

# ALTERNATIVES TO PRISON IN EUROPE

## Latvia

*Anhelita Kamenska, Kristīne Laganovska*

European Prison Observatory. Alternatives to detention



With financial support from the  
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Anhelita Kamenska, Kristīne Laganovska  
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[www.prisonobservatory.org](http://www.prisonobservatory.org)



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## THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

[www.prisonobservatory.org](http://www.prisonobservatory.org)

## ALTERNATIVES TO DETENTION IN EUROPE

Various international recommendations on community sanctions and measures promote the use of alternatives to imprisonment in order to reduce recidivism and the prison population. At the same time, legislators, academics and public administration members within the EU know that imprisonment is not the only way to balance security needs and social justice, and every Member State has implemented alternatives to imprisonment systems, with their own rules, organisational set-up and procedures.

The “European Observatory on Alternatives to Imprisonment” project aims to create a functional network of partner countries, in order to reduce the disharmony and gaps among the systems.

The main goal of the project is to provide, in a comparative way, a comprehensive picture of alternatives to detention in force within each partner country. These pictures would enable us to identify those alternative measures to detention that have led to:

- a decrease in detention rates
- the application of rehabilitative programs

To do so, starting from historical analysis, the project's objective is to compare the legal framework of the systems, their goals, the contents of the measures and their impact on the penitentiary system as a whole.

## INTRODUCTION

Data have been collected from several domestic and international sources – Court Information System (*Tiesu informācijas sistēma*), State Probation Service, Latvian Prison Administration, Central Statistical Bureau (*Centrālā Statistikas pārvalde*), and the Council of Europe Space I & II. A significant number of data do not refer to the number of individuals serving the non-custodial measure, but refer to cases. Some data, particularly collected by the Information Centre of the Ministry of Interior, e.g. alternatives to pre-trial detention are not publicly available and are available for a fee if not requested by state or municipal institution. Due to the changes in the legislation and the registration systems, in a significant number of cases the data are not comparable. In some cases data are erroneous, which has been acknowledged by respective authorities.

One of the main problems of research is that independent research by academic institutions and NGOs on alternatives to prison is very limited and it has been very difficult to ascertain how things are implemented in practice.

The impact of the economic crises (2008-2012), particularly State Probation Service has to be noted.

Latvian Centre for Human Rights



## PART ONE. GENERAL DATA

### Total number of people detained and serving an alternative measure between 2000 – 2014

There are no such comprehensive data publicly available, and consequently insufficient picture can be gained about the use of alternatives at different stages of criminal proceedings. Due to the changes in legislation and the registration systems, data across years are sometimes not comparable.

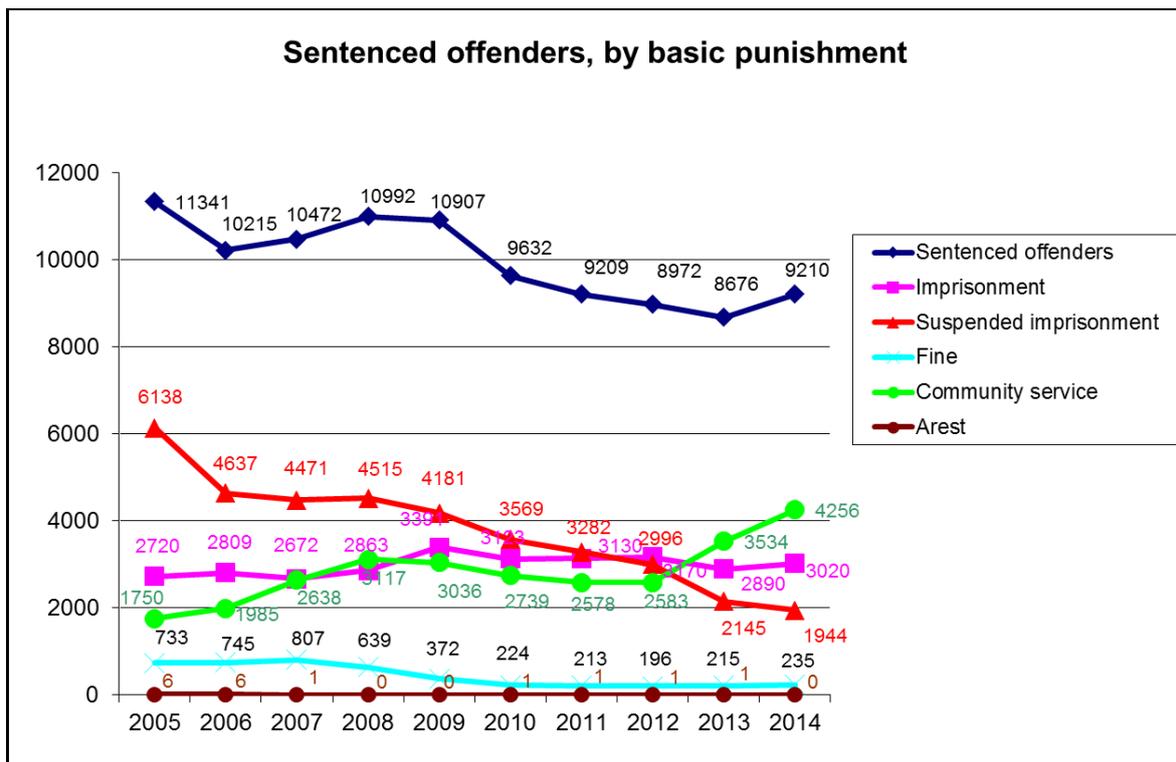
The most comprehensive data are collected about alternatives to imprisonment at sentencing stage, nevertheless data vary as to whether they include the number of offenders or the number of cases. Data on sentenced offenders by type of punishment is collected by the Court Information System. The data base provides information on the number of offenders sentenced to imprisonment, suspended imprisonment, community service, suspended community service, fine, suspended fine, (custodial) arrest, suspended arrest.

The number of sentenced offenders decreased from 11,341 in 2005 to 8,676 in 2013, but increased to 9,210 in 2014. The resort to suspended imprisonment has dropped from 6,138 in 2005 to a record low number of suspended imprisonment being imposed in the case of 1,944 offenders in 2014.

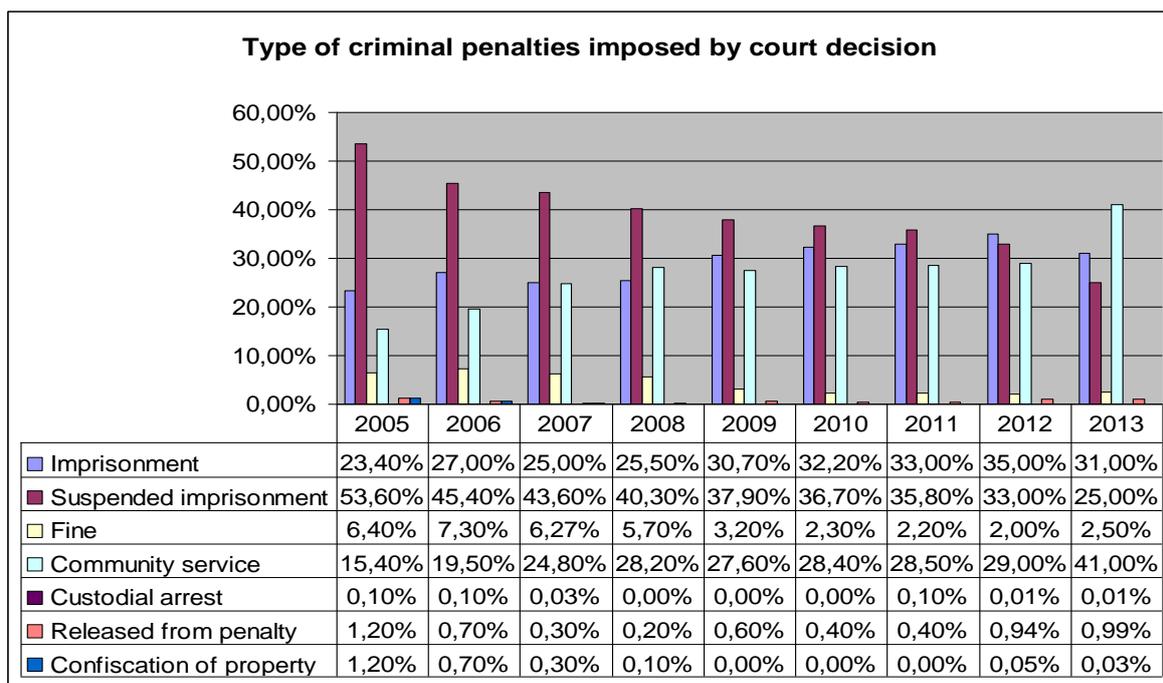
Sentenced offenders, by basic punishment						
	Sentenced offenders	Imprisonment	Suspended imprisonment	Fine	Community service	Arest
2005	11341	2720	6138	733	1750	6
2006	10215	2809	4637	745	1985	6
2007	10472	2672	4471	807	2638	1
2008	10992	2863	4515	639	3117	0
2009	10907	3391	4181	372	3036	0
2010	9632	3123	3569	224	2739	1
2011	9209	3130	3282	213	2578	1
2012	8972	3170	2996	196	2583	1
2013	8676	2890	2145	215	3534	1
2014	9210	3020	1944	235	4256	0

Source: Latvia, The Court Information System (Tiesu informācijas sistēma), The number of sentenced persons (Notiesāto personu skaits (78))(available at:

[https://tis.ta.gov.lv/tisreal?Form=TIS\\_STAT\\_O&topmenuid=0&groupid=tisstat](https://tis.ta.gov.lv/tisreal?Form=TIS_STAT_O&topmenuid=0&groupid=tisstat))



The number of offenders sentenced to community service has consistently increased from 15,4% in 2005 to 18,2% in 2008, staying relatively stable during the economic crises from 2009-2012, and reaching a record 41% in 2013. About a third of sentenced offenders continue being sent to prison. The share of sentenced offenders receiving a suspended sentence (predominantly imprisonment) has gone down from 53,6% to 25%. The share of offender who have received a fine has also decreased from 7,3% in 2006 to 2,5% in 2013, reflecting people’s ability to pay.



## Imprisonment and alternatives to custody: an overview

### Political climate regarding prison numbers since 2000

Over years, Latvia has remained one of the European leaders concerning imprisonment rate. In 2013, the imprisonment rate was 257 prisoners per 100,000 inhabitants, the 2<sup>nd</sup> highest in the EU.

On April 1 1999 a new Criminal Law entered into force in Latvia. While it provided for new alternatives to custody, such as community service, more frequent levy of fines, etc. it also lowered the age of criminal responsibility to 14 for all crimes, and increased harsher prison terms for most crimes, notably serious and especially serious crimes.<sup>1</sup> A new Criminal Procedure Law came into force on 1 October, 2005 and provided for stricter rules for imposing pre-trial detention, and introduced new statutory limits for pre-trial detention, depending on the gravity of crime. Long pre-trial detention periods as well as substandard conditions in pre-trial facilities had remained a key human rights problem. The share of pre-trial detainees rose from 28% in 1991 to 44, 6% in early 2003. The new Criminal Procedure Law introduced a wider range of pre-trial alternatives.<sup>2</sup>

Comprehensive Criminal Law amendments were adopted on 13 December 2012 (in force from 1 April 2013), aimed at liberalising Latvia's penal policy and bringing down the prison population by an estimated 30%. Several criminal offences were decriminalised, community based sanctions were broadened for a wider range of crimes (e.g. community service for an additional 150 crimes), thresholds for minimum and maximum sanctions were lowered for a wide range of crimes, in some cases mandatory minimums were abolished. Lower sanctions were fixed for property crimes (e.g. thefts, robberies, fraud) which are not connected with threat a person's life, health. The qualification was also changed for a significant number of crimes, e.g. from serious to less serious offences.<sup>3</sup>

At the same time, other factors, such as high emigration rates during the last decade, low birth rate have also contributed to decrease in the number of prisoners.

### Reforms to alternatives to detention since 2000

State Probation Law was adopted on 18 December 2003, and entered into force on 1 January 2004.<sup>4</sup> The establishment of the State Probation Service (SPS) was completed in 2005 by creating the headquarters and 28 regional offices (five in 2003, five in 2004, 18 in 2005). The Law on the State Probation Service stipulated phase-in widening of the tasks of the new service. In 2003 and 2004, the service had competence over delivery of aftercare to ex-prisoners (on voluntary), preparation of pre-sentence reports to judges

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<sup>1</sup> Latvia, Criminal Law (*Krimināllikums*). 17.06.1998, available in Latvian at <http://likumi.lv/doc.php?id=88966%2520>

<sup>2</sup> Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21.04.2005, available in Latvian at <http://likumi.lv/doc.php?id=107820>

<sup>3</sup> Latvia, Criminal Law (*Krimināllikums*). 17.06.1998, available in Latvian at <http://likumi.lv/doc.php?id=88966%2520>

<sup>4</sup> Latvia, State Probation Law (*Valsts probācijas dienesta likums*). 18.12.2003, available in Latvian at <http://likumi.lv/doc.php?id=82551>

and prosecutors and co-ordination of community service. From 2006, the SPS began to supervise persons during probation period in community and also prepare the parole reports.<sup>5</sup>

Impact of economic crises (2009-2012): Due to the economic crisis, various probation service functions were discontinued, or either suspended or reduced from 1 July 2009 until 31 December 2012.<sup>6</sup> These included the termination of prisoner aftercare, the suspension of the supervision of offenders released from prison conditionally (on parole) and those released conditionally from criminal liability by the public prosecutor as well as availability of mediation at pre-trial stage. A judge or a public prosecutor could request pre-sentence report only in the cases of juvenile offenders and in case of sexual offences. The delivery of treatment programmes in prisons by probation officers was been suspended until 2015, with the exception of treatment programmes for sex offenders.

