

FINAL EXAM

Theory part

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Explanation to partners

This is an example of a theory part in final exam for vocational education level students. They start working in prison as guards.

It is based on Estonian legal regulations but is easily transferrable to any other countries frame.

The student must analyse in written manner the case and figure out whether the prison officers act correctly.

Explanations to the student

The exam is taken electronically either on the student's computer or on the computer of the Estonian Academy of Security Sciences.

The exam must be submitted electronically to the email address provided by the examiner.

Enter your name in the header of the document file and in the name of the document.

You will have 6 academic hours (6 x 45 minutes) to take the exam.

You are allowed to use supplementary materials.

Any communication (including through an electronic device) is strictly prohibited. If you have any questions, contact the examiner.

If necessary, use the rules of procedure of Viru prison as a basis for your solutions.

Assignment:

- 1) Define the legal issues involved in the case;
- 2) Find the legal provisions regulating the legal issue;
- 3) Provide an analysis of the issue based on a legal provision and a possible legal solution.

Case 1

Inmate Karmo has returned from a long-term visit. Guard Jürgen searched the inmate and checked his belongings before escorting him back to his cell. According to the list, inmate Karmo had a Dove stick deodorant with him when going to his long-term visit, but upon his return he has a Versace stick deodorant among his things. Guard Jürgen did not pay attention to this little detail, because after all, deodorant is deodorant. Besides, inmate Karmo was easily agitated, and guard Jürgen did not want to start arguing with him and ruin his own mood. After checking the items, guard Jürgen escorted inmate Karmo back to his assigned cell and did not record anything.

At the same time, guard Mari was preparing letters to be handed out. Detainee Toivo from cell 147 had received two letters, one from his mother and the other from the prosecutor's office. Guard Mari opened the letter from his mother first to check that it did not contain any prohibited items and substances, and then automatically opened the letter from the prosecutor's office to do the same. Detainee Toivo asked the guard in a raised and agitated voice: "What the hell are you doing? Are you a moron? You should not open the prosecutor's letter! Damn, they have hired yet another dingbat. I will write a complaint about you!". Guard Mari did not know what to say about it; she handed the letters to the detainee and closed the cell's food hatch.

Priit, the custody officer from the supervision department, escorted inmate Madis from investigation at the Information and Investigation Department to punishment cell 3. Once at the cell, custody officer Priit opened the door and ordered the inmate to enter. Inmate Madis stood by the door and told that he is not going in as he would like to be placed in another cell. Custody officer Priit ordered inmate Madis once again to enter the cell, but inmate Madis refused, standing next to the cell door. Then custody officer Priit informed the duty officer about the incident over the radio and called for help. Guard Kevin went to help custody officer Priit. The duty officer said that the inmate will not be placed in another cell, and inmate Madis must go to the cell assigned to him. If necessary, the guards may use coercion. Custody officer Priit informed inmate Madis that he will not be placed in another cell, and if he ignores the order to enter the cell, they have the right to use coercion. Inmate Madis responded: "Fuck you all, you're all perverts," and walked towards the cell. Guard Kevin did not appreciate what inmate Madis said, so he decided to speed up the movement of inmate Madis by using physical force. Guard Kevin pushed inmate Madis into the cell with both hands. As a result of the push, inmate Madis fell on the floor and the officers closed the cell door. Then, custody officer Priit informed the duty officer via radio that inmate Madis had been placed in cell 3. After the incident, custody officer Priit prepared a report on the behaviour of inmate Madis in terms of disregarding an order of an officer. In addition, officers Priit and Kevin prepared a report on the behaviour of inmate Madis, mentioning the inmate's use of uncensored expressions. The officers did not prepare any other reports or take any further actions.

