



# ESTONIAN CRIMINAL JUSTICE AND PRISONS – CHALLENGES OF DEINSTITUTIONALIZATION



Rait Kuuse

[rait.kuuse@sm.ee](mailto:rait.kuuse@sm.ee)



## PERSONAL

- 1999 – 2001 probation officer
- 2001 – 2012 Ministry of Justice, head of the probation division, head of the social rehabilitation division
- 2012 – 2014 Governor of Tallinn Prison
- 2014 - ... Deputy secretary general on social Policy, Ministry of social affairs
- International work:
  - Ad hoc involvements as expert from Europe to Central Asia for various international organisations.
  - 2007 – 2008 – Regional director of PRI for South Caucasus region (placed in Tbilisi)
  - 2008-2011 – EU project in Georgia – key expert on probation

# FOCUS

The focus of the presentation is on the prison reform process aiming at increasing use of community based solutions.

## Questions:

- Why Estonia has high incarceration rate? What and how has influenced the situation?
- How and whether imprisonment and its conditions support law-abiding and independent life
- Is the return to the society well planned, are there sufficient activities before and after release?

## MEANING OF „INSTITUTION“

- The Common European guidelines\* define an institution as any residential care where:
  - residents are isolated from the broader community and/or compelled to live together;
  - residents do not have sufficient control over their lives and over decisions which affect them; and
  - the requirements of the organisation itself tend to take precedence over the residents' individual needs
- Any (long-term) care through services, which can be described accordingly, have certain effects on persons ability for further independent life.

\* <http://deinstitutionalisationguide.eu/wp-content/uploads/2012/12/2012-12-07-Guidelines-11-123-2012-FINAL-WEB-VERSION.pdf>

# ESTONIAN SITUATION

## Prisons

- Prisons 4
- Prisoners 2961, incl:
  - Remand 605
  - Lifetime prisoners 40
  - Children 30
  - Women 156
- Imprisonment rate  
~230

## Other institutions

Is Estonia in overall in favour of institutional care?

