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Inspection visit to the house of detention of the Pärnu Police Station

On 10 April 2023, advisers to the Chancellor of Justice carried out an unannounced visit of inspection to the house of detention of the Pärnu Police Station of the Police and Border Guard Board (PBGB).

It is commendable that the house of detention has acquired reading material for detainees, as well as clean second-hand and new clothes and footwear, which can be given to the detainees for use if necessary. It is also positive that, if necessary, the house of detention also accepts parcels for detainees outside the reception hours. If necessary, officers at the house of detention purchase prescription medicines for detainees at the expense of the PBGB.

Problems exist with ensuring privacy. Sanitary corners in the cells may not be monitored through the peephole in the door or via the surveillance camera unless a compelling reason exists for doing so. The waiting rooms for detained minors who are waiting for their parents in the house of detention do not comply with the requirements. Unfortunately, detainees in the house of detention are unable to read any national daily newspapers.

During the inspection visit, the advisers examined the premises of the house of detention, interviewed detainees and examined the documents.

National daily newspapers

From media publications, detainees at the house of detention of the Pärnu Police Station can only read old daily newspapers and magazines brought by officers. Under the [Imprisonment Act](#), a detainee in a house of detention must be able to read national media publications ([§ 30](#) subsection (1), [§ 86](#) subsection (1) and [§ 93](#) subsection (3)). The Chancellor has emphasised this in the summary of the [inspection visit to the house of detention of the detention centre of the North Prefecture](#) as well as the summary of the [inspection visit to the house of detention in Kuressaare and Kärdla](#).

Conversations with the officers at the house of detention gave the impression that, in their opinion, the house of detention does not need to obtain fresh national daily newspapers for the detainees because the [internal rules of the house of detention](#) do not require it. This understanding is

incorrect. By law, detainees in a house of detention must be given the opportunity to read national daily newspapers and magazines. This requirement must be complied with.

Search of detainees

Interviews with the officers of the house of detention revealed that detainees are generally given a pat-down search, but in case of a suspicion that a detainee may be hiding prohibited items or substances on them, they must undress for the search. The inspection revealed that searches (including strip searches) take place in the reception room and the whole process (including undressing) remains in the field of vision of a surveillance camera. The video feed from the surveillance cameras of the house of detention is monitored by the officer behind the monitors.

Strip searches constitute a very intense measure that interferes with the human dignity of the person searched. The area where the detainee undresses during a search in the reception room must not remain in the field of vision of a surveillance camera. In order to prevent a person from having to undress in the field of view of a surveillance camera, a screen or a partition should be placed in front of the undressing area. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has stressed that strip searches must be based on an individual risk assessment of each detainee (see the CPT's 2019 [report on the Czech Republic](#), para. 31). Grounds for a strip search exist only if there is reason to believe that a detainee may have hidden near their body items that are dangerous to themselves or others or items which constitute evidence and that might not be found if the person is searched differently. The use of a strip search should not be based on an officer's discretion, but be subject to clear written guidelines on when a person may be strip-searched (see the CPT's 2017 [report on Latvia](#), para. 37).

It should be ensured that during the search the detainee can save their dignity and undress gradually, so that part of the body is always covered. At least two officers of the same sex as the detainee must be present in the search room. Such a search procedure is in place as a protection for detained persons and staff alike (see the CPT's 2022 [report on Romania](#), para. 52). The officer monitoring the reception room via the CCTV must also be of the same sex as the detainee (see the CPT's 2019 [report on the United Kingdom](#), para. 32).

Video surveillance and observation windows in sanitary corners

Constant video surveillance has been set up in the cells in the house of detention of the Pärnu Police Station. The Chancellor has repeatedly explained that constant video surveillance in the cells of a house of detention can only be applied if this is unavoidably necessary in the case of a particular detainee (see e.g. the summaries of inspection visits to [the house of detention in Rakvere](#) in 2020 and to the houses of detention in [Kuressaare](#) and [Kärdla](#) in 2018).

Video surveillance must be considered on a case-by-case basis regarding each detainee. Video surveillance in the cell may be used only if necessary, for example, to monitor the condition of health of the detainee. A health problem can easily arise, for example, in the case of an [intoxicated detainee](#) for whom the use of video surveillance, as well as regular direct monitoring of the person's condition, is justified or even unavoidable. The CPT has said that the officer monitoring the cell via CCTV must be of the same sex as the detainee (see the CPT's 2019 [report on the United Kingdom](#), para. 32).

From the corridor, a small observation window with a sliding cover opens into the sanitary corner of each cell. When carrying out supervision, an officer of the house of detention can push aside the cover from the observation window and monitor what is happening in the sanitary corner. Monitoring the sanitary corner of a cell should never be an automatic and offhand decision (see the summary of the 2019 [inspection visit to the detention centre of the law enforcement bureau of the North Prefecture](#)). This may violate the detainee's right to dignified treatment and privacy. Therefore, even when carrying out supervision, a detainee should not be monitored in the sanitary corner without a compelling need (e.g. suicide risk; see the summary of the 2019 [inspection visit to the house of detention in Jõhvi](#)). The CPT has also criticised situations where officers at a detention facility can uncontrollably monitor the sanitary corner of a disciplinary detention and observation cell (see the CPT's 2009 [report on Finland](#), para. 109). Thus, a sanitary corner in a cell may be monitored only in exceptional circumstances and if a valid reason for doing so exists with regard to a particular detainee. This means that the sliding cover on the observation window in the wall of the sanitary corner of a specific cell can be removed only in justified cases. However, leaving the sliding covers on the observation windows unlocked creates an opportunity to easily monitor the detainees in the sanitary corner of the cell.