Theory Part: Grading Guide for the Committee

		Grade 3	Grade 4	Grade 5
Grading criteria	Section from the case description	<ol style="list-style-type: none"> 1. Finds clearly expressed legal issues. 2. Finds the legal provisions governing the legal issue. 3. Connects the realistic circumstances described in the case with a legal provision and presents a lawful conclusion. 4. The terminology is correct. 	<ol style="list-style-type: none"> 1. Finds clearly expressed legal issues. 2. Finds the legal provisions governing the legal issue. 3. Connects the realistic circumstances described in the case with a legal provision and presents a lawful conclusion. 4. Provides relevant reasoning in the analysis. 5. The terminology is correct. 	<ol style="list-style-type: none"> 1. Finds all legal issues from the case description. 2. Finds the legal bases regulating the legal issue. 3. Relates the realistic circumstances described in the case with a legal provision, provides an exhaustive and appropriate reasoning how they reached this solution and presents a lawful conclusion. 4. Reasoning is verifiable and well-argued. 5. The terminology is correct.
<p>Episode 1.1</p> <p>For solution of this episode, the student should at least refer to clause 13.8 of the Viru Prison's Rules of Procedure. For grades 4 and 5, the student should also analyse the guard's negligent behaviour and include references to the Code of Ethics.</p>	<p><i>According to the list, inmate Karmo had a Dove stick deodorant with him when going to his long-term visit, but on return he has a Versace stick deodorant among his things. Guard Jürgen did not pay attention to this little detail, because after all, deodorant is deodorant. Besides, inmate Karmo was easily agitated, and guard Jürgen did not want to start arguing with him and ruin his own mood.</i></p>	<p>Clause 13.8 of the Viru Prison's Rules of Procedure: After the long-term visit, it is forbidden for the imprisoned person to bring with them items or substances that they did not have before the visit.</p>	<p>Clause 13.8 of the Viru Prison's Rules of Procedure: After the long-term visit, it is forbidden for the imprisoned person to bring with them items or substances that they did not have before the visit.</p> <p>and</p> <p>Clause 1.9 of the Ethical Code for Prison Officers: The prison officer does everything in his power to prevent offences.</p> <p>or</p> <p>Clause 1.3 of the Ethical Code for Prison Officers: The prison officer does his job</p>	<p>Clause 13.8 of the Viru Prison's Rules of Procedure: After the long-term visit, it is forbidden for the imprisoned person to bring with them items or substances that they did not have before the visit.</p> <p>and</p> <p>Clause 1.9 of the Ethical Code for Prison Officers: The prison officer does everything in his power to prevent offences.</p> <p>or</p> <p>Clause 1.3 of the Ethical Code for Prison Officers: The prison officer does his job</p>

			conscientiously; he is fair and reliable. He does not lie or distort the facts.	conscientiously; he is fair and reliable. He does not lie or distort the facts.
Episode 1.2	<i>After checking the items, guard Jürgen escorted inmate Karmo back to his assigned cell and did not record anything.</i>	Section 133 of the Imprisonment Act - Notification obligation: A prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in the execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning prisoners which may help to achieve the objectives of execution of imprisonment. A prison officer is required to immediately inform a medical officer or a nurse of any illness, injury or intoxication of a prisoner or person in custody.	Section 133 of the Imprisonment Act - Notification obligation: A prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in the execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning prisoners which may help to achieve the objectives of execution of imprisonment. A prison officer is required to immediately inform a medical officer or a nurse of any illness, injury or intoxication of a prisoner or person in custody.	Section 133 of the Imprisonment Act - Notification obligation: A prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in the execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning prisoners which may help to achieve the objectives of execution of imprisonment. A prison officer is required to immediately inform a medical officer or a nurse of any illness, injury or intoxication of a prisoner or person in custody.
Episode 2 The student must refer to the corresponding provisions of either the Imprisonment Act or the Internal Rules of the Prison. For Grade 5, the student should also analyse the guard's negligence based on the code of ethics.	<i>Guard Mari opened the letter from his mother first to check that it did not contain any prohibited items and substances, and then automatically opened the letter from the prosecutor's office to do the same.</i>	Subsection 29 (1) of the Imprisonment Act: A prison service officer shall open letters sent by or to a prisoner in the presence of the prisoner, except letters addressed to the persons and agencies provided for in subsections (4) to (5) of this section and shall confiscate any items the holding of which in a prison is prohibited by the internal rules of the prison.	Subsection 29 (1) of the Imprisonment Act: A prison service officer shall open letters sent by or to a prisoner in the presence of the prisoner, except letters addressed to the persons and agencies provided for in subsections (4) to (5) of this section and shall confiscate any items the holding of which in a prison is prohibited by the internal rules of the prison.	Subsection 29 (1) of the Imprisonment Act: A prison service officer shall open letters sent by or to a prisoner in the presence of the prisoner, except letters addressed to the persons and agencies provided for in subsections (4) to (5) of this section and shall confiscate any items the holding of which in a prison is prohibited by the internal rules of the prison.