\* Data as at 18.08.2014  
<http://www.vanpla.ee/41291>

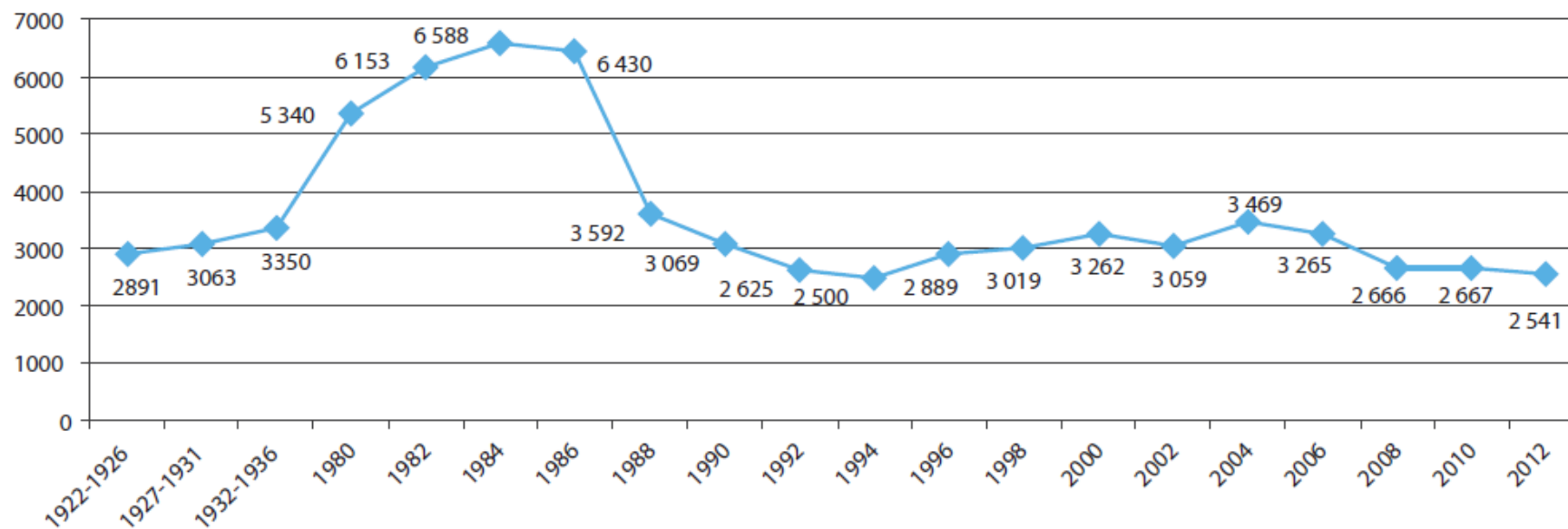


# TOWARDS COMMUNITY BASED SOLUTIONS

6

# Süüdi mõistetud vangide arv

## Number of convicted inmates

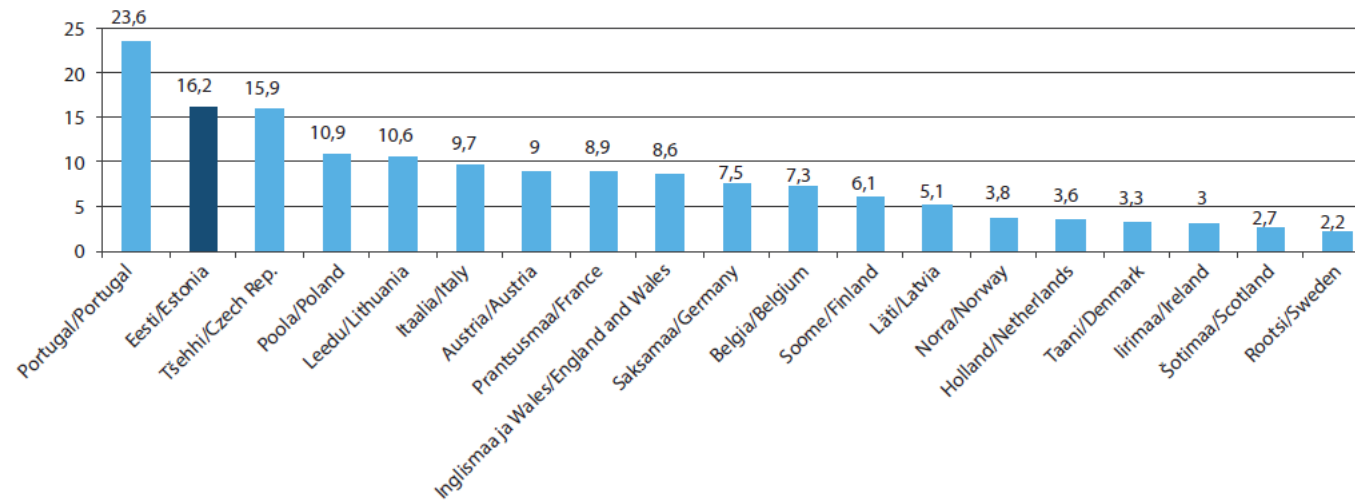


Andmed/Data: Justiitsministeerium/Ministry of Justice

## Vangistuse keskmine kestus

### Average length of prison sentence

Vangistuse kestuse indikaator kuudes 2010. aastal vanglasse saabunud ja vanglas viibinud süüdimõistetute karistusaja pikkuse järgi  
Indicator of the average length of prison sentence in months based on the entries to prison and the total number of prisoners in 2010