In 2014 the Criminal Law and Sentence Enforcement Law were amended to enhance the role of State Probation Service as the responsibility for imposing conditions to offenders sentenced to suspended imprisonment, early release from prison and probationary supervision was transferred from courts to probation service.

### Total prison population (daily rate) between 2003 – 2013

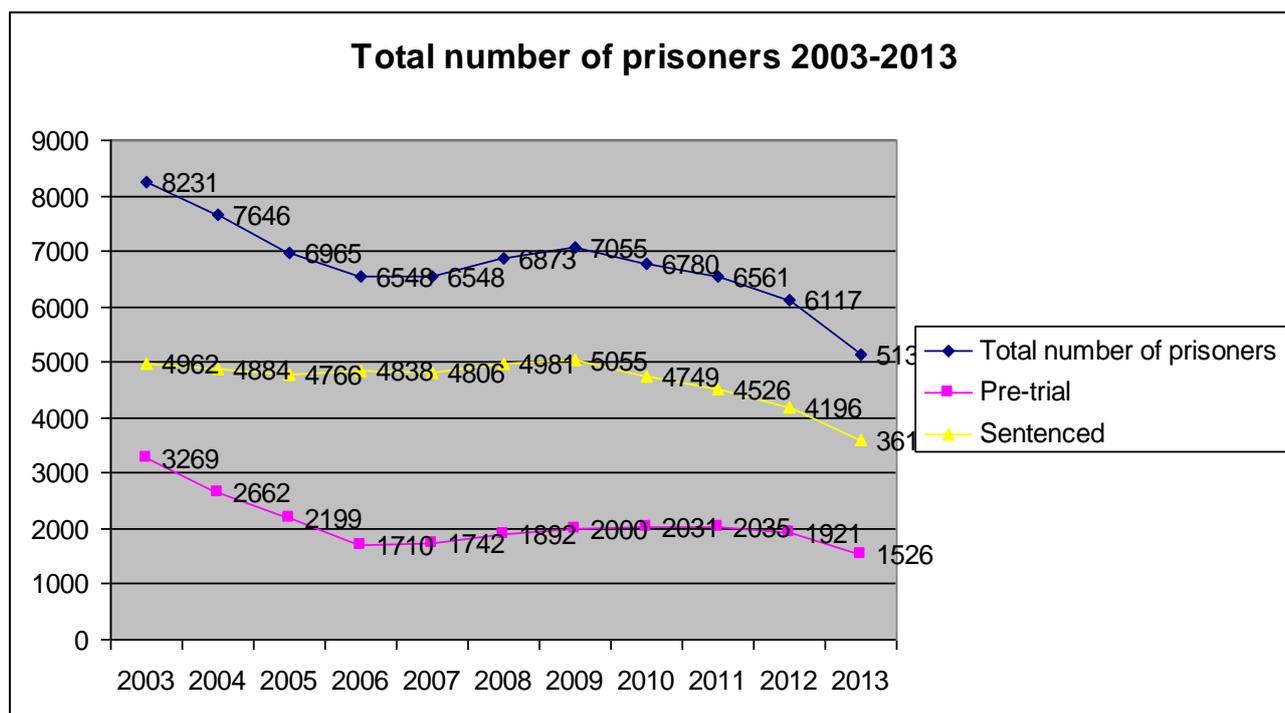
The number of total prison population has dropped from 8,231 in 2003 to 5,139 in 2013.

	Total number of prisoners	Pre-trial	Sentenced
2003	8231	3269	4962
2004	7646	2662	4884
2005	6965	2199	4766
2006	6548	1710	4838
2007	6548	1742	4806
2008	6873	1892	4981
2009	7055	2000	5055
2010	6780	2031	4749
2011	6561	2035	4526
2012	6117	1921	4196
2013	5139	1526	3613

Source: Latvian Prison Administration, Annual Reports

<sup>5</sup> Klišāne L., Jurevičius I., Judins A. (2013). Latvia. In: Probation in Europe (edit A.van Kalmthout, I.Durnescu), published by CEP, Conférence Permanente Européenne de la Probation, p. 6, available in English at [http://www.cepprobation.org/uploaded\\_files/Probation-in-Europe-2013-Chapter-Latvia.pdf](http://www.cepprobation.org/uploaded_files/Probation-in-Europe-2013-Chapter-Latvia.pdf)

<sup>6</sup> Latvia, State Probation Law (*Valsts probācijas dienesta likums*). 18.12.2003, available in Latvian at <http://likumi.lv/doc.php?id=82551>

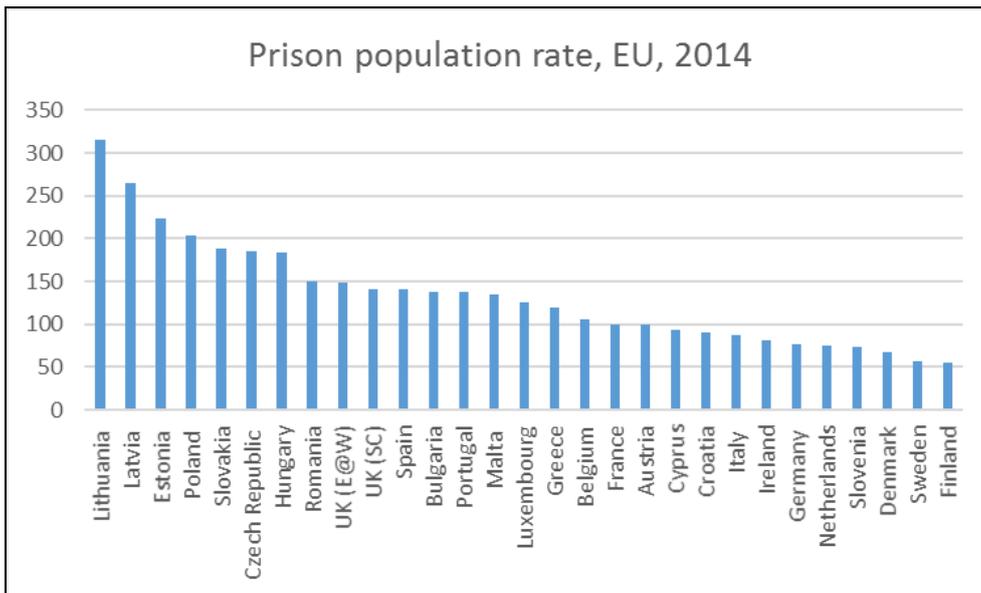


**Prison population rate per 100,000 population (based on the daily rate prison population 2003 – 2013)**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Population – annual estimates (thousands)	2331.5	2319.2	2306.4	2289.1	2259.8	2245.4	2261.3	2248.4	2074.6	2044.8	2023.8
Total number of prisoners (including pre-trial detainees)	8,135	7,731	7,228	6,531	6,452	6,544	6,999	6,778	6,556	6,195	5,205
Prison population rate per 100,000 inhabitants	348.9	333.3	313.4	258.3	258.5	291.4	309.5	301.5	316.0	303.0	257.2

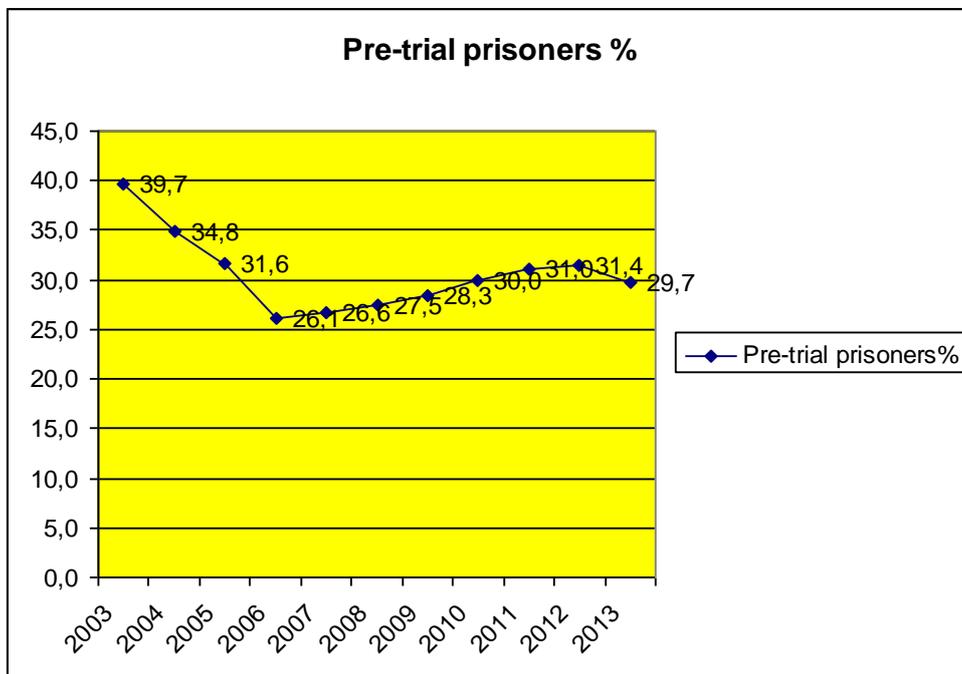
Source: Annual reports of the Council of Europe Annual Penal Statistics, SPACE I <http://wp.unil.ch/space/space-i/annual-reports/>

Latvia has consistently remained one of the EU leaders in terms of imprisonment rates per 100,000 inhabitants, losing only to Lithuania.



**Percentage of pre-trial detainees<sup>7</sup> (based on the daily rate prison population 2003 – 2013)**

The number of pre-trial prisoners decreased after the coming into force of the new Criminal Procedure Law in October 2005, as statutory limits were introduced for pre-trial detention in relation to gravity of crimes. This was preceded by a landmark ECtHR judgment in the case of *Lavents v Latvia*.



According to the data by the Latvian Prison Administration, the share of pre-trial prisoners dropped from nearly 40% in 2003 to 26,1% in 2007, underwent a rise up to 31,4% in 2012 and slightly decreased to 29,7% in 2013.

<sup>7</sup> In this grid, the term “pre-trial” refers to those awaiting for the first instance.

**Number and proportion of the total prison population (based on the daily rate prison population 2003 – 2013) by length of sentence (e.g. less than 6 months; 6 months to less than 12 months; 12 months to less than four years; 4 years plus; other)**

Among sentenced prisoners, **the largest group** is constituted by those sentenced **from 5 years to less than 10 years (38.2% in 2013)**, followed by those sentenced from 3 years to less than 5 years (20.2%), from 1 year to less than 3 years (18.5%), from 10 years to less than 20 years (16.2%). The share of those prisoners sentenced from 1 year to 3 years has decreased from 28,4% in 2003 to 18.5% in 2013, from 3 years to less than 5 years from 26,2% in 2003 to 20,2% in 2013, while the **share of those sentenced from 5 to 10 years has increased from 31,2% to 38,2% during the decade** and those sentenced from 10 to 20 years has nearly doubled from 8,9% in 2003 to 16,2% in 2013.

Latvia's penal policy in its severity continues to retain the elements of harsh former Soviet penal policy.

**Breakdown of sentenced prisoners (final sentence) by length of sentence, 2003-2013 (numbers)**

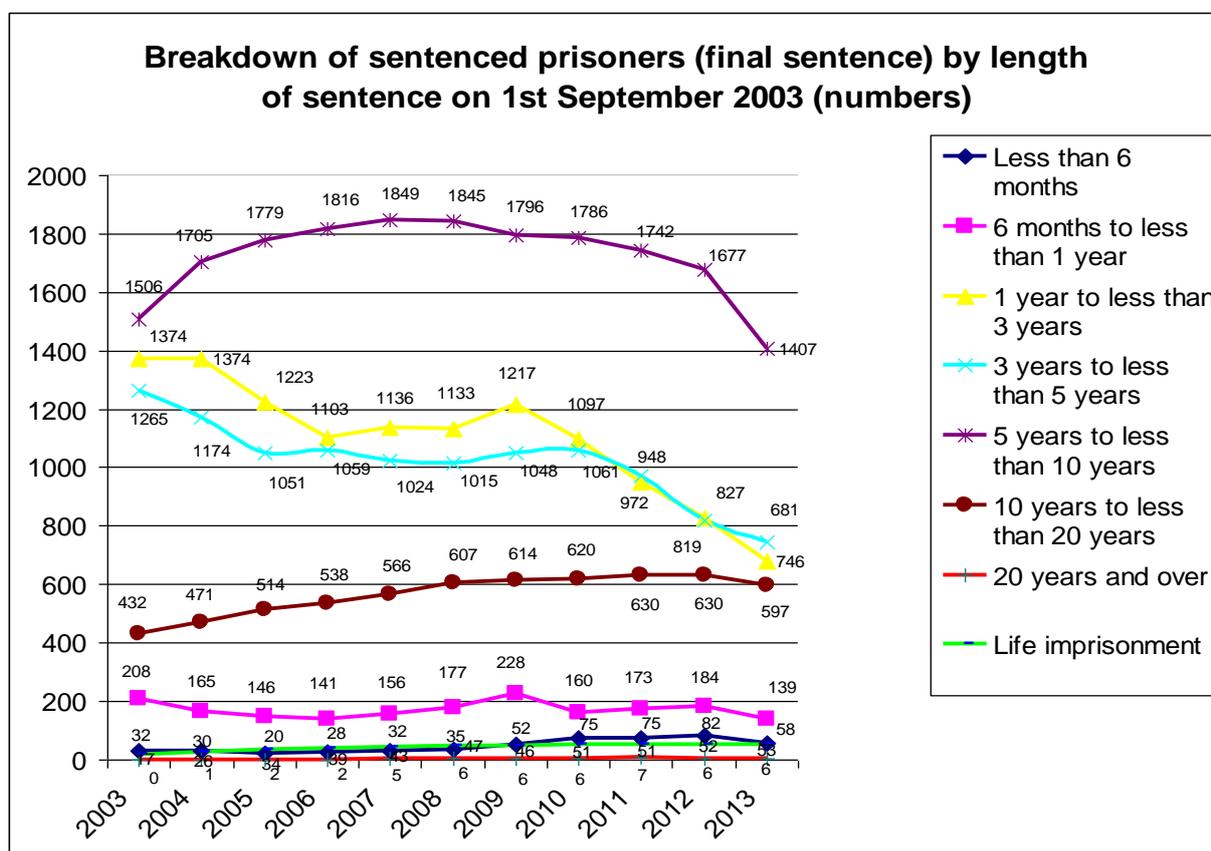
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Less than 6 months	32	30	20	28	32	35	52	75	75	82	58
6 months to less than 1 year	208	165	146	141	156	177	228	160	173	184	139
1 year to less than 3 years	1374	1374	1223	1103	1136	1133	1217	1097	948	827	681
3 years to less than 5 years	1265	1174	1051	1059	1024	1015	1048	1061	972	819	746
5 years to less than 10 years	1506	1705	1779	1816	1849	1845	1796	1786	1742	1677	1407
10 years to less than 20 years	432	471	514	538	566	607	614	620	630	630	597
20 years and over	-	1	2	2	5	6	6	6	7	6	6
Life imprisonment	17	26	34	39	43	47	46	51	51	52	53

