational materials in their chamber and that these documents should not be kept in the detainee's personal file. The personal file must include information on whether the rights and obligations of the detainee have been explained to the detainee.

Information pertaining to short-term visits available on the notice board located in the lobby of the house of detention differs from the information provided in the daily schedule. Such information cannot include discrepancies, because this may cause confusion.

In order to get to a medical appointment, a detainee must file a request which is forwarded to the doctor's office by the staff of the house of detention. These requests often list the specific health issue experienced by the detainee, i.e. the requests contain special categories of personal data. As the health expert has explained, the aforementioned confidential information may only be processed (including viewed) by medical personnel, yet the officers of the house of detention can currently also view this information. To prevent unauthorised third persons from accessing health data, detainees should have the option of submitting their requests in closed envelopes or by using other appropriate means.

According to the house of detention's staff, an officer of the house of detention is also usually present during a medical examination. The Chancellor of Justice emphasises that a medical examination must always take place outside the hearing distance of unauthorised persons. In general, a medical examination should also take place outside the field of view of any police officers, except when the health care worker explicitly requests that the officers be present for the examination.

According to the health expert, only medical staff can prescribe medication to detainees. If medications are also dispensed by officers (in consultation with a medic), this information should be documented, which would provide the medic with an overview of any medication given to a specific person. In the course of the inspection visit, it was discovered that entries to the guardroom's medication file are essentially non-existent (even when medication have been dispensed at the discretion of the guard).

Numerous detainees complained that the officers of the house of detention have not provided them with any stationery. For the purposes of carrying out any internal operations of the house of detention, detainees should have reasonable access to the necessary stationery.

In general, the house of detention's documents were drawn up properly. In some initial health examination reports, the external injuries field had been left empty and, in two instances, reports regarding the detention of a suspect made no mention of whether persons close to the detainee had been notified and/or what the results of such notifications were.