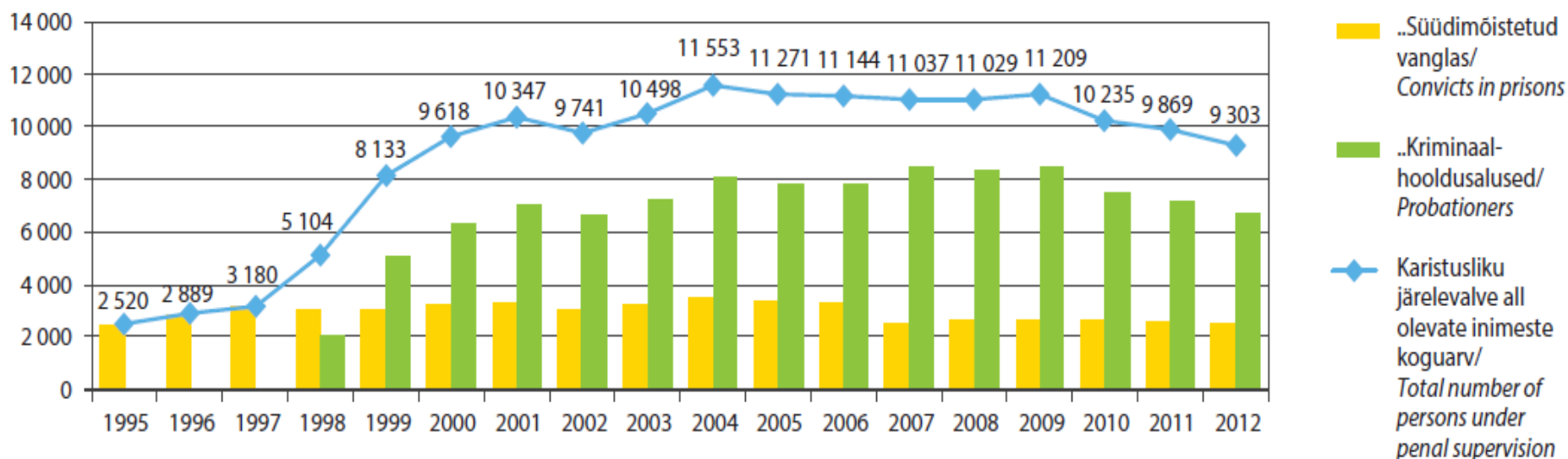


Andmed/Data: Euroopa Nõukogu, SPACE I, 2011.13.2/Council of Europe, SPACE I, 2011.13.2



# Karistusliku järelevalvesüsteemi maht

## Scope of penal supervision system



**Andmed/Data:** Ahven, A., Kruusement, A., Salla, J. (2013). Tingimisi vabastamise ja käitumiskontrolli kohaldamise analüüs. Justiitsministeerium.