Source: Space I

**Breakdown of sentenced prisoners (final sentence) by length of sentence on 1st September 2003 (percentages)**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Less than 1 month	0,1	0,0	-	0,0	0,0	0,0	0,1	0,2	0,1	0,1	0,1
1 month to less than 3 months	0,02	-	0,1	0,2	0,3	0,3	0,4	0,2	0,3	0,3	0,5
3 months to less than 6 months	0,5	0,6	0,3	0,4	0,4	0,3	0,6	1,2	1,2	1,6	1,0
6 months to less than 1 year	4,3	3,3	3,0	2,9	3,2	3,6	4,6	3,3	3,8	4,3	3,8
1 year to less than 3 years	28,4	27,7	25,2	22,9	23,6	23,3	24,3	22,6	20,6	19,3	18,5
3 years to less than 5 years	26,2	23,7	21,7	22,0	21,3	20,9	20,9	21,8	21,1	19,1	20,2
5 years to less than 10 years	31,2	34,4	36,7	37,7	38,4	37,9	35,9	36,8	37,9	39,2	38,2
10 years to less than 20 years	8,9	9,5	10,6	11,2	11,8	12,5	12,3	12,8	13,7	14,7	16,2
20 years and over	-	0,0	0,0	0,0	0,1	0,1	0,1	0,1	0,2	0,1	0,2
Life imprisonment	0,4	0,5	0,7	0,8	0,9	1,0	0,9	1,1	1,1	1,2	1,4

Source: Annual reports of the Council of Europe Annual Penal Statistics, SPACE | <http://wp.unil.ch/space/space-i/annual-reports/>



## Probation practices

### Are probation programmes individualised? Is the progress of the offender evaluated in the course of the measure's implementation? Is the plan of work reviewed according to this evaluation? Are there possibilities to change its content in the process of implementation?

According to the State Probation Service probation interventions are co-ordinated with offender whenever possible, risk and needs assessments and plans for interventions are reviewed periodically, community supervision interventions are designed and delivered by taking into account important theoretical paradigms (RiskNeeds-Responsivity, Good Lives, Desistance models) developed on a basis of sound research, each offender is assigned to certain probation worker (case manager) and case work is particularly recorded.<sup>8</sup>

During the first two months of supervision, offenders' risk and needs assessment must be done to identify the risk of re-offending, criminogenic needs, factors supporting desistance (resources) and necessary level of supervision. During this period, in addition to control of offender, case manager collects information on him, has weekly interviews with him and, with offender's consent, interviews persons from his surroundings. Risk and needs assessment consist of two sets of factors to be assessed – dynamic and static factors. When individual factors are assessed, overall level for each set of factors (overall level of dynamic factors and overall level of static factors) must be determined as low, medium or high.

Community supervision is organised according to the plan probation worker (case manager) develops for each offender individually. This plan is drafted when offenders risk and needs assessment is finished - 6-8 weeks after the first meeting with offender. The plan is drafted together with the sentenced person and includes important goals for offender to achieve during the supervision period (set by offender himself) and activities for achieving those goals (set by the case manager after discussions with offender). Activities are detailed, aimed on maintenance of resources, reduction of criminogenic needs and with realistic execution time. Supervision plan of offender is supplemented with a document where case manager indicates types of interventions and their intensity (work plan of case manager – not accessible for offender) to control execution of supervision plan and offender's general conformity to court's decision and law. Case manager must be well informed about offender's model of behavioural progress, offence cycle, criminal history, cognitive distortions, dynamic needs and resources to prepare good supervision plan and implement it efficiently. Case manager follows the plan, motivates offender to implement it and desist from offending, provides assistance to him in finding solutions to problems and, if necessary, directs him to probation program. Risk and needs assessment and supervision plan must be reviewed when there is a need for that (significant changes in offender's life, significant information received, etc.), but not rarer than once per six months. If the offender violates conditions of supervision without a plausible reason, case manager must either give written

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<sup>8</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe, p.29

warning to offender or send application to court with request to execute offenders' basic punishment or to prolong probation period for up to one year.<sup>9</sup>

### Do workers in alternatives to detention have the same rights and safeguards as other workers?

Offenders carrying out community service are not insured against accidents, injuries and public liability arising as a result of implementation.<sup>10</sup>

### Supervision model adopted in alternative measures (e.g. control-oriented, assistance-oriented...)

The supervision model is a combination of control and assistance. (See answer to first questions of the section).

### Does the probation system offer aftercare services?

From 2005 until mid-2009, the State Probation Service provided aftercare services to former prisoners. Persons who expressed a wish to co-operate with the State Probation Service after the full term of sentence could conclude an agreement for a period not exceeding 12 months, which could be prolonged to 6 months. The aftercare included consultations provided by a probation officer on issues of available resources - housing, education, and work possibilities, he/she could participate in probation programmes including cognitive behavioural programmes and resettlement programs. Resettlement programs included housing in a half way house, and the stay was financed for 6 months by the State probation Service is financing the stay of clients in half way houses for six months. During aftercare there was close co-operation with local municipalities, State Employment Agency and NGOs that assisted clients.<sup>11</sup>

However, against the backdrop of economic crises and consequent austerity measures, following the amendments to State Probation Law on 6 June 2009 (entry into force on 1 July 2009), the SPC ceased to provide assistance to former prisoners. Agreements with NGOs providing assistance to ex-prisoners were terminated due to lack of funding. Currently ex-prisoners receive assistance from general social services.

### Do foreigners have any limits to serve alternatives to detention? Are there specific provisions for them?

There are no specific provisions for foreigners concerning alternative measures. The number of sentenced foreign offenders is generally small.

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<sup>9</sup> Zeibote, L. Latvia. In: Probation in Europe. P.31 at

[http://www.cepprobation.org/uploaded\\_files/Latvia.pdf](http://www.cepprobation.org/uploaded_files/Latvia.pdf)

<sup>10</sup> Klišāne L., Jurevičius I., Judins A. (2013). Latvia. In: Probation in Europe (edit A.van Kalmthout, I.Durnescu), published by CEP, Conférence Permanente Européenne de la Probation, available in English at [http://www.cepprobation.org/uploaded\\_files/Probation-in-Europe-2013-Chapter-Latvia.pdf](http://www.cepprobation.org/uploaded_files/Probation-in-Europe-2013-Chapter-Latvia.pdf)

<sup>11</sup> [http://www.cepprobation.org/uploaded\\_files/Latvia.pdf](http://www.cepprobation.org/uploaded_files/Latvia.pdf)

### Are there any gender specific programmes?

There have been no gender specific programmes carried out by the State Probation Service.

### Are the victims of crime involved in the alternatives to detention programmes? If yes, which is their role in these programmes?

There is limited involvement of victims of crime in probation programmes except for victim-offender mediation. This is also due to the fact that Latvia does not have a national crime victim support organization. Probation Service collects victim's information when preparing an assessment report about the offender, which can be used when developing sentencing recommendations for the court. According to the Criminal Procedure Law a victim has the right to settlement with offender in all types and in all stages of criminal procedure. Probation service provides free of mediators who are either probation workers or trained and certified volunteer mediators. The SPS is responsible for recruiting and training of mediators.<sup>12</sup> In January 2013 there were 28 volunteer mediators and 63 probation workers are certified as mediators.<sup>13</sup> In practice most mediation cases are initiated after a request of suspected or accused person. Part of the cases is referred to probation by the police or prosecutors and rarely by the court. Suspected persons are quite active in initiating mediation as it is a possibility to terminate criminal proceedings.<sup>14</sup>

### Do probation services offer, directly or indirectly, support council or information to families of offenders?

The State Probation Services generally does not offer, directly or indirectly support, counselling or information to families of offenders.

### Are there specific restorative justice programmes?

(See also victim-offender mediation). Methods of Restorative Justice methods are currently in their implementation phase in Latvia and are mostly used in the field of crime prevention. They are mostly funded from the resources of individual projects: Circles of support and accountability – for high-risk offenders (a), Restorative conferencing - for victims and young offenders (b) and Victim Support Circles – for individuals (and their loved ones) who have suffered from various forms of violence (c). It still has not been recognized in the Latvian Criminal Justice system that the offender and the victim are at least equally important to the criminal process and that the harmful effects of crime cannot be eliminated solely by the criminal proceedings.

Restorative Conferencing was introduced in Latvia in 2010. It is mostly used when working with minors and their parents. All parties affected by the crime take part in the conference, but for the settlement meeting professionals can be invited to support the victim as well as the offender and to decrease the consequences of the crimes. An Restorative Conference is a voluntary, structured

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<sup>12</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe. P.11

<sup>13</sup> Ibid., P.14

<sup>14</sup> Ibid., P. 19

meeting between offenders, victims and both parties' family and friends, in which they address consequences and restitution.

Circles of accountability and support. On 15th of January, 2013 Latvian State Probation Service began work on the project of EC special program EU Specific Programme Daphne III 2011-2012 Circles for Europe (CIRCLES4EU). Support and accountability circles in this context are used as a method of Restorative Justice, which promote integration of high risk sex-offenders into society after their release. In order to introduce support and accountability circles in Latvia, help is provided by specialist from the Netherlands, Belgium and Great Britain. Method is comprised of two parts – internal and external. The internal circle includes the sex offender and volunteers, who support and simultaneously monitor the individual in question, whilst compensating for the risks of exclusion and negative attitude from the society. The external circle consists of specialists who assist the volunteers and circle-coordinators with solving professional issues.

Since the amendments of April 1 2013 the Criminal Law of Republic of Latvia stipulates restoring the fairness as one of criminal punishment's goals, up to this point there are no clear guidelines on how this new wording of Article 35 of Criminal Law should be interpreted and implemented in practice.<sup>15</sup>

### Does the probation service give a systematic feedback about the effectiveness of the alternatives to prison to the general public? How is the information shared?

The probation service publishes annual reports, and information about the projects. According to the Section 18.<sup>2</sup> of the State Probation Law (amended on 2 October 2014) the SPS is now required, no fewer than once in three years, to conduct methodological research of the results of its work, by analyzing the recidivism rates of its former and current clients. The results of the research are to be published on the website of the SPS within a month after the completion of the research.

### Are there systematic research projects concerning the alternatives to imprisonment and, if so, who carries them out?

There is no systematic research carried out concerning the alternatives to imprisonment due to lack of funding. In the initial years of operation, the State Probation Service commissioned reports on different aspects of probation work, e.g. community service, prisoner aftercare, etc. Research is generally carried out within the framework of EU or bilaterally funded projects either by the State Probation Service or non-governmental organisations.

