

## **INFORMATION ABOUT THE PRISON SYSTEM IN LATVIA**

### **About Prison Administration.**

In accordance with Section 2 of Prisons Administration Law, the Administration is a State administrative institution subordinated to the Ministry of Justice, which implements State policy in the field of detention as a security measure and the deprivation of liberty as the execution of a criminal punishment.

The purpose of the operation of the Administration shall be effective re-socialisation of a punished person in the circumstances of lawfulness, fairness and equality and elimination of the number of commitment of repeated criminal offences.

Main activities of the Administration shall be:

- to perform security guard of prisons;
- to supervise and ensure compliance of prisoners with the set rules of behaviour and rights, as well as fulfilment of duties;
- to provide household and public utilities services, prescribed by regulatory enactments, to prisoners;
- to provide medical care to prisoners;
- to organise measures of mental health, social behaviour adjustment and social rehabilitation to prisoners;
- to ensure compliance with the rights and fulfilment of duties, legal protection, operation and social security for the personnel;
- to provide professional education and professional improvement of employees.

Pursuant to its competence, the Administration shall:

- cooperate with the state and municipal authorities, non-governmental organisations, foreign and international institutions;
- provide recommendations to the Ministry of Justice regarding the necessary regulatory enactments and shall participate in the development of the relevant draft acts;
- participate in the preparation of draft programmes of the public authorities and other ;
- inform society on the operation of the Administration.

In accordance with Paragraph 2 of the Cabinet Regulation No. 827 “Regulation of the Prison Administration”, adopted on 1 November 2005, the purpose of the operation of the Administration shall be to implement the national policy in the area of execution of the detention as a security measure and the deprivation of liberty as a criminal punishment.

Execution of the security measure – detention - imposed under the decision of the investigation judge or court judgement shall be organised in accordance with the requirements of the Law On the Procedures for Holding under Arrest and Cabinet Regulation No. 800 “Internal rules of the investigation prison”, adopted on 27 November 2007. In its turn, the execution of the criminal punishment – deprivation of liberty, including temporary deprivation of liberty - imposed under the court judgement shall be organised in accordance with the requirements of Law On The Sentence Execution Code of Latvia and Cabinet Regulation No. 423 “Internal rules of the institution of deprivation of liberty”, adopted on 30 May 2006.

### **Execution of the security measure – detention**

The ground for execution of the detention shall be a decision of the investigation judge or court judgement regarding application of the detention.

The ground for execution of the temporary detention of a person sentenced abroad shall be a decision of the investigation judge regarding application of the temporary detention.

A prisoner is a person, to whom the security measure – detention – has been applied by the investigation judge or court.

The provisions of the Law On the Procedures for Holding under Arrest shall be applied also to the person, who has been undertaken from a foreign country for serving the sentence or to whom the temporary detention has been applied, and who has been placed in the investigation prison.

If the sentenced person, on the basis of the decision of the court, prosecutor or prosecutor general of the Republic of Latvia, has been moved to the investigation prison or any department of the investigation prison established in another institution of deprivation of liberty due to the trial of the case in the court or investigation activities in the case, the scope of rights of the above mentioned person shall be determined by the Law On The Sentence Execution Code of Latvia.

Detention shall be executed in the investigation prison. Investigation prisons in the Republic of Latvia shall be established and liquidated by the Ministry of Justice.

In accordance with the order No. 1-1/492 of the Ministry of Justice of 30 December 2014 “Regarding the types of institutions of deprivation of liberty and number of prisoners to be placed therein”, there are two investigation prisons in the Republic of Latvia – Riga Central Prison and Liepaja Prison, while departments of the investigation prison are established in five institutions of deprivation of liberty – Daugavgriva Prison, Jelgava Prison, Valmiera Prison, Ilguciems (Female) Prison and Cesis Educational Institution for minors.

The Cabinet shall regulate the internal rules of the investigation prisons.

Pursuant to the request of the person directing the proceeding, a detained person may be placed in specially equipped police premises for a time period, which is necessary for performance of procedural activities and court proceedings. Living conditions of the place of temporary detention shall be provided for the detained person there and the internal rules of the temporary deprivation shall refer to them.