# THE TASKS OF PROBATION

1998

- Pre-sentence reports
- Probation Order
- Parole

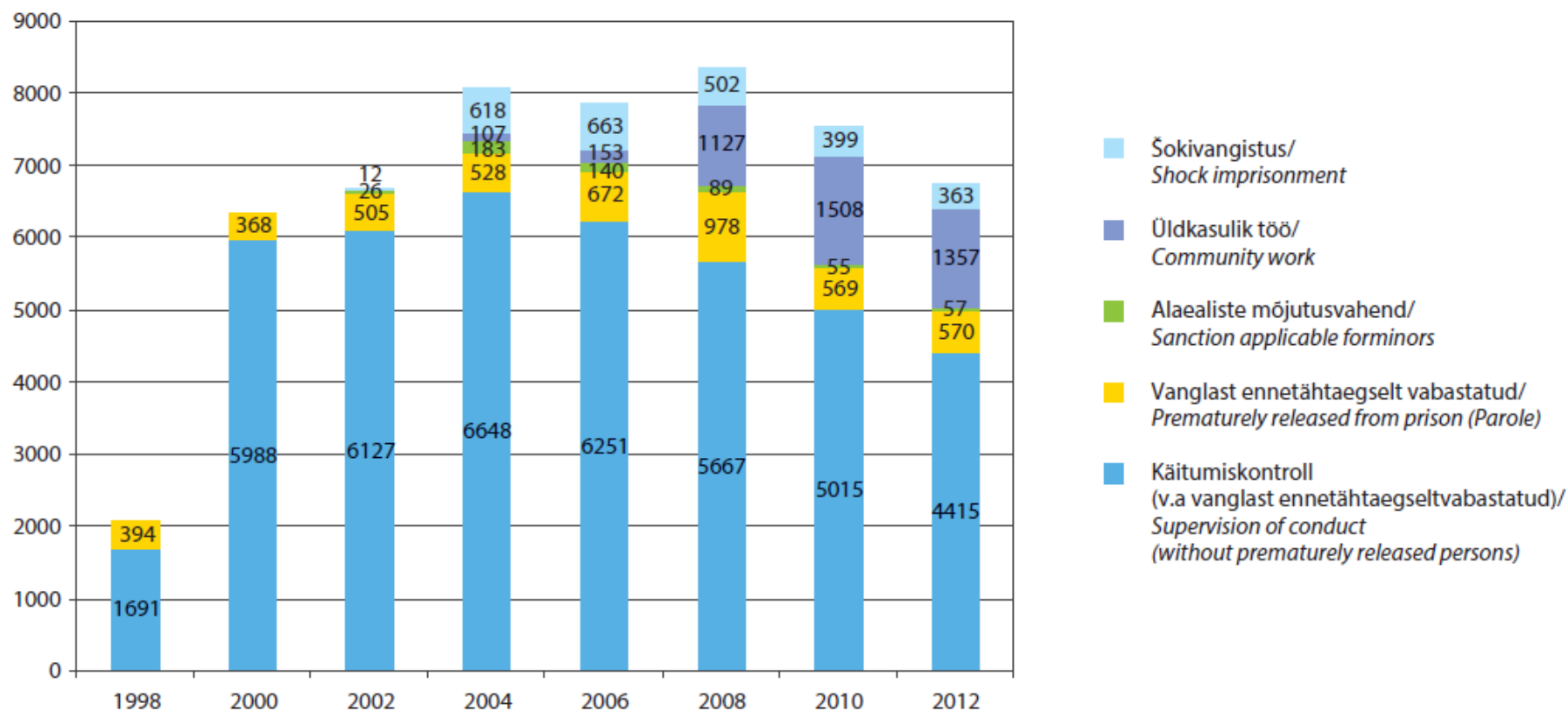


2013

- Pre-sentence reports
- Probation Order
- Parole
- Probation Order as a measure for juveniles
- Termination of criminal proceedings with community service
- Community Service (2002)
- Electronic Monitoring (2007, 2010)
- Supervision of conduct after service of sentence (2009)
- Substitution of imprisonment by treatment (drug addicts, sex-offenders) (2012)