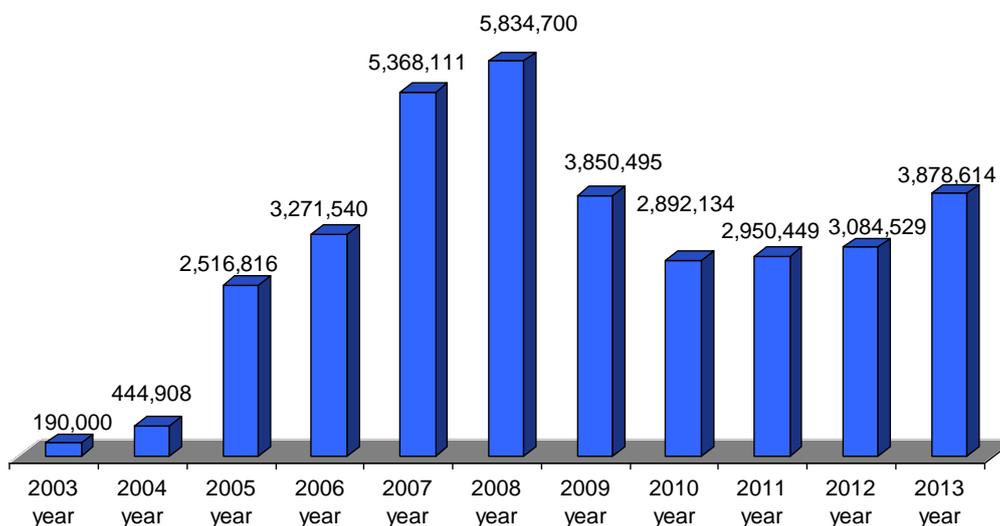
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<sup>15</sup> Kronberga, I. Restorative Justice in Latvia: Advancement, Perspectives and Challenges in Future, p.12-18, 16 August 2013, at [http://providus.lv/upload\\_file/Publikacijas/Kriminalt/Restorative\\_Justice\\_Latvia\\_Report.pdf](http://providus.lv/upload_file/Publikacijas/Kriminalt/Restorative_Justice_Latvia_Report.pdf)

### Probation total budget in 2013 and historical series since 2003

The budget of the State Probation Service increased significantly from 2003 until 2008, but suffered a serious decrease during the economic crises, whereby in 2009 the budget constituted 66% of the budget of 2008, while in 2010 it was 49,6% of the 2008 budget.

**Budget of the Probation Service 2003-2013 (LVL)**



### Budget of the Probation Service 2003-2013 (LVL)

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
190,000	444,908	2,516,816	3,271,540	5,368,111	5,834,700	3,850,495	2,892,134	2,950,449	3,084,529	3,878,614

There are no separate budget lines for the supervision of specific community based sanctions. However, according to the State Probation Service, around 50% go to community supervision, 20% community service, 12% - treatment programmes, 12% - assessment reports and 6% other functions.<sup>16</sup>

## Procedural guarantees

### Do probation agencies respect the human rights of offenders without discrimination (sexual, religious, racial, political, etc.)? Do they keep in regard offenders' dignity, health, safety and well-being in their interventions?

There are no known cases of discrimination on grounds of gender, race/ethnic origin, sexual orientation, religious affiliation, etc.).

<sup>16</sup> Papsujevičs, M., Jurevičs I. Building Probation in Latvia (Probation Service), presentation 6 June 2014.

### Does the probation agencies always seek the offenders cooperation and collect their informed consent?

There are instances when probation agencies seek offenders' co-operation and collect their informed consent, and instances when they do not.

Offender's consent to different conditions is required in cases of conditional waiver of criminal responsibility (by prosecutor), alcohol/drug/substance treatment in cases of suspended imprisonment if the crime has been committed under alcohol, drug or substance intoxication (Criminal Law, Article 61 (2) 6)), an offender may also be released from punishment, provided he/she meets eligibility criteria, if he/she consents to undergo alcohol/drug/substance treatment programme if the crime committed is due alcohol/drug/substance abuse.

Offender's consent is required if the probation officer wants to meet his/her employer or representative of educational institution<sup>17</sup> or family members<sup>18</sup>. However, when assessing whether electronic monitoring can be applied in the case of a probation client, probation officers have the right to meet persons residing at the offender's place of residence without offender's consent to seek their view on electronic monitoring and installing equipment for electronic monitoring.<sup>19</sup>

### If probation agencies carry out interventions before the establishment of the offender's guilt, do they require the offender's informed consent? Are their interventions without prejudice to the presumption of innocence?

The Probation Service does not carry out interventions before offender's guilt has been established. The only exception is victim-offender mediation which can take place at any stage of proceedings and for any type of crime, but requires agreement of both parties.

### Are the tasks and responsibility of the probation agencies and their relations with the public authorities and other bodies defined by any national law?

The tasks and the responsibilities of the probation service are defined by State Probation Law, Sentence Enforcement Code and various government regulations detailing the enforcement of specific sanctions, e.g. Cabinet of Ministers Regulation No 119 "On the Procedure of the Organisation of the Implementation of Criminal Punishment – Community Service - by the State Probation Service", Cabinet of Ministers Regulations No 107 "On the Procedure of Supervision of Persons with Suspended Sentence, Persons on Parole, Persons Conditionally Released from Criminal Liability and Persons who have been imposed Additional Punishment – Probationary Supervision." Relations with public authorities and other bodies are not regulated in detail and mostly include information on the procedure of circulation of documents.

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<sup>17</sup> Latvia, State Probation Service Law (Valsts probācijas dienesta likums), Section 25 Para 1<sup>1</sup> (6), 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551> VPD likuma, Available in Latvian at <http://likumi.lv/doc.php?id=82551>

<sup>18</sup> Latvia, State Probation Service Law (Valsts probācijas dienesta likums), Section 25 Para 1<sup>1</sup> (7), 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551>

<sup>19</sup> Latvia, State Probation Service Law (Valsts probācijas dienesta likums), Section 25 Para 4 (1), 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551>

According to the State Probation Law, in order to achieve maximum co-operation probation divisions can create Advisory Bodies (central and territorial), which include representatives from court, police, prosecutor's office, social service, municipality, prison and they meet on a regular basis to discuss problems and possible solutions in the field of crime prevention.<sup>20</sup> The composition of the advisory body is approved by the Minister of Justice. The meetings take place no fewer than twice a year. In 2013 the advisory bodies of the SPS focused on the following issues: future prospects of the State Probation Service, improvement of legislation, implementing of the probationary supervision, aims and effectiveness of assessment reports, the right of municipalities to identify priorities concerning community service, suitability of community services to specific groups of persons, pilot project of the SPS on electronic monitoring.<sup>21</sup>

### How is the offenders' privacy guaranteed? How is the data protection of case records guaranteed to the offenders?

The Personal Data Protection Law protects the fundamental human rights and freedoms of natural persons, in particular the inviolability of private life, with respect to the processing of data regarding natural persons. All probation workers make a commitment in writing to preserve and not disclose personal data in an unlawful manner. Law prescribes duty not to disclose the personal data even after termination of legal employment or other contractually specified relations. The only exceptions to disclosure of data are those permitted according to law. Large amount of sensitive data on probation client is included in PLUS, for example, personal code, photo, special characteristics, information about criminal history, employment, education, ethnicity, health and addiction problems, relatives, friends.<sup>22</sup>

### Are there accessible, impartial and effective complaint procedures regarding probation practice?

Probation clients have the right to submit complaint to a higher official about unlawful action of a probation worker and to request the change of case manager.

General procedure of complaints against the decisions or acts of state officials are set in the Administrative Procedure Law. This applies to the State Probation Service, as it is an institution of state administration. Each decision made by a probation worker must include information about the procedure and time limits for appeal. These procedures are also included in by-laws on probation. Decision of a probation worker may be appealed to the head of local probation office, and after that, if the head of local probation office decides to leave the decision of probation worker as it is, to the Head of SPS. Probation client may appeal against the decision of the Head of SPS in administrative court. Decision originally made by the Head of SPS may be appealed to the Ministry of Justice. And then, if Ministry of Justice do not cancel decision of the Head of SPS, person may submit the appeal to administrative court. In cases specified by Criminal Procedure

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<sup>20</sup> Latvia, State Probation Service Law (Valsts Probācijas dienesta likums), Section 19 Para 1, 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551> 18.12.2003. Available in Latvian at <http://likumi.lv/doc.php?id=82551>

<sup>21</sup> State Probation Service (2013). Annual Report 2013.

<sup>22</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe. P.37 at <http://cep-probation.org/wp-content/uploads/2015/03/Probation-in-Europe-2013-Chapter-Latvia.pdf>

Law, a sentenced person can submit complaint to a general court. Apart from the procedures described above, any private individual has the right to apply to the Ombudsman's Office with a submission or complaint.<sup>23</sup>

### Are the probation agencies subjected to regular government inspection and/or independent bodies monitoring?

The State Probation Service is subordinated to the Ministry of Justice. It is subject to the control of State Audit Office (Valsts kontrole). It has not been monitored by any other independent bodies.

## Staff

### Organisation of probation staff

The State Probation Service consists of central headquarters and 28 territorial divisions. Staff working in headquarters consist of those dealing with probation work with clients and administrative staff. The central office plans and implements probation policy – draft legislation, internal legislation, monitor the quality of probation work, hire employees and deliver training, etc. Local offices consist of the head of office and probation workers. The head of office is responsible for distribution of responsibilities among staff. The responsibilities vary among local units, in some probation officers work with a specific function, while in some offices a probation officer is tasked with several functions.

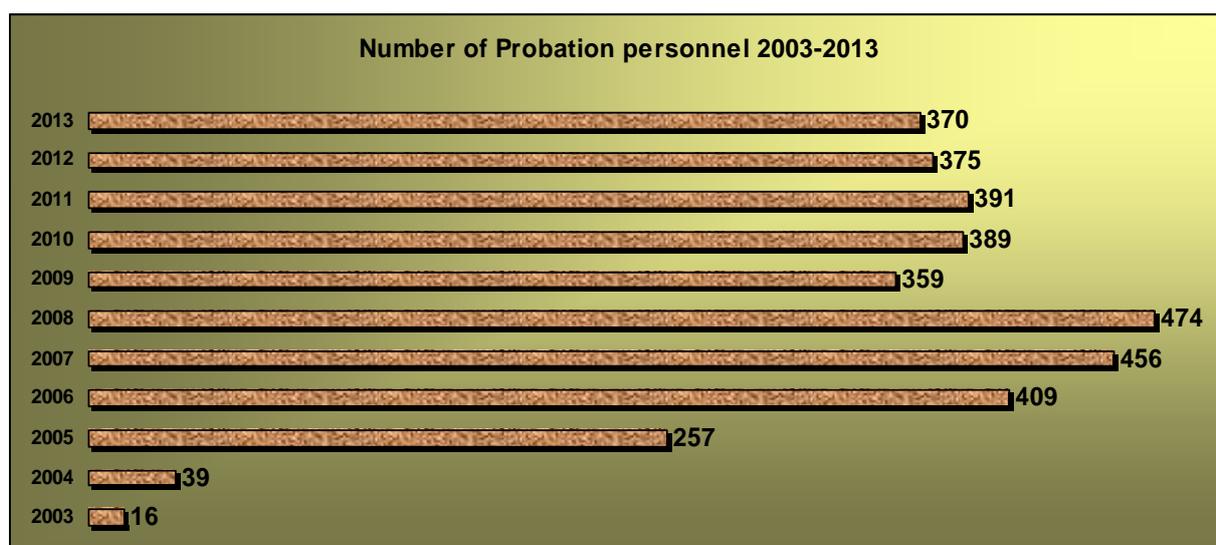
Staff tasked with probation functions are 1) probation officers – case managers, 2) probation officers – case managers who are also authorized to act as local managers during the absence of local managers and carry out quality control over the cases of other probation workers, 3) local managers directly supervising probation officers (part of them also deliver services to clients), 4) staff at headquarters dealing with methodology, quality assurance of probation work, guidance and support (some of this staff also work part time as case managers), 5) volunteer probation workers (dealing with mediation).<sup>24</sup>

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<sup>23</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe. P.37-38 <http://cep-probation.org/wp-content/uploads/2015/03/Probation-in-Europe-2013-Chapter-Latvia.pdf>

<sup>24</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe. P.37-38 <http://cep-probation.org/wp-content/uploads/2015/03/Probation-in-Europe-2013-Chapter-Latvia.pdf>

## Number of probation officers in 2013, and historical series since 2003



Number of Probation Service personnel 2003-2013										
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
16	39	257	409	456	474	359	389	391	375	370

Source: Annual Reports of the State Probation Service 2003-2013, table LCHR.

The staff of the National Probation Service increased rapidly with the setting up of territorial divisions of the probation service, and significantly decreased during the economic crises.

### Number of cases followed by each probation agent

Case loads of probation officers vary according to probation functions he/she carries out. The case load of probation staff who supervise persons on suspended sentences and prison parole may vary from 20 to 300, depending on the risk level of clients. Average daily caseload of probation officer in supervision function in 2012 was 40 cases. Daily caseload of probation officers who supervised exclusively community service cases in 2012 was 45-50 cases.

### Initial qualification required and ongoing training

No specific type of university degree required, but preference is given to persons with education in social work, social pedagogy, pedagogy, psychology and law.<sup>25</sup>

### Relationship between the probation service and the prison service

The State Probation Service prepares assessment reports for prisoners eligible for early release if requested by the prison governor. The decision on release is decided by an administrative

<sup>25</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe. P.12-13 <http://cep-probation.org/wp/content/uploads/2015/03/Probation-in-Europe-2013-Chapter-Latvia.pdf>

commission in prison which is composed of representatives from the prison, probation and prosecutors' office.

Due to the economic crises and subsequent austerity measures (2008-2012) the delivery of treatment programmes by the probation service in prisons except for the treatment programmes for sex offenders have been suspended until 31 December 2015.<sup>26</sup>

### Relationship between the probation service and the judiciary

In accordance with the Criminal Law and State Probation Law, at the request of a judge or the prosecutor, the probation service prepares a pre-sentence report (*novērtēšanas ziņojums – assessment report*) about the offender. In order for the Probation Service to prepare the report, the person in question must have the status of the accused. As a result of economic crises and subsequent austerity measures (2008-2012) categories of clients for which SPS delivered pre-sentence reports to courts and prosecutors were reduced until 2013 (reports were kept for sex offenders and juveniles).