To improve the situation, the house of detention of the Pärnu Police Station must take additional measures so that a detainee can be monitored in the sanitary corner only in exceptional cases. The sliding cover of the sanitary corner observation window can, for example, be locked with a padlock, as the fastening loops for this are already in place. This has been done, for example, in [Tallinn Prison](#). The house of detention must also establish clear rules as to when an officer may remove the sliding cover of the observation window for supervision.

Disabled cell, waiting room No 3-142, and special cell

For placement of detainees with reduced mobility, a disabled cell has been set up in the house of detention. Unfortunately, this cell has an elevated door threshold that is difficult to cross for a detainee in a wheelchair. Movement would be more convenient if the doorsill were appropriately levelled for detainees in a wheelchair.

The house of detention has separate waiting rooms used in the case of transfer of a detainee until the arrival of the escort. The house of detention also has a 'special cell'. In all these cells, the sanitary corner remains in the field of view of the surveillance camera, and, for example, the sanitary corner in waiting room No 3-142 was not blurred on the monitor of the surveillance cameras.

Video surveillance in the sanitary corner strongly interferes with a person's right to privacy (see the summary of the 2021 [inspection visit to Tartu Prison and the psychiatric department of prisons](#)). Detainees who are monitored in the cell via a video camera must also be ensured privacy in the sanitary corner. The area of the sanitary corner in all cells in the house of detention of the Pärnu Police Station, including those in the waiting room and the so-called special cell, must be covered on the monitors of CCTV cameras, as has been done on the surveillance monitors of the sobering-up cells (see the CPT's 2021 [report on Sweden](#), para. 17).

Insufficient daylight in cells

There must be enough natural light in each cell of the house of detention. Under § 45(1) of the

[Imprisonment Act](#), a cell (including a cell in a house of detention) must have a window and artificial lighting. Section 3(3) of the Minister of Economic Affairs and Infrastructure regulation on “[Requirements for dwellings](#)” lays down that a window must ensure sufficient natural light in a room. The legislation in force does not establish objective indicators (e.g. specific luminous intensity) as to the precise quality of natural lighting in a dwelling. Regardless, illumination in a dwelling can be assessed in terms of needs for everyday living.

The cell windows in the house of detention are placed high, are small and covered with a mesh from the inside, due to which not enough daylight reaches the cells. [Specialist literature](#) states that daylight reduces stress and anxiety and increases the ability to concentrate. It also has a direct effect on the human nervous system. The importance of natural light was stressed by the Chancellor, for example, in the [recommendation](#) to Tallinn Prison and in the 2023 [summary](#) of inspection visits to the houses of detention in Kuressaare and Kärdla. The CPT has also said that there must be enough natural light in the cells (recommendations given to [Estonia](#) in 2019 and to the [United Kingdom](#) in 2021).

As the cell windows in the house of detention of the Pärnu Police Station are very small and located high, it remains incomprehensible why it is necessary to cover the windows with a mesh. If this is intended to prevent breaking the windows, this objective can be achieved by other security measures (e.g. using impact-resistant glass or putting a safety film on a window) that would not prevent daylight from reaching the cells. Installing such security solutions does not require a very large expense, while ensuring that people can be properly detained.

I ask that the mesh be removed from the cell windows in the house of detention and different security solutions be used that do not prevent light from reaching the cells.

Waiting room for juveniles

Detained minors in the house of detention of the Pärnu Police Station are placed in the so-called waiting room for juveniles and they are held there until the arrival of the parents. According to explanations by the head of the house of detention, the waiting room for juveniles is normally used to hold intoxicated minors apprehended at apartment parties.

The waiting room has a surveillance camera and a wide elevated platform fixed to the floor, but there is no sanitary corner or a toilet bowl, the door to the room is locked and it can be opened with a chip card. Nor is there a call button in the waiting room for a minor to call for assistance. A one-litre Chemi-Pharm antiseptic dispenser with 72.5% ethanol content was attached to the wall of the waiting room. Three to four minors are simultaneously placed in one waiting room. Young men and girls are not separated from each other, because, according to house of detention, this is not detention.

Detention means deprivation of someone’s liberty within the meaning of § 20 of the [Constitution](#). This is done in the cases and under the procedure laid down by law by closing a person in a room or a vehicle or otherwise significantly restricting their physical freedom. If a law enforcement authority brings a minor to a house of detention and closes them in the waiting room for juveniles, so that the minor cannot leave from there at will, the minor becomes a detainee (§ 2 of the [internal rules of the house of detention](#)). This constitutes normal detention subject to the requirements of the Imprisonment Act and the internal rules of the house of detention.

Waiting rooms for juveniles are not suitable for detaining minors. Young men and girls must be placed in different waiting rooms (§ 12(1) clause 1 [Imprisonment Act](#)). The antiseptic dispenser must also be removed from the wall. In case of necessity, a minor must be able to immediately call an officer of the house of detention to the waiting room without having to bang on the door or make a signal in front of the surveillance camera. The call button is necessary already because there is no sanitary corner or a toilet bowl in the waiting room. As in any cell where detainees are placed, there must be a call button in the waiting room for minors, which allows a minor to call for assistance and to which the officers respond with priority. Of course, minors must also have access to drinking water and be able to go to the toilet (see the summary of the 2019 inspection visit to [the house of detention in Tartu](#)). The CPT has also criticised situations where there are no call buttons and sanitary corners (toilet and washbasin) in the cells and detainees have to bang on the cell doors to attract attention (see the CPT's 2015 [report on Gibraltar](#), para. 21, and the CPT's 2021 [report on Kosovo](#), para. 72).

I expect your opinion concerning the recommendations by 15 September 2023 at the latest.

Yours sincerely,

/ signed digitally/

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