# Kriminaalhooldusaluste jaotus

## Distribution of probationers



Andmed/Data: Justiitsministeerium/Ministry of Justice

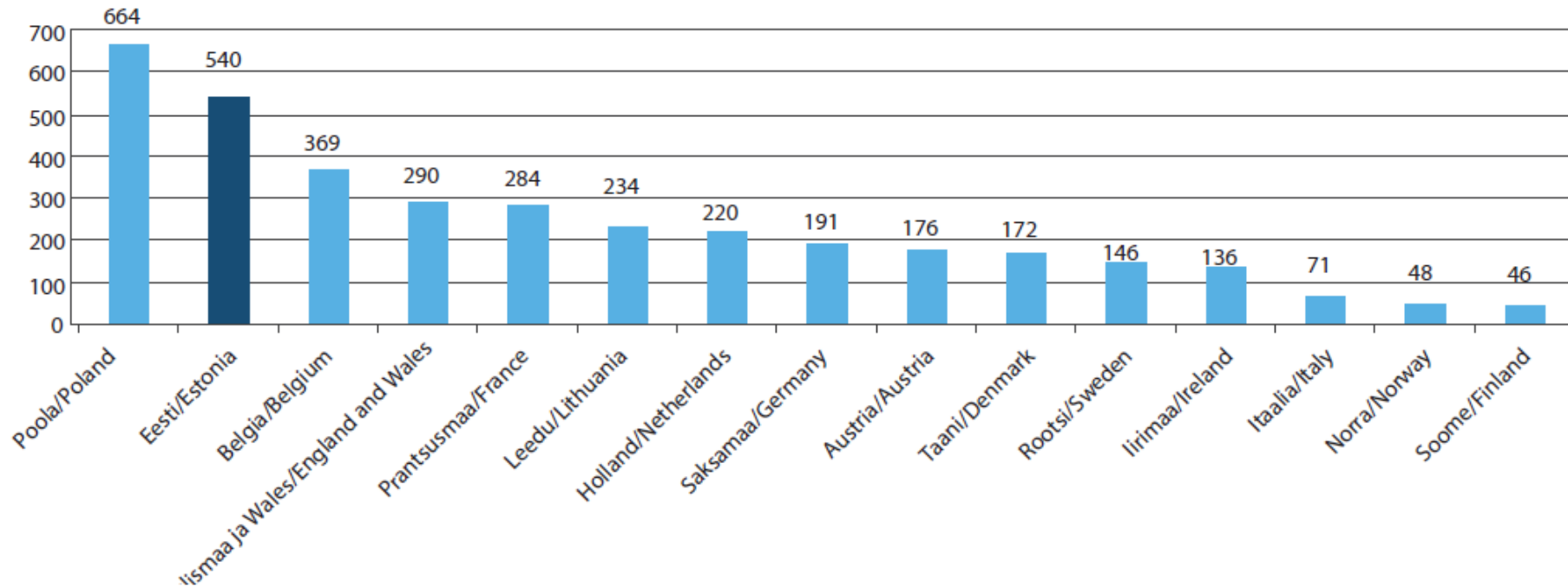
Vaata lisa: Ahven, A., Kruusement, A., Salla, J. (2013). Tinqimisi vabastamise ja käitumiskontrolli kohaldamise analüüs. Tallinn: Justiitsministeerium

# Kriminaalhooldusaluste suhtarv eri riikides

## Rate of persons under probation in selected countries

Kriminaalhooldusaluste suhtarv 100 000 elaniku kohta 2011. aastal/

Total number of persons under the supervision or care of probation agencies per 100 000 population in 2011