### **PERSONAL FILE OF DETAINED PERSON.**

Employees of the investigation prison shall prepare a personal file for each detained person.

The personal file shall mandatory include the following documents:

- a decision of the investigation judge or court judgement regarding application of detention;
- dactyloscopic card of the detained person;
- a copy of the minutes of detention, if the person has been detained;
- a questionnaire of the detained person;
- photographs of the detained person and special signs thereof, as well as criminal characteristics of the detained person.

A personal file of the detained person shall include documents, providing information regarding the course of execution of the detention as well as administrative acts adopted with regard to the detained person.

A passport or a personal identity card, or a permit of the return shall be attached to the personal file of the detained person.

When moving the detained person from the investigation prison to the place of temporary deprivation or vice versa, the personal file of the detained person shall be sent with him/her.

### **WHAT HAPPENS WHEN I ARRIVE AT THE PRISON?**

When placing in the investigation prison, the detained person shall be:

- registered by specifying his/her name, surname, personal identity number or year and date of birth (if a personal identity number has not been granted to the detained person in the Republic

of Latvia), court or investigation judge, who has adopted the decision regarding application of the security measure, and time, when the detained person has been placed in the investigation prison;

- skin-searched by an employee of the prison of the same gender and results of the skin-search shall be recorded in the minutes.

After placement in the investigation prison the administration shall promptly introduce the detained person in the language understandable to him/her (if necessary by inviting an interpreter) with his/her rights and duties, as well as shall inform on the officials, where the detained person may turn with complaints and requests. The detained person shall confirm by his/her signature that he/she has been introduced with the above mentioned information.

A detained person shall have the following rights:

- to inform the family or any other person regarding his/her place of location. The relevant expenses shall be covered from the funds of the investigation prison;
- to receive money transfer;
- to purchase food products and essential goods in the store of the investigation prison;
- to perform daily walk of at least one hour (in case of the relevant instruction made by a doctor – at least of one and a half hour);
- to contact with persons, being outside the investigation prison, by exchanging letters, as well as by using phone (pay telephone) of the investigation prison at least once per week. The permitted duration of the call shall be at least five minutes. Expenses for exchanging letters shall be covered by the detained person, but phone calls – by the detained person or the person, with whom he/she talks;
- to meet with relatives or any other persons for at least one hour at least once per month;
- to meet with counsel for defence, but for foreigners – also representative of the diplomatic or consular representative office of his/her country alone, without restrictions, considering the daily regime of the investigation prison;
- to subscribe for press editions as well as to use the library fund of the investigation prison;
- to wear personal underwear, clothing and shoes;
- to use personal small-sized household appliances – TV set (diagonal size of the screen - up to 50 cm) and video games to be connected to it, as well as a refrigerator, water heating equipment and a radio set (without voice recording options). The total weight of household appliances to be used for individual use shall not exceed 30 kilograms;
- to store the property permitted for individual use, food products purchased in the store of the investigation prison, to receive non-food products via shipments and parcels, in accordance with the procedure and in the quantity provided for by internal rules of the investigation prisons.

The detained person placed in the hospital of Liepaja Prison, pursuant to instructions made by a doctor, shall be provided with a possibility to contact with relatives or any other persons through video call. The number and duration of such video calls shall be determined, in accordance with the number and duration of meetings prescribed by this law.

The detained person shall have the following duties:

- to deliver to the administration of the prison the property that are not included in the list of property permitted for individual use, in accordance with the internal rules of the investigation prisons, or exceeds the quantity set therein;
- to comply with health checks and skin-search prescribed by this law and other regulatory enactments;
- to perform legal requirements of the administration of the investigation prison and internal rules of the investigation prisons;
- to comply with the daily regime set by the investigation prison;
- to clean the premises in the time set by daily regime of the investigation prison;

- to carefully treat the property of the investigation prison;
- to maintain order in the premises of the investigation prison and to comply with the personal hygiene;
- to use medicals prescribed by medical treatment persons of the prison in the presence of the medical treatment person;
- to comply with the procedure for acquisition of photographs of the detained person and special signs of him/her, stipulated by this law and other regulatory enactments;
- to pay for the paid services provided by the Prisons Administration.