The Probation Service notifies in writing the court about breaches of conditions by the offender sentenced to suspended imprisonment, conditional release from prison, probationary supervision and community services. The Probation Service reports to the court about the fulfilment of punishment by the offender. Co-operation with the judiciary is maintained through Advisory Bodies (central and territorial), which include representatives from court, police, prosecutor's office, social service, municipality, prison and they meet on a regular basis to discuss problems and possible solutions in the field of crime prevention.<sup>27</sup>

### Relationship between the probation service and the general social services

Co-operation with general social services is maintained through Advisory Bodies (central and territorial), which include representatives from court, police, prosecutor's office, social service, municipality, prison and they meet on a regular basis to discuss problems and possible solutions in the field of crime prevention.<sup>28</sup> The State Probation Services may send the probation client to social services provider for social rehabilitation services if this is necessary for client's social integration and ensuring of the quality of supervision (State Probation Service Law, Section 11 (3)). Advisory Council also include at least one social service provider representative that provides social rehabilitation services to probation clients (State Probation Service Law, Section 21 (7)).

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<sup>26</sup> Latvia, Amendment to the State Probation Service Law (Grozījums Valsts probācijas dienesta likumā), Section 5, 17.12.2014. Available in Latvian at <https://www.vestnesis.lv/ta/id/271324-grozijums-valsts-probācijas-dienesta-likuma>

<sup>27</sup> Latvia, State Probation Service Law (Valsts Probācijas dienesta likums), Section 19 Para 1, 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551> 18.12.2003. Available in Latvian at <http://likumi.lv/doc.php?id=82551>

<sup>28</sup> Latvia, State Probation Service Law (Valsts Probācijas dienesta likums), Section 19 Para 1, 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551> 18.12.2003. Available in Latvian at <http://likumi.lv/doc.php?id=82551>

### Is the number and the remuneration of probation officers adequate to their tasks?

The numbers and the remuneration of the probation officers remains insufficient, but reflect the consequences of economic crises in Latvia from 2009-2012 which saw significant cuts across the jobs and salaries (by 30%) in the public sector. On 21 September, around 150 Probation Service staff held a protest action in front of the Cabinet of Ministers. They claimed the probation staff were still "living just like during the winter of 2009" – working four days per week (due to salary cuts the working week was shortened to four days instead of five during the crisis) and received on average 200-250 Latvian Lats (285-355 Euros) per month. The protesters demanded the restoration of 40 hour-long work week, increase in the salary, additional payment for the risks of the job they perform and renewal of the healthcare insurance in 2013. In 2012, the Probation Service employed 375 persons, of whom 200 were members of Latvia's Trade Union of Probation Employees.<sup>29</sup>

According to SPS, difficulties encountered concerning staff is the high level of staff turnover - 12-34% annually, which is impacted by the salary raise in other institutions, and the fact that SPS have become more demanding to staff resulting in the increase of complexity of professional responsibilities.<sup>30</sup> In assessing the decade of work of SPS, the leadership have also highlighted staff 'burnout' due to the increasing demands and lack of training, constant reforms and updates in legislation, internal methodologies, traumatic events (*mostly secondary traumas*), and identity crisis. According to the SPS, the integration of case management within HQ - officers at HQ also have caseloads, hence also link with practise and case management experience is [almost] obligatory in recruiting staff for HQ. Case inspections, hence, include discussions with case manager.<sup>31</sup>

### Is the expertise and experience of probation agencies used in developing crime reduction strategies?

The Ministry of Interior is responsible for the creation of policy on crime prevention in Latvia. The SPS does not have a legal obligation to organise primary prevention activities. Advisory Boards play an important role in co-ordination of crime prevention.

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<sup>29</sup> TVNET (2012). 150 Probation Officer Were Peacefully Protesting near Government, 21 September, in Latvian at [www.tvnet.lv/zinas/latvija/436929pie\\_valdibas\\_mierigi\\_protesteja\\_apuveni\\_150\\_probacijas\\_dienesta\\_darbinieku](http://www.tvnet.lv/zinas/latvija/436929pie_valdibas_mierigi_protesteja_apuveni_150_probacijas_dienesta_darbinieku)

<sup>30</sup> Papsujevičs, M., Jurevičs I. Building Probation in Latvia (Probation Service), presentation 6 June 2014.

<sup>31</sup> Klišāne, L., Jurevičs I., Judins A. Latvia. In: CEP (2014), Probation in Europe. <http://cep-probation.org/wp-content/uploads/2015/03/Probation-in-Europe-2013-Chapter-Latvia.pdf>

## PART TWO. SPECIFIC PROGRAMMES

### Alternatives to pre-trial detention

#### Alternative measures to pre-trial detention from the legal point of view and judicial authority responsible for the establishment of the measures

In Latvia alternatives to pre-trial detention are called procedural compulsory measures not linked with deprivation of liberty (*ar brīvības atņemšanu nesaistītie piespiedu līdzekļi*).<sup>32</sup> The use of security measures are governed by the Criminal Procedure Law which was adopted in 2006, which replaced the old Criminal Code from the Soviet period. Several new alternatives to pre-trial detention were introduced.

The following security measures may be applied:

1. notification of the change of the place of residence
2. reporting to the police authority at a specific time
3. prohibition from approaching a specific person or location
4. prohibition from a specific employment
5. prohibition from departing from the State
6. residence in a specific place
7. personal guarantee
8. bail
9. placement under police supervision
10. house arrest
11. placement under the supervision of a unit commander (supervisor) may be applied to a soldier as a security measure.

The first four security measures may also be applied in addition to any other security measure. The security measures may be applied by a person directing criminal proceedings – police, prosecutor, or a judge. A person directing the proceedings shall choose a procedural compulsory measure that infringes upon the basic rights of a person as little as possible, and is proportionate. In selecting a security measure, a person directing the proceedings shall take into account the nature and harmfulness of a criminal offence, the character of the suspect or accused, his or her family situation, health, and other conditions. A procedural compulsory measure is applied by a person directing the proceedings or an investigating judge with a motivated written decision.

#### Alternative measures in detail

**Notification of the Change of the Place of Residence (Section 252.1 ):** Notification of the change of the place of residence is a written obligation of a suspect or accused to notify a person directing

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<sup>32</sup> Criminal Procedure Law (*Kriminālprocesa likums*). 21.04.2005, available at <http://likumi.lv/doc.php?id=107820>

the proceedings without delay, but not later than within one working day regarding change of the place of residence, indicating the new address of the place of residence.

**Reporting to the Police Authority at a Specific Time (Section 252.2 ):** Reporting to the police authority at a specific time is a duty imposed by a decision of a person directing the proceedings to a suspect or accused to report to the police authority according to his or her place of residence.

**Prohibition for Approaching a Specific Person or Location (Section 253):** Prohibition from approaching a specific person is a restriction upon a suspect or accused, provided for with a decision of a person directing the proceedings, from being located closer than the distance referred to in a decision from the relevant person, from having physical or visual contact with such person, and using means of communication, or techniques for transferring information, in order to make contact with such person.

A prohibition from approaching a specific location is a restriction, provided for with a decision of a person directing the proceedings, upon a suspect or accused from visiting the relevant location, or being located closer than the distance referred to in the decision.

**Prohibition on Specific Employment (Section 254):** A prohibition on specific employment is a restriction upon a suspect or accused, specified with a decision of a person directing the proceedings, from performing a specific type of employment (activities) for a time, or from execution of the duties of a concrete position (job). A decision on a prohibition on specific employment shall be sent for execution to the employer of a person, or to another relevant authority. The decision is mandatory for any official, and shall be fulfilled within three working days after the day of the receipt thereof. An official shall notify a person directing the proceedings regarding the commencement of the execution of a decision.

**Prohibition on Departure from a State (Section 255):** A prohibition on departure from a state is a restriction, specified by a decision of a person directing the proceedings, upon a suspect or accused to depart from a state without the permission of the person directing the proceedings.

**Residence in a Specific Place (Section 256):** Residence in a specific place is a written obligation of a suspect or accused to reside during the time indicated and at the place specified by a person directing the proceedings or to not leave the specifically indicated place of residence or temporary residence for longer than 24 hours without the permission of the person directing the proceedings, as well as to arrive without delay on the basis of a summons of the person directing the proceedings, or to fulfil other criminal-procedural duties.

**Bail ( Section 257):** A bail is a monetary sum, specified with a decision of a person directing the proceedings, that has been transferred to the depository (storage) of a credit institution specified by a person directing the proceedings in order to ensure the arrival of a suspect or accused on the basis of a summons of a person directing the proceedings, and the execution of other procedural duties specified in the Law.

A person directing the proceedings shall determine the amount of a bail, taking into account the nature of a criminal offence and the harm caused by such offence, the financial status of a person, as well as the type and measure of a punishment specified in the Law. If decision of a person directing the proceedings regarding a security measure is appealed, the amount of a bail may be determined by an investigating judge. A bail may be paid by the person to whom such security measure has been applied, as well as by any other natural person or legal person. If a suspect or accused does not fulfil procedural duties or commits a new intentional criminal offence, a bail shall be paid to the State budget with a decision of a person directing the proceedings, but in

other cases of the modification or revocation of a security measure, such bail shall be returned to the provider.

**Personal Guarantee (Section 258):** A personal guarantee is a written obligation with which a natural person in accordance with the decision of a person directing the proceedings on application of a security measure guarantees that a suspect or accused will arrive on the basis of a summons of a person directing the proceedings, and will fulfil other procedural duties. As a personal guarantor may be a natural person who has expressed such desire and regarding which a person directing the proceedings is in confidence that he or she can ensure fulfilment of obligations. There shall be not less than two personal guarantors. If the provisions of a security measure are violated, a fine shall be applied on a guarantor, with a decision of an investigating judge or a court decision, in the amount of 10 to 30 of the minimal monthly wage.

**Placement of a Soldier under the Supervision of a Unit Commander (Supervisor) (Section 259):** The placement of a soldier under the supervision of a unit commander (supervisor) is a written obligation of the unit commander (supervisor), in accordance with a decision of a person directing the proceedings, regarding the application of a security measure to ensure that a suspected or accused soldier will arrive on the basis of a summons of a person directing the proceedings, and fulfil other procedural duties. It is applied only with the consent of the unit commander (supervisor), and he or she may withdraw from the supervision of the soldier at any time. If a suspect or accused does not fulfil his or her obligations, the unit commander (supervisor) under the supervision of whom he or she is located, an investigating judge, or the court may impose a fine up to the amount of 10 of the minimal monthly wages.

### Relations between the public and the private sector in managing the measures

There is no private sector involvement in managing alternatives to pre-trial detention.

### Budget allocated and its suitability

There are no specific budget lines concerning alternatives to pre-trial detention.

### Data

Comprehensive data on the application of pre-trial alternatives are not available. The information on pre-trial alternatives applied by the police are collected by the Information Centre of the Ministry of Interior and are available for a fee if information is not requested by a state agency or municipal body. Moreover, due to the changes in legislation and registration systems, in some instances the data are not comparable or also have been found erroneous.

Some data on pre-trial alternatives are available for 2006 and 2007, which give some indication of the most widely applied security measures. In 2006 residing at a specific place was applied in 4,262 or 41% of cases, notification of address of receipt of communication was applied in 2,554 or 24% of cases, placing under police supervision was applied in 1,787 or 17% of cases, pre-trial detention was applied in 1,389 or 13% cases, prohibition to leave the country was applied in 356 or 3% of cases, while other security measures were applied below 3%.

In 2007 residing at a specific place was applied in 4,853 or 29% of cases, notification of address of receipt of communication was applied in 3,785 or 23% of cases, placing under police supervision

was applied in 2,831 or 17% of cases, while pre-trial detention was applied in 4,238 or 25% of cases, prohibition to leave the country in 873 or 5% of cases.<sup>33</sup>

### Total number of people in pre-trial detention in 2014 and the historical series since 2000

See beginning of Part one.