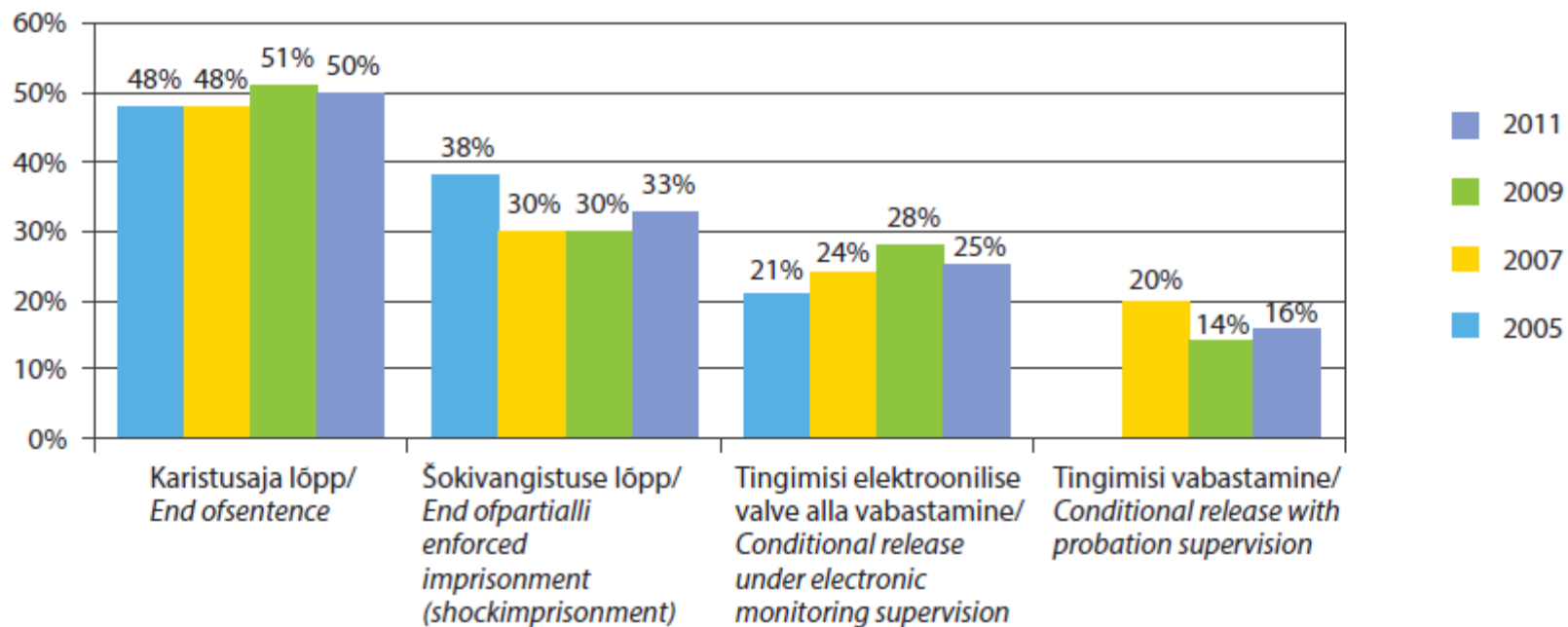


Andmed/Data: Euroopa Nõukogu, SPACE II, 2011.1.3/Council of Europe, SPACE II, 2011.1.3

# Vanglast vabanenute retsidiivsus

## Recidivism of convicts released from prison

Ühe aasta retsidiivsus määrad vabanemise viisi alusel  
*One year recidivism of convicts released from prison by type of release*



Andmed/Data: Justiitsministeerium/Ministry of Justice

## CHALLENGES

- Influence of the history
- Keeping the trend for prisons
- Decreasing the rise of cases in criminal justice
- More alternatives? Flexibility?
- Improvement of outcomes



# IMPRISONMENT AND ITS CONDITIONS

15

## NEW INFRASTRUCTURE



- Tartu prison (2002), 938 places, open prison to be built



- Viru Prison (2006), 1000 places and 100 open prison places



- Tallinn prison (2017?), 1000 places and 100 open prison places



# METHODS

- Risk assessment
- Sentence plan
- Engagement in activities:
  - Education
  - Programs
  - Work
- First steps regarding motivation based programmes

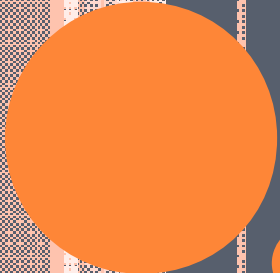
# PRISON ENVIRONMENT

- Good order and discipline
- Risk based engagement in the activities
- Personal responsibility
- Qualification of staff
- Contacts with outside world