		<p>and</p> <p>Subsection 29 (4) of the Imprisonment Act: It is prohibited to examine the contents of prisoners' letters and telephone messages addressed to a criminal defence counsel, representative who is an advocate, prosecutor, court, the Chancellor of Justice or the Ministry of Justice.</p> <p>or</p> <p>Subsection 50 (2) of the Internal Rules of the Prison: A letter received by the detainee from the persons and authorities provided for in subsection 29 (4) and section 107 of the Imprisonment Act shall be delivered to the detainee without delay in a sealed envelope requiring a signature.</p>	<p>and</p> <p>Subsection 29 (4) of the Imprisonment Act: It is prohibited to examine the contents of prisoners' letters and telephone messages addressed to a criminal defence counsel, representative who is an advocate, prosecutor, court, the Chancellor of Justice or the Ministry of Justice.</p> <p>or</p> <p>Subsection 50 (2) of the Internal Rules of the Prison: A letter received by the detainee from the persons and authorities provided for in subsection 29 (4) and section 107 of the Imprisonment Act shall be delivered to the detainee without delay in a sealed envelope requiring a signature.</p>	<p>and</p> <p>Subsection 29 (4) of the Imprisonment Act: It is prohibited to examine the contents of prisoners' letters and telephone messages addressed to a criminal defence counsel, representative who is an advocate, prosecutor, court, the Chancellor of Justice or the Ministry of Justice.</p> <p>or</p> <p>Subsection 50 (2) of the Internal Rules of the Prison: A letter received by the detainee from the persons and authorities provided for in subsection 29 (4) and section 107 of the Imprisonment Act shall be delivered to the detainee without delay in a sealed envelope requiring a signature.</p> <p>and</p> <p>Clause 1.3 of the Ethical Code for Prison Officers: The prison officer does his job conscientiously; he is fair and reliable. He does not lie or distort the facts.</p>
<p>Episode 3</p> <p>The student must refer to at least one relevant clause of the</p>	<p><i>Detainee Toivo asked the guard in a raised and agitated voice:</i> <i>"What the hell are you doing? Are you a moron? You should not</i></p>	<p>Clause 1.11.2 of the Viru Prison's Rules of Procedure: The imprisoned person should be polite and proper with prison</p>	<p>Clause 1.11.2 of the Viru Prison's Rules of Procedure: The imprisoned person should be polite and proper with prison</p>	<p>Clause 1.11.2 of the Viru Prison's Rules of Procedure: The imprisoned person should be polite and proper with prison</p>

<p>rules of procedure. For grade 5, the analysis should be exhaustively reasoned.</p>	<p><i>open the prosecutor's letter! Damn, they have hired yet another dingbat. I will write a complaint about you!"</i></p>	<p>officers, visitors, and other prisoners, is not to use jargon or slang, and should greet prison officials and other authorities visiting the prison.</p> <p>or</p> <p>Clause 1.12.8 of the Viru Prison's Rules of Procedure: The inmate is forbidden to behave rudely and use sexually harassing, obscene, ambiguous, threatening, and degrading expressions.</p>	<p>officers, visitors, and other prisoners, is not to use jargon or slang, and should greet prison officials and other authorities visiting the prison.</p> <p>or</p> <p>Clause 1.12.8 of the Viru Prison's Rules of Procedure: The inmate is forbidden to behave rudely and use sexually harassing, obscene, ambiguous, threatening, and degrading expressions.</p>	<p>officers, visitors, and other prisoners, is not to use jargon or slang, and should greet prison officials and other authorities visiting the prison.</p> <p>or</p> <p>Clause 1.12.8 of the Viru Prison's Rules of Procedure: The inmate is forbidden to behave rudely and use sexually harassing, obscene, ambiguous, threatening, and degrading expressions.</p> <p>Bonus Points: Section 275 of the Penal Code: Insult of a representative of state authority</p>
<p>Episode 4</p> <p>For Grade 5, the student should also analyse the guard's negligence based on the code of ethics.</p>	<p><i>Guard Mari did not know what to say about it; she handed the letters to the detainee and closed the cell's food hatch.</i></p>	<p>Section 133 of the Imprisonment Act - Notification obligation: A prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in the execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning prisoners which may help to achieve the objectives of execution of imprisonment. A prison officer is required to</p>	<p>Section 133 of the Imprisonment Act - Notification obligation: A prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in the execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning prisoners which may help to achieve the objectives of execution of imprisonment. A prison officer is required to</p>	<p>Section 133 of the Imprisonment Act - Notification obligation: A prison officer is required to immediately inform the director of the prison or a higher prison officer present of any important matters which arise in the execution of punishment and which concern compliance with the internal rules of the prison or security in the prison, and of their observations concerning prisoners which may help to achieve the objectives of execution of imprisonment. A prison officer is required to</p>