### Total number of people serving a pre-trial alternative to detention in 2014 and historical series since 2000

There are no comprehensive, publicly available data on the total number of people serving a pre-trial alternative measure in 2014 and the historical series since 2000. Some data are available for 2006 and 2007.<sup>34</sup>

### Security measures applied by prosecutors 2000-2014

<i>security measures applied by prosecutors</i>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<i>placement under police supervision</i>	353	397	431	497	540	373	230	210	223	181	107	81	87	72	77
<i>bail</i>	12	5	2	5	5	6	5	4	2	7	2	2	2	1	1
<i>personal surety</i>	x	x	x	x	x	1	1		1		3	1	1		2
<i>residing at a specific place</i>	x	x	x	x	x	423	1021	512	381	436	390	403	272	198	132
<i>prohibition to leave the country</i>	x	x	x	x	x	21	44	52	33	36	28	17	34	43	17
<i>restriction on specific occupation</i>	x	x	x	x	x	2	5	5	1				4	3	4
<i>prohibition to approach a specific person or a place</i>	x	x	x	x	x	6	18	14	21	5	2	1	6	1	4
<i>placing under parental or guardian supervision (minors)</i>	x	x	x	x	x	x	4	1				1			1
<i>placing in social correctional facility (minors)</i>	x	x	x	x	x	x									
<i>registering at the police station at specific times</i>	x	x	x	x	x	x	x	x	x	x	x	x			1

Source: Office of the Prosecutor General

X – measure not available in legislation

<sup>33</sup> Judins, A. Ar brīvības atņemšanu nesaistīties drošības līdzekļi. Rīga: Providus, p.40, at [http://providus.lv/upload\\_file/Publikacijas/Kriminalt/Judins\\_Brivibas%20atnems.pdf](http://providus.lv/upload_file/Publikacijas/Kriminalt/Judins_Brivibas%20atnems.pdf)

<sup>34</sup> Judins, A. (2007) Ar brīvības atņemšanu nesaistīties drošības līdzekļi. Rīga: Providus, p.40, at [http://providus.lv/upload\\_file/Publikacijas/Kriminalt/Judins\\_Brivibas%20atnems.pdf](http://providus.lv/upload_file/Publikacijas/Kriminalt/Judins_Brivibas%20atnems.pdf)

**Security Measures (pre-trial alternatives) during first instance court proceedings<sup>35</sup>**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Notification of address of communication <sup>36</sup>		-	13	41	20	1	3	0	0	0	-
prohibition from approaching a specific person or location		-	0	1	0	0	0	0	0	0	0
prohibition from a specific employment		-	0	2	0	0	0	0	0	0	0
prohibition from departing from the State		-	2	2	14	0	2	3	0	5	0
residing in a specific place		-	64	79	47	6	10	18	10	5	-
personal surety		0	0	0	0	0	1	0	1	1	0
Bail		0	0	0	0	0	0	1	2	0	0
placement under police supervision		0	6	29	26	14	11	23	12	12	20
house arrest		0	0	0	0	0	0	0	2	0	1
notification of the change of the place of residence		-	-	-	-	-	-	-	-	0	1
reporting to the police authority at a specific time		-	-	-	-	-	-	-	-	0	0
residence in a specific place		-	-	-	-	-	-	-	-	6	7
Placing under the supervision of unit commander (supervisor)		0	0	0	3	0	0	0	0	0	0

According to the Court Administration data until 2010 may be incomplete as data registration system underwent changes.<sup>37</sup>

<sup>35</sup> Data for 2004, 2006, 2007, 2008, 2009 – Court Administration (TA), “Procesuālo piespiedu līdzekļu piemērošana”,

[http://www.ta.gov.lv/lv/statistikas\\_dati\\_58/procesualo\\_piespiedu\\_lidzeklu\\_piemerosana\\_244](http://www.ta.gov.lv/lv/statistikas_dati_58/procesualo_piespiedu_lidzeklu_piemerosana_244)  
Data for 2005, 2010, 2011, 2012, 2013 – Court Information System, “Procesuālo sankciju un piespiedu līdzekļu piemērošana (21)”, [https://tis.ta.gov.lv/tisreal?Form=TIS\\_STAT\\_O&id=121&topmenuid=151](https://tis.ta.gov.lv/tisreal?Form=TIS_STAT_O&id=121&topmenuid=151)

<sup>36</sup> No longer available since 2009.

<sup>37</sup> Information provided by I.Degle of the Court Administration System on 25 March 2015.

## Daily rate for the period 2000 to 2014, of: people serving the measure, foreigners, male/female, revocations distinguishing among non respect of conditions / re-offending / other

There are no data available on the daily rate of pre-trial alternative measures for the reporting period. There are no publicly available data on the break-down of persons by gender and nationality who are subject to alternatives to pre-trial detention. There are no publicly available data on revocations/re-offending in the case of persons subject to alternatives to pre-trial detention.

## Alternative penalties<sup>38</sup>

### Alternative penalties in detail

The Latvian criminal legislation foresees some alternative penalties.

#### **Conditional Release from Criminal Liability (Section 58.<sup>1</sup> )**

A person who has committed a criminal violation or a less serious crime, may be conditionally released from criminal liability by a public prosecutor if, taking into account the nature of the offence and the harm caused, information characterising the accused and other circumstances of the matter, if there is conviction that the he/she will not commit further criminal offences.

A person who is accused for committing of a serious crime and who has given substantial assistance in the uncovering of a serious or especially serious crime, which is more serious or dangerous than the crime committed by the person himself or herself, may be also conditionally released from criminal liability by a prosecutor in accordance with the procedures specified by the Law. This provision shall not apply to persons who are held criminally liable for serious crimes in Sections 125, 159, 160, 176, 190.<sup>1</sup>, 251, 252 and 253.<sup>1</sup> of this Law or to a person who has been an organiser of a crime.

In conditionally releasing from criminal liability, the public prosecutor shall decide not to continue the criminal prosecution of the person for the offence, if in the probationary period the person does not commit a new criminal offence and fulfils the duties imposed. The probationary period can be set from not less than three and up to eighteen months. In conditionally releasing from criminal liability, the public prosecutor, with the consent of the person, may impose as a duty: 1) to apologise to the victim; 2) to rectify the harm caused within a specific time period; 3) not to change his or her place of residence without the consent of the State Probation Service, 4) to register periodically at the State Probation Service and to participate in probation programmes in accordance with the instructions of the State Probation Service; 5) to notify regarding change of the place of residence; 5) to refrain from specific types of actions or activities; and 6) to receive medical treatment for alcoholism, narcotic, psychotropic, toxic substance addiction or other addictions. In case an offender commits a new intentional criminal offence during the period of probation or failure the imposed duties, his or her criminal prosecution shall be continued.

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<sup>38</sup> Those established in the judgement of the criminal trial.

year	Release from criminal liability, by Number of cases, Section 415 of Criminal Law
2004	889
2005	850
2006	528
2007	462
2008	474
2009	515
2010	496
2011	428
2012	484
2013	551
2014	455

Source: Office of the Prosecutor General<sup>39</sup>

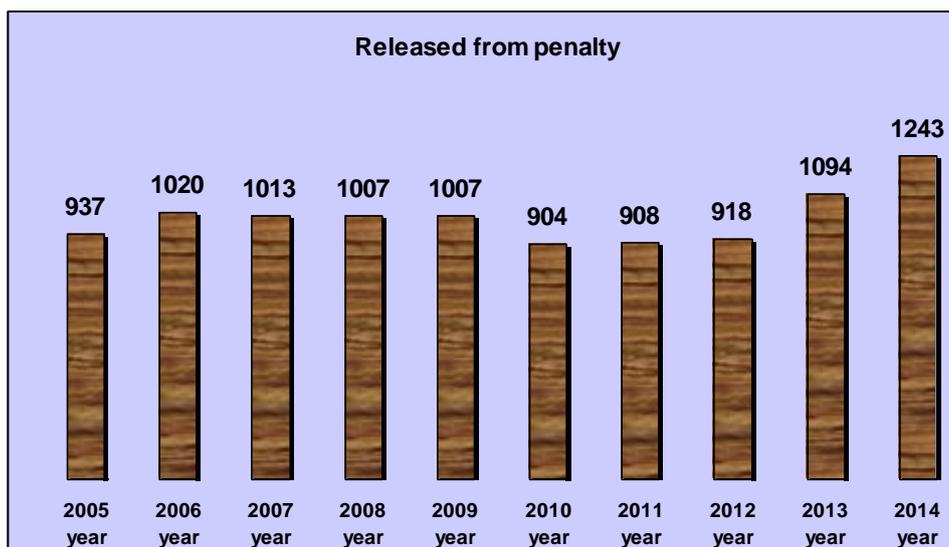
### Release from Punishment or Serving of Punishment (Section 59)

A court may also release a person from punishment in the same cases as foreseen in release from criminal liability. The release of a convicted person from punishment or serving of a punishment may only be done by a court in cases and in accordance with procedures set out in law. A court may release a person, who has committed a criminal violation or a less serious crime due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction, from serving a punishment, if this person has agreed to medical treatment for alcoholism, narcotic, psychotropic addiction or toxic substance addiction. The punishment shall be served if the person has not commenced undergoing the medical treatment within the time specified by the court or, after this, has avoided the medical treatment.

If a person who has been convicted of a criminal offence or for whom a punishment has been specified with a public prosecutor's penal order, after the judgment is proclaimed or after a public prosecutor has issued a penal order, has become ill with a mental illness which has deprived him or her of the ability to understand his or her actions or to control them, the court shall release such person from serving a punishment. Compulsory measures of a medical nature may be imposed on him or her in accordance with the provisions set out in this Law. If a person who has been convicted of a criminal offence or for whom a punishment has been determined with a public prosecutor's penal order, has become ill with another serious incurable illness, a court may release such person from serving the punishment.

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<sup>39</sup> Latvijas Republikas prokuratūras darba rezultātu pārskati laika posmā no 2008.gada līdz 2014.gadam, at: <http://www.lrp.gov.lv/public/30231.html>



### Prosecutor's injunction

For a person who has committed a criminal violation or a less serious crime, public prosecutor in drawing up an injunction regarding a punishment may specify a fine or community service, as well as an additional punishment – limitation of rights or probationary supervision. Public prosecutor's injunction regarding a penalty was introduced by Criminal Procedure Law in 2005. This measure can be applied if a person has committed a criminal violation or a less-serious crime, and public prosecutor believes that a penalty connected with deprivation of liberty should not be applied to such person, yet such person may not be left without a punishment. The prosecutor may end the criminal proceedings, drawing up an injunction regarding a penalty by levying a fine or imposing community service (not more than half of the maximum fine or duration of community service provided for in the Criminal Law. Additional punishment, such as limitation of rights and probationary supervision may also be imposed.

Year	Completed cases – prosecutor's injunction
2004	-
2005	111
2006	740
2007	968
2008	1252
2009	1484
2010	1398
2011	1251
2012	1407
2013	1553
2014	1512

Source: Office of the Prosecutor General <sup>40</sup>

<sup>40</sup> Latvijas Republikas prokuratūras darba rezultātu pārskati laika posmā no 2008.gada līdz 2014.gadam. Pieejami: <http://www.lrp.gov.lv/public/30231.html>

## Relations between the public and the private sector in managing the measures

There is no private sector involvement in managing alternative penalties.

## Budget allocated and its suitability

There are no separate budget lines for alternative penalties, thus the suitability of the budget cannot be assessed.

## Daily rate for the period 2000 to 2014, of: people serving the measure, foreigners, male/female, revocations distinguishing among non respect of conditions / re-offending / other

There are limited data concerning alternative penalties. Data on break-down of offenders by gender and nationality serving alternative penalties are not available. There are no publicly available data concerning the revocation of alternative penalties.

## Alternatives to prison<sup>41</sup>

### Alternative measures in detail and judicial authority responsible for the establishment of the measures

The Criminal Law divides punishments into basic punishments: deprivation of liberty, community service, a fine. In addition to a basic punishment, additional punishments may be imposed: confiscation of property, deportation from the Republic of Latvia, community service; a fine; restriction of rights, police supervision, and probationary supervision. (Section 36).

#### Community service

Community service was introduced in Latvia with the coming into force of a new Criminal Law on 1 April 1999. The court may sentence an offender from 40 to 280 hours of community work to be performed for the benefit of the local community. The work has to be done during free time, outside regular employment or education. The offender can work up to 2 hours and with his/her consent – up to 4 hours per day if he/she is studying. If the person is not working or studying s/he may also work up to 8 hours per day. Community service is imposed by the court or prosecutor (prosecutor's injunction). If a sentenced person evades, in bad faith, serving the sentence, a court may substitute community service by custodial arrest for the unserved sentence, calculating two hours of work as one day of custodial arrest.<sup>42</sup> After amendments to the Criminal Law on 13 December 2012, which came into force on 1 April 2013, the court, in line with the new procedure of calculating the punishment may impose community service for up to 420 hours, while the prosecutor for up to 280 hours.

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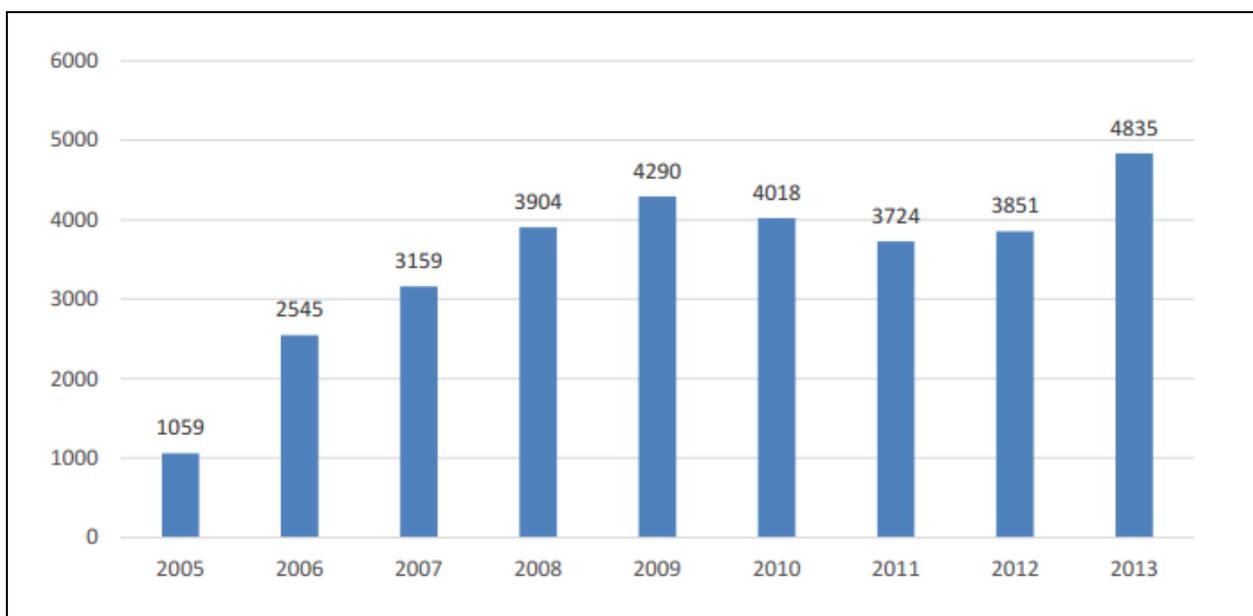
<sup>41</sup> Those established during the execution of the sentence by the Supervisory Judge.