## CHALLENGES

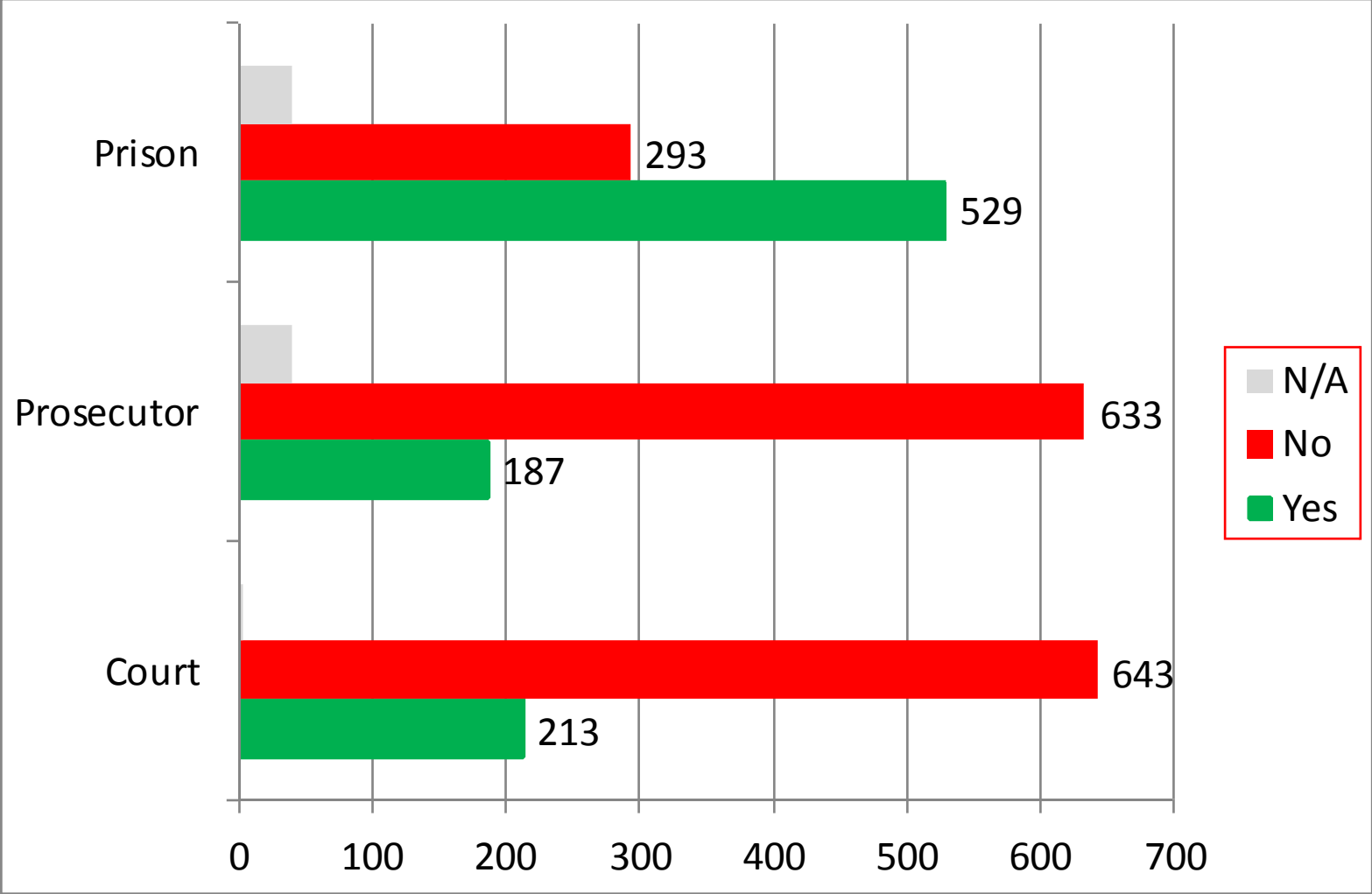
- „We know the best“ approach
- Possibility of individual choices
- Contacts with „normal“ life
- Investments to the environment
- Contacts with outside services



# RETURN TO COMMUNITY

20

# PAROLE AND DECISION MAKERS



# PUBLIC PERCEPTION AND ATTITUDES

- Crime Survey (MoJ 2012)
- Survey of attitudes regarding imposed sanctions (MoJ, University of Tartu, 2014)
- Other surveys and findings
- Conclusion?

## AVAILABILITY OF SERVICES

- General system
- Cooperation of prisons and local municipalities
- Integrated release of young offenders
- Support persons initiative

## OVERALL CHALLENGES

- Improvement of conditions
- Prison regime and its individualisation
- Attitudes
- Preparation for release
- Access to services



## CONCLUSION

- Influence of the history
- Evolution of the sanction system as a result of integration
- Need to increase awareness and tolerance
- Further challenges to institutionalisation



**THANK YOU!**

26

[rait.kuuse@sm.ee](mailto:rait.kuuse@sm.ee)