		immediately inform a medical officer or a nurse of any illness, injury or intoxication of a prisoner or person in custody.	immediately inform a medical officer or a nurse of any illness, injury or intoxication of a prisoner or person in custody.	immediately inform a medical officer or a nurse of any illness, injury or intoxication of a prisoner or person in custody. and Clause 1.3 of the Ethical Code for Prison Officers: The prison officer does his job conscientiously; he is fair and reliable. He does not lie or distort the facts.
Episode 5 For grades 4 and 5, the student must find the failure to search here as an issue. For grade 3, this issue can be undetected.	<i>Priit, the custody officer from the supervision department, escorted inmate Madis from investigation at the Information and Research Department to punishment cell 3. Once at the cell, custody officer Priit opened the cell door and ordered the inmate to enter it.</i>		Clause 32 5) of the Organisation of Supervision at Prison regulation: Search of inmates is mandatory when escorting them inside the prison.	Clause 32 5) of the Organisation of Supervision at Prison regulation: Search of inmates is mandatory when escorting them inside the prison.
Episode 6	<i>Inmate Madis stood by the door and told that he is not going in as he would like to be placed in another cell. Custody officer Priit ordered inmate Madis once again to enter the cell, but inmate Madis refused, standing next to the cell door.</i>	Clause 67 1) of the Imprisonment Act: In order to ensure security in prison, prisoners are required to observe the internal rules of the prison and to follow lawful commands given by prison service officers.	Clause 67 1) of the Imprisonment Act: In order to ensure security in prison, prisoners are required to observe the internal rules of the prison and to follow lawful commands given by prison service officers.	Clause 67 1) of the Imprisonment Act: In order to ensure security in prison, prisoners are required to observe the internal rules of the prison and to follow lawful commands given by prison service officers.
Episode 7 The student must refer to at least one relevant clause of the rules of procedure. For grade 5, the analysis should be exhaustively reasoned.	<i>Inmate Madis responded: “Fuck you all, you’re all perverts, and walked towards the cell.</i>	Clause 1.11.2 of the Viru Prison’s Rules of Procedure: The imprisoned person should be polite and proper with prison officers, visitors, and other prisoners, is not to use jargon or slang, and should greet prison officials and other authorities visiting the prison.	Clause 1.11.2 of the Viru Prison’s Rules of Procedure: The imprisoned person should be polite and proper with prison officers, visitors, and other prisoners, is not to use jargon or slang, and should greet prison officials and other authorities visiting the prison.	Clause 1.11.2 of the Viru Prison’s Rules of Procedure: The imprisoned person should be polite and proper with prison officers, visitors, and other prisoners, is not to use jargon or slang, and should greet prison officials and other authorities visiting the prison.