<sup>42</sup> Criminal Law (Krimināllikums), Section 40.

According to the probation service, together with work provider and sentenced person, a work execution plan is drafted and signed by all parties. Probation officer periodically contacts work providers to check if a person is working every day and if the person is working according to the agreed plan. Without notifying the sentenced person officers also have the duty to check that the sentenced person is working. Frequency of controls on working place is set out in internal rules of service.<sup>43</sup>

Community service has clearly become the principal non-custodial measure in Latvia. In 1999 1,4% offenders were sentenced to community service, while in 2013 it had reached 41%. The State Probation Service has signed co-operation agreements with over 1,000 placement providers (municipalities, NGOs, other).

### Number of offenders sentenced to community service



Source: 2013 Annual Report of the State Probation Service

[http://www.probacija.lv/uploads/gada\\_parskati/2013\\_vpd\\_publickais\\_parskats\\_16\\_06\\_2014.pdf](http://www.probacija.lv/uploads/gada_parskati/2013_vpd_publickais_parskats_16_06_2014.pdf)

The increase in the number of offenders sentenced to community service in 2013 is attributed to comprehensive changes in the Criminal Law which led to the community service being expanded for an additional 150 criminal offences.

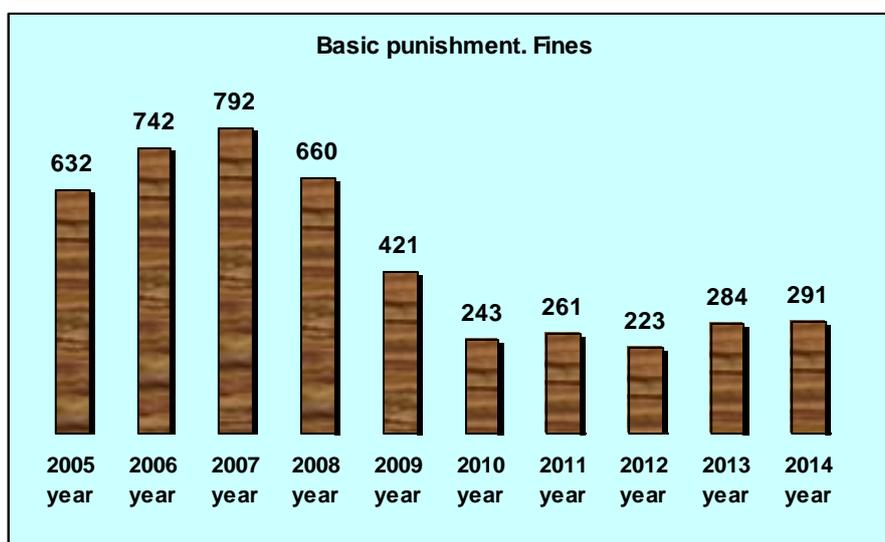
### Fine

According to the Criminal Law (Section 41) fine as a basic punishment proportionate to the harmfulness of the criminal offence and the financial status of the offender is set at: for a criminal violation – 3- 100 minimum monthly wages; for a less serious crime – 5 and 150 minimum monthly wages; for a serious crime for imprisonment for which up to five years is levied – 10-200 monthly wages; for the commission of an especially serious crime, if the crime has not resulted in death of a human being, has not caused serious bodily injuries or disorders of psychical nature to at least one person or less serious bodily injuries or disorders of psychical nature to several persons, is not related to violence or threat of violence, is not related to illegal handling of narcotic and psychotropic substances and has not been committed in an organised group – 201 and up to 400

<sup>43</sup> Zeibote, L. Latvia, p.18 In: [http://www.cepprobation.org/uploaded\\_files/Latvia.pdf](http://www.cepprobation.org/uploaded_files/Latvia.pdf)

minimum monthly wages. In deciding upon fine, the offender's property status is assessed, taking into account the present and future ability to pay the fine. The payment of fine may be divided in parts or suspended for up to a year. In cases of failure of payment of fine, it may be substituted by short term custody, counting one monthly wage as four days of custody.

The imposition of fine has decreased significantly from 7,3% to 2,5% (see Table), particularly during the economic crises, clearly linked to the individual's ability to pay.



Source: Court Information System

### Suspended Sentence

Suspended sentence (e.g. suspended imprisonment if the offence carries a maximum prison sentence of up to 5 years, provided that the offender does not commit a repeat offence during probation period, and fulfils conditions envisaged in the Sentence Enforcement Code and imposed by the probation service during the serving of the sentence).

On 2 October 2014, Sentence Execution Code and Criminal Law were amended to shift the responsibility for imposing conditions from court to probation service. The amendments also expanded the right of the probation service to revoke conditions fully or partially,<sup>44</sup> which previously could only be done by court. The list of conditions that can be imposed to the offender was also expanded. Thus, the court is responsible for deciding on suspended sentence or early release, while the probation service is responsible for imposing specific conditions to the offender. The amendments came into force on 15

The probation service may impose the following conditions: not to leave place of residence at specific time of the day, not to change his or her place of residence without the consent of the State Probation Service; not to visit specified places; not to communicate with specified persons, not to leave specific administrative territory without the consent of the Probation Service, not use alcohol or other substances, to participate in one or several probation programmes, not to acquire, carry or keep specific objects, not approach specific places or institutions, to attend a

<sup>44</sup> Grozījumi Latvijas Republikas Sodū izpildes kodeksā (*Amendments to the Sentence Enforcement Code*), adopted 12 October, in force 1 February 2015, at <http://likumi.lv/ta/id/269521-grozijumi-latvijas-sodu-izpildes-kodeksa>

specialist specified by the State Probation Service to address problems related to criminality (if offender consents to cover additional costs related to such visit or if it does not cause additional costs to the offender), fulfil the suggestions of the SPS aimed at acquiring legal source of income or addressing social issues. (Section 138.<sup>6</sup>). The probation officer may revoke fully and partially specific conditions if they are no longer necessary or the offender cannot continue fulfilling the conditions due to objective reasons. If the offender has successfully fulfilled the conditions imposed by the probation officer for at least half of the probation period, the Probation Service can request the court to terminate or shorten the remaining part of the probation period.

If a sentenced offender person has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction, may be required, with his or her consent, to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction.

Suspended imprisonment has undergone a serious downward trend as it fell from 53.6% of all non-custodial sanctions imposed in 2005 to 25% in 2013. Some of the decrease in numbers can be attributed to changes in Criminal Law, whereby the application of suspended imprisonment was restricted to crimes punishable by imprisonment for up to 5 years, exclusion of offenders who have committed intentional crimes, sexual offences etc. from eligibility of conditional release.

### Conditional release from imprisonment

A person who has been convicted to imprisonment may be conditionally released prior to completion of prison sentence, if there is a reason to believe that he or she is able to adapt in the society after release without committing a criminal offence. Taking into account the personality and behaviour of the convicted person, conditional release prior to completion of punishment may be ordered, if: 1) he/she has reached a certain result of resocialisation; 2) he/she to the extent possible has voluntarily made compensation for losses caused by his or her crime; 3) he/she has possibilities to acquire means of subsistence in legal way after his or her release; 4) if there are no effective violations during prison sentence and time period for serving past violations has elapsed, 5) if he/she is solving and is ready to continue to solve his or her psychological problems which have caused or may cause commitment of criminal offence; 6) if he/she has agreed to treatment for alcoholism or addiction to narcotic, psychotropic or toxic substances, if he or she has committed the criminal offence due to alcoholism or addiction to narcotic, psychotropic or toxic substances.

Release is possible if a person has served not less than half of the sentence if he or she committed a criminal violation or a less serious crime. Person must serve not less than 2/3 of the sentence imposed for a serious crime, or if the convicted person is a person who previously has been sentenced to imprisonment for an intentional crime and criminal record for this crime has not been set aside or extinguished. Person must serve not less than 3/4 of the punishment imposed, if it has been adjudged for an especially serious crime or if the convicted person is a person who previously had been conditionally released prior to completion of punishment and has newly committed an intentional crime during the period of the unserved punishment. If life imprisonment has been imposed, conditional release is possible after twenty-five years of imprisonment. The decision on release is made by the court.

The procedure of release involves an administrative commission in prison which is composed of representatives from the prison, probation and prosecutors' office. Some commissions may include representatives from local municipalities.

The commission checks whether the person has administrative or disciplinary punishments in force and assesses the readiness of the person to actively participate in resettlement activities. SPS prepares assessment report that is submitted to the administrative commission and to the court. If conditional release is rejected, the decision of the administrative commission can be appealed in the court. If the administrative commission decides on release of a person, the materials of the case are sent to the court. In all cases parole report with the recommended obligations is attached to the materials of the case. The court decides on release and obligations that will be imposed on the released person. Persons under conditional release have the same obligations set by law as the ones with suspended sentence. In some cases the court decides on the obligation of the person to reside in a halfway house. Procedure of assessment, planning, assistance and control are also similar. In most cases those persons have unresolved social issues that have been caused by the long term of imprisonment; therefore assistance ensuring basic needs is necessary. If a person who has been conditionally released breaches the obligations imposed by the court or set in the law, or commits a new criminal offence prior to completion of sentence, the remaining part of the sentence must be served.

The share of prisoners conditionally released from prison has decreased almost twice – from 42% in 2005 to 23% in 2014. The decrease in the number of prisoners conditionally released from prison may have been affected by amendments to Criminal Law (Section 61) which excludes adult prisoners who have committed especially serious crimes against minors under 16 and are connected with sexual violence from eligibility for early release. The amendments were adopted on 30 October 2008, and came into force on 27 November 2008. The amendments also included additional conditions for early release, e.g. the prisoner has achieved concrete resocialisation goals, he/she has possibilities to gain income in a lawful way, he/she is prepared to address his/her psychological problems that lead or may have lead to committing of the crime.

### Prisoners Released from Prison

Year	Total number of released prisoners	Prisoners who have served full sentence	Prisoners conditionally released from prison	% of prisoners conditionally released from prison
2005	2547	1435	1071	42%
2006	2190	1217	941	43%
2007	2064	1157	886	43%
2008	1998	1303	677	34%
2009	2530	1892	600	24%
2010	2315	1639	641	28%
2011	2211	1648	530	24%
2012	2518	1925	571	23%
2013	2161	1601	467	22%
2014	1835	1388	425	23%

Source: Annual Report of Latvian Prison Administration 2012-2014<sup>45</sup>

<sup>45</sup> Ieslodzījuma vietu pārvaldes publiskie gada pārskati 2010.-2014.gadam. Pieejami: [http://www.ievp.gov.lv/index.php?option=com\\_content&view=article&id=72&Itemid=75&lang=lv](http://www.ievp.gov.lv/index.php?option=com_content&view=article&id=72&Itemid=75&lang=lv)

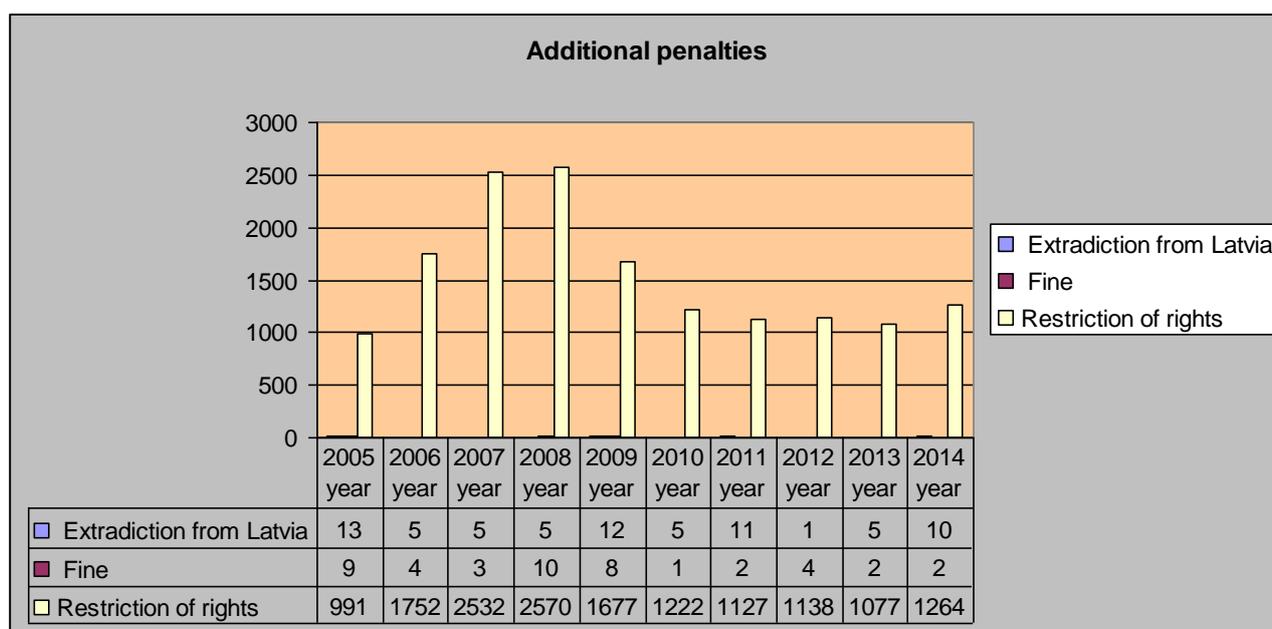
## Probationary supervision

Probationary supervision is an additional punishment in force since October, 2011, which a court may impose or a public prosecutor determine in an injunction on punishment as a compulsory measure, in order to ensure the supervision of the behaviour of a convicted person or person whose additional punishment has been determined by injunction of the public prosecutor, encourage the social reintegration of this person and prevent him or her from committing new criminal offences. Probationary supervision can be imposed for a term of not less than one year and not exceeding three years. During the period of probationary supervision the convicted person shall fulfil the duties determined by SPS.

If probationary supervision is applied together with the deprivation of liberty or custodial arrest, the execution thereof shall be commenced following the serving of the basic punishment, but if a fine or community service is imposed – from the moment that the person begins serving the basic punishment. In cases where a person is conditionally released from the execution of a punishment of the deprivation of liberty prior to completion thereof, the additional punishment - probationary supervision - shall be commenced from the moment that the supervision of a person following the conditional release prior to completion of punishment has ended.

If a convicted person or person whose additional punishment has been determined by injunction of the public prosecutor regarding the punishment commits a new crime during the period of serving the additional punishment, a court shall substitute the additional unserved punishment term with deprivation of liberty and shall determine the final punishment in accordance with the provisions provided for in Articles 51 and 52 of Criminal Law.

If a person who has been determined probationary supervision violates provisions thereof without a plausible reason, a court, following the receipt of a submission from SPS, may substitute the additional unserved punishment term, counting two probationary supervision days as one day of deprivation of liberty.



### Victim-offender conciliation

Victim-offender conciliation may take place at any stage of criminal proceedings, and in certain cases (if the offender has committed a criminal infraction, less serious crime) it may lead to the termination of proceedings. Parties may settle between themselves, through lawyers or using services of mediator.<sup>46</sup> Victim-offender mediation in criminal cases is regulated under the Criminal Procedure Law<sup>47</sup> and State Probation Service Law<sup>48</sup>. Since 2005 victim-offender mediation in criminal cases is carried out by State Probation Service. VOM is voluntary. In determining that a settlement is possible in criminal proceedings, and that the involvement of an intermediary is useful, a person directing the proceedings may inform State probation service. In practice most mediation cases are initiated after a request of suspected or accused person. Part of the cases is referred to probation by the police or prosecutors and rarely by the court. Suspected persons are quite active in initiating mediation as it is a possibility to terminate criminal proceedings.<sup>49</sup>

### Victim-offender mediation, by number

Year	2005	2006	2007	2008	2009 <sup>50</sup>	2010	2011	2012	2013	2014 <sup>51</sup>
VOM cases	51	251	744	1140	745	440	696	706	1090	1296

Source: State Probation Service

### Relations between the public and the private sector in managing the measures

There is no private sector involvement in managing the measures.

### Budget allocated and its suitability

There are no separate budget lines for the supervision or execution of specific penalties, hence the suitability of the budget cannot be assessed. However, according to the estimates the State Probation Service, around 50% go to community supervision, 20% community service, 12% - treatment programmes, 12% - assessment reports and 6% other functions.<sup>52</sup> Nevertheless, due the austerity measures and subsequent cuts in the budget of the State Probation Service, the funding allocated to the service is clearly not sufficient.

<sup>46</sup> Latvia, Criminal Procedure Law (Kriminālprocesa likums), Section 97 Para 8, 21.04.2005. Available in Latvian at <http://likumi.lv/doc.php?id=107820>

<sup>47</sup> Latvia, Criminal Procedure Law (Kriminālprocesa likums), Section 381, 21.04.2005. Available in Latvian at <http://likumi.lv/doc.php?id=107820>

<sup>48</sup> Latvia, State Probation Service Law (Valsts probācijas dienesta likums), 18.12.2003. Available in Latvia at <http://likumi.lv/doc.php?id=82551>

<sup>49</sup> Klišāne, L., Jurevičius I., Judins A. Latvia. In: CEP (2014), Probation in Europe, p. 19 <http://cep-probation.org/wp-content/uploads/2015/03/Probation-in-Europe-2013-Chapter-Latvia.pdf>

<sup>50</sup> Data from 2005 – 2009, see State Probation Service Annual Report 2009 (*Valsts Probācijas dienesta 2009.gada publiskais pārskats*), at

[http://www.probacija.lv/uploads/gada\\_parskati/2009\\_vpd\\_publicais\\_parskats.pdf](http://www.probacija.lv/uploads/gada_parskati/2009_vpd_publicais_parskats.pdf)

<sup>51</sup> Data from 2010-2014 – State Probation Service Annual Report 2014 (*Valsts probācijas dienesta 2014.gada publiskais pārskats*)

[http://www.probacija.lv/uploads/gada\\_parskati/final\\_2014\\_vpd\\_publicais\\_parskats.pdf](http://www.probacija.lv/uploads/gada_parskati/final_2014_vpd_publicais_parskats.pdf)

<sup>52</sup> Papsujevičs, M., Jurevičs I. Building Probation in Latvia (Probation Service), presentation 6 June 2014.

## Impact of measures:

### on the prison population

Comprehensive Criminal Law amendments aimed at reducing prison population by 20-30%.

Comprehensive Criminal Law amendments were adopted on 13 December 2012 (in force from 1 April 2013), aimed at liberalising Latvia's penal policy and bringing down the prison population by an estimated 30%. Several criminal offences were decriminalised, community based sanctions were broadened for a wider range of crimes (e.g. community service for an additional 150 crimes), thresholds for minimum and maximum sanctions were lowered for a wide range of crimes, in some cases mandatory minimums were abolished. Lower sanctions were fixed for property crimes (e.g. thefts, robberies, fraud) which are not connected with threat a person's life, health. The qualification was also changed for a significant number of crimes, e.g. from serious to less serious offences.<sup>53</sup>

### on the recidivism rate

There are no regular and comprehensive data on recidivism for different types of alternatives. In 2013 findings of research on recidivism were released. Research sample included 1,767 offenders (community supervision and community work service vs. imprisonment) - follow-up after end of probation period – 32 months. Results (recidivism): suspended sentence) – 15%, released on parole – 25%, community work – 17%, after full term of imprisonment (*no probation*) – 51%. ~90% of re-offending occurred during first 300 days after the end of probation period.<sup>54</sup>

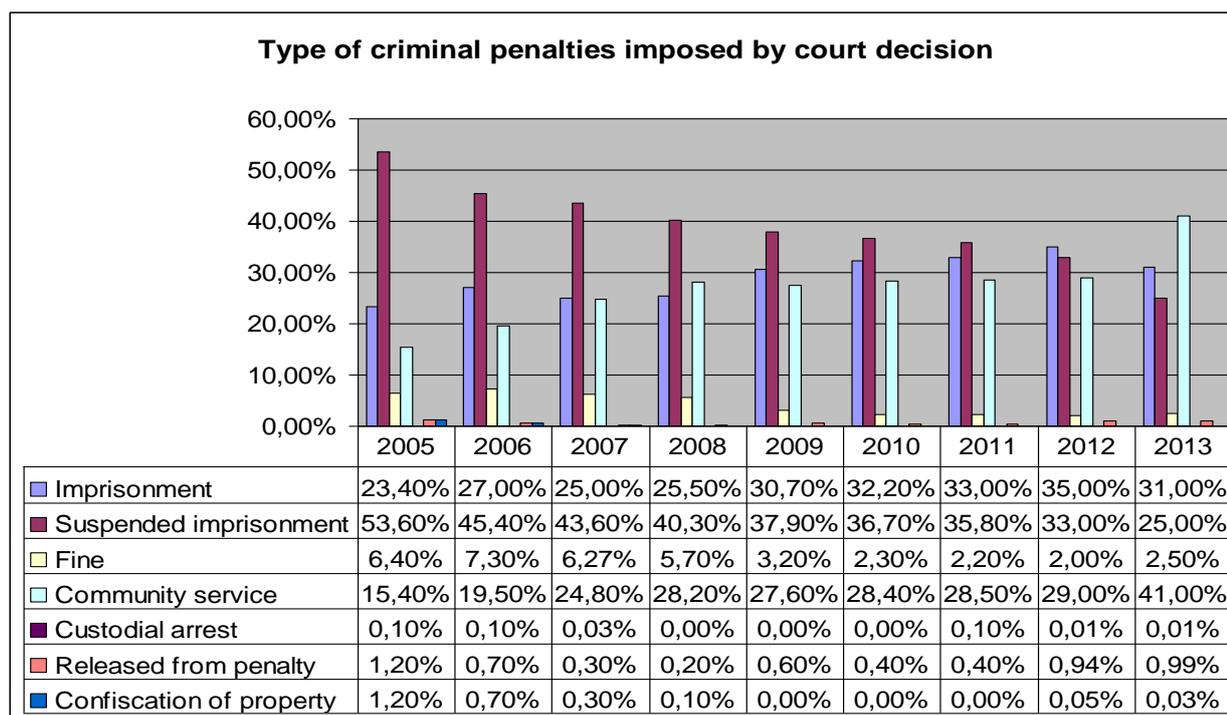
## Data

There are no data available for the daily rates concerning community service, fines, and suspended sentences. There is no break-down of data by gender and nationality. The number of sentenced foreigners is generally small. Data on the substitution of community service and fines by imprisonment are not precise and cover only some years.

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<sup>53</sup> Latvia, Criminal Law (*Krimināllikums*). 17.06.1998, available in Latvian at <http://likumi.lv/doc.php?id=88966%2520>

<sup>54</sup> Ķipēna, K., Zavackis A., Nikišins J. (2013) Recidivism of persons charged with community work service, suspended sentence, conditional release, and full-time deprivation of liberty: insights from the Latvian offenders study, available at [http://wp.unil.ch/space/files/2012/07/Latvian\\_Probation\\_Recidivism\\_Study\\_Summary.pdf](http://wp.unil.ch/space/files/2012/07/Latvian_Probation_Recidivism_Study_Summary.pdf)



There are no precise data as the number of cases when non-custodial sanctions (community service, fines) have been substituted by imprisonment. The publicly available data include in how many cases first instance courts have satisfied applications concerning the substitution of a fine by short term custody or imprisonment as well as applications concerning the substitution of community service by short-term imprisonment (excluding prosecutor's injunctions on punishment).

Short-term imprisonment (from 15 days to 3 months) was introduced through legislative amendments with the Criminal Law.

#### Cases of substitution of community service, fine before first instance courts

	2007	2008	2009	2010	2011	2012	2013	2014	1st half 2015
Substitution of fine by custodial arrest or imprisonment	2	43	123	52	23	10	4	0	1
Substitution of fine by imprisonment	0	0	0	0	0	0	2	5	2
Substitution of community service by short-term imprisonment	0	0	0	0	0	0	25	73	41

Source: Court Information System [https://tis.ta.gov.lv/tisreal?Form=TIS\\_STAT](https://tis.ta.gov.lv/tisreal?Form=TIS_STAT) O

## Electronic monitoring

On 16 October 2014 the Saeima (parliament) amended the Criminal Law<sup>55</sup> and the Criminal Procedure Law<sup>56</sup> introducing specific provisions regarding electronic monitoring into the Latvian legislation. According to the Law, electronic monitoring is intensive control measures, determined by the court in order to restrict the free movement of the person. Electronic monitoring will be applied as part of early release from prison.

Electronic monitoring can be applied during probation when 1) the offender agrees to the electronic monitoring; 2) electronic monitoring is possible at the offender's residence; 3) electronic monitoring would facilitate integration of the offender into the society. Given the above conditions are met, electronic monitoring may be applied if: 1) a person convicted for less serious crime, - has served at least one third of the term; 2) a person convicted for serious crime, or repeat offender and the punishment was not erased, - has served at least half of the term; 3) if a person was convicted for especially serious crime or the offender has committed a crime while on probation, - has served at least two thirds of the term; 4) if the person was convicted for life, - at least twenty four years of the sentence were served. The application of electronic monitoring can be terminated by the court on the basis of the submission of the probation service, if: the subject does not comply with the obligations without a justified reason, the subject cancels one's agreement to electronic monitoring, or his or her living conditions are no longer suitable for the purpose.

If the offender subject to electronic monitoring has exemplary fulfilled the relevant obligations and the terms of Section 61 Paragraph of Criminal Law apply, the court on the basis of the submission of the probation service, can terminate electronic monitoring, yet the person would be subject to the monitoring requirements envisaged by the legislation for offenders released on probation.

As the State Probation Service experienced difficulties in organising procurement procedure for the purchase of technological means, necessary for the implementation of electronic monitoring programme, it has been postponed by 1 July 2015.<sup>57</sup>

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<sup>55</sup> Amendments to the Criminal Law (Grozījumi Krimināllikumā), adopted 16 October, 2014, in Latvian at <http://likumi.lv/ta/id/269815-grozijumi-kriminallikuma>

<sup>56</sup> Amendments to the Criminal Procedure Law (Grozījumi Kriminālprocesa likumā), adopted 16 October 2014, in Latvian at <http://likumi.lv/ta/id/269816-grozijumi-kriminalprocesa-likuma>

<sup>57</sup> Ķezbere, Z. Aizkavēsies elektronisko aprūču ieviešana likumpārkāpējiem, 06.01.2015, at [www.delfi.lv, www.delfi.lv/news/national/politics/aizkavesies-elektronisko-aprocu-ieviesana-likumparkapejiem.d?id=45416014](http://www.delfi.lv/www.delfi.lv/news/national/politics/aizkavesies-elektronisko-aprocu-ieviesana-likumparkapejiem.d?id=45416014)