		<p>or</p> <p>Clause 1.12.8 of the Viru Prison’s Rules of Procedure: The inmate is forbidden to behave rudely and use sexually harassing, obscene, ambiguous, threatening, and degrading expressions.</p>	<p>or</p> <p>Clause 1.12.8 of the Viru Prison’s Rules of Procedure: The inmate is forbidden to behave rudely and use sexually harassing, obscene, ambiguous, threatening, and degrading expressions.</p>	<p>or</p> <p>Clause 1.12.8 of the Viru Prison’s Rules of Procedure: The inmate is forbidden to behave rudely and use sexually harassing, obscene, ambiguous, threatening, and degrading expressions.</p>
<p>Episode 8</p> <p>Here the student should detect the use of unnecessary force. For grades 4 and 5, they must also indicate the degrading of the inmate's human dignity. For Grade 5, the student should analyse the guard’s behaviours based on the code of ethics.</p>	<p><i>Guard Kevin did not appreciate what inmate Madis said, so he decided to speed up the movement of inmate Madis by using physical force. Guard Kevin pushed inmate Madis into the cell with both hands. As a result of the push, inmate Madis fell on the floor and the officers closed the cell door.</i></p>	<p>Subsection 71 (2) of the Imprisonment Act: A prison service officer has the right to use self-defence equipment and physical force in the performance of service duties or for ensuring their own safety.</p> <p>or</p> <p>Subsection 291 (1) of the Penal Code - Abuse of authority: Unlawful use of a weapon, special equipment, or physical force by an official is punishable by a pecuniary punishment or by one to five years’ imprisonment.</p>	<p>Subsection 71 (2) of the Imprisonment Act: A prison service officer has the right to use self-defence equipment and physical force in the performance of service duties or for ensuring their own safety.</p> <p>or</p> <p>Subsection 291 (1) of the Penal Code - Abuse of authority: Unlawful use of a weapon, special equipment, or physical force by an official is punishable by a pecuniary punishment or by one to five years’ imprisonment.</p> <p>and</p> <p>Subsection 4¹ (1) of the Imprisonment Act: Prisoners, detained persons or persons in custody are treated in a manner that respects their human dignity and ensures that their serving of the sentence or being held in custody does not cause</p>	<p>Subsection 71 (2) of the Imprisonment Act: A prison service officer has the right to use self-defence equipment and physical force in the performance of service duties or for ensuring their own safety.</p> <p>or</p> <p>Subsection 291 (1) of the Penal Code - Abuse of authority: Unlawful use of a weapon, special equipment, or physical force by an official is punishable by a pecuniary punishment or by one to five years’ imprisonment.</p> <p>and</p> <p>Subsection 4¹ (1) of the Imprisonment Act: Prisoners, detained persons or persons in custody are treated in a manner that respects their human dignity and ensures that their serving of the sentence or being held in custody does not cause</p>

			<p>them more suffering or inconvenience than that inevitable in association with detention in prisons or houses of detention.</p>	<p>them more suffering or inconvenience than that inevitable in association with detention in prisons or houses of detention.</p> <p>and</p> <p>Clause 2.3 of the Ethical Code for Prison Officers: The prison officer treats prisoners and probationers lawfully and does everything possible to prevent their physical and mental abuse by other officials.</p>
<p>Episode 9</p> <p>The student must detect the need to record the use of direct coercion and the check of the health state. For Grade 5, the student should also analyse the guard's negligence based on the code of ethics.</p>	<p><i>After the incident, custody officer Priit prepared a report on the behaviour of inmate Madis in terms of disregarding an order of an officer. In addition, officers Priit and Kevin prepared a report on the behaviour of inmate Madis, mentioning the inmate's use of uncensored expressions. The officers did not prepare any other reports or take any further actions.</i></p>	<p>Subsection 46 (1) of the Organization of Supervision at Prison regulation: The use of immediate coercion and the result of the offender's health check should be recorded as soon as possible after the use of physical force, a service weapon, a special equipment, or restraint against the imprisoned person, and if restraint measures are used, also during their use if necessary (Appendix 1).</p>	<p>Subsection 46 (1) of the Organization of Supervision at Prison regulation: The use of immediate coercion and the result of the offender's health check should be recorded as soon as possible after the use of physical force, a service weapon, a special equipment, or restraint against the imprisoned person, and if restraint measures are used, also during their use if necessary (Appendix 1).</p> <p>or</p> <p>Subsection 71 (7¹) of the Imprisonment Act: After the use of direct coercion with regard to a prisoner, a health care professional shall examine the state of health of the prisoner as soon as possible. The circumstances of the use of</p>	<p>Subsection 46 (1) of the Organization of Supervision at Prison regulation: The use of immediate coercion and the result of the offender's health check should be recorded as soon as possible after the use of physical force, a service weapon, a special equipment, or restraint against the imprisoned person, and if restraint measures are used, also during their use if necessary (Appendix 1).</p> <p>or</p> <p>Subsection 71 (7¹) of the Imprisonment Act: After the use of direct coercion with regard to a prisoner, a health care professional shall examine the state of health of the prisoner as soon as possible. The circumstances of the use of</p>

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