The detained person shall be entitled to write submissions to the state and municipal authorities.

### **WHAT HAPPENS TO MY PROPERTY?**

Internal rules of the investigation prisons shall determine a list and quantity of the property permitted for individual use in the investigation prisons. The detained person shall deliver the property, which are not included in the above mentioned list or exceed the quantity specified therein, for storage in the investigation prison.

When moving the detained person from the investigation prison to the place of temporary deprivation, the quantity of property specified in the list of property permitted in the cell of the place of temporary deprivation shall be left with him/her, but the rest of the property the detained person shall be delivered for storage to the investigation prison.

Property accepted for storage in the investigation prison shall be accounted and specified in the acceptance report. The report shall be signed by the detained person and employee of the prison, who accepts the property. A copy of the signed acceptance report shall be issued to the detained person.

Money that the detained person has failed to voluntarily deliver, shall be alienated and, in accordance with the agreement with the person directing the proceeding, shall be transferred to the account of the general budget of the investigation prison for improvement of public utility and household conditions of detained persons.

Precious metals, precious stones and articles thereof that the detained person has failed to voluntarily deliver, shall be alienated and delivered for sale to the State Revenue Service after agreement with the person directing the proceeding. Acquired funds shall be transferred into the income of the general budget.

Money, precious metals, precious stones and articles thereof that the minor person has failed to voluntarily delivered, shall be issued to his/her parents or guardian.

### **THE DETAINED PERSONS PLACEMENT**

A detained person and a convict, who is placed in the investigation prison in cases prescribed by regulatory enactments regulating execution of criminal punishments, shall be placed in a closed room (cell) in the investigation prison.

The detained men and women, as well as the detained minor and adult shall be placed separately.

Pursuant to the instruction of the person directing the proceeding, persons detained in one criminal proceeding shall be placed separately.

The detained persons shall be placed separately from convicts, except for the case, when convicts are placed in the investigation prison due to committing another criminal offence.

Should the detained person be a judge, a person belonging to the judicial system, employee or former employee of the investigation authority, authority of execution of criminal punishment, public authority facilitating operational activities, municipal police or other public authority related to providing with the state and public security, his/her spouse or relative of

the first degree, he/she shall be placed separately from other detained persons. The detained person, who has helped to disclose a crime committed by other person and to whom the court has reduced the punishment set by the judgement, in accordance with the procedure set by the Criminal Law, shall be placed separately from other detained persons, if he/she had requested for that.

The detained persons, who have not served any punishment in the place of deprivation of liberty prior to detention, shall be placed separately from other detained persons. The detained persons shall be placed in cells, taking into account the internal security as well as (as much as possible) personal features and psychological compatibility.

Pursuant to the request of the detained woman and consent of the Orphan's Court, also her children, who are under the age of three years, may be placed in the investigation prison.

If the detained woman stays in the investigation prison together with her child (children), her daily regime shall be aligned with the needs of the child (children) and it shall include a walk together with the child of at least one and a half an hour.

Children may stay together with their mother in the investigation prison up to the age of four years, being fully provided for by the state. At least three months prior to the day, when the child will reach the age of four years, the Administration of the investigation prison shall notify the Orphan's court pursuant to the place of residence of parents of the child that the time has expired, during which the child may stay together with the mother in the place to be held in imprisonment. The Orphan's Court shall examine conditions in the place of residence of the father of the child and deliver the child to the custody of the father. Should the delivery of the child to the father be not possible, the Orphan's Court shall make a decision regarding the custody of the child. When choosing the further place of residence of the child, the Orphan's Court shall take into account also the opinion of the mother of the child.

When a child is born to the detained woman, the administration of the investigation prison shall have an obligation to inform in writing the civil register office, within the territory of which the investigation prison is located, on the fact in order to register the birth of the child.

A decision of the head of the investigation prison regarding placement of the detained person in the investigation prison shall not be disputable and subject to appeal.

### **CORRESPONDENCE**

Correspondence of the detained person with the national and international institutions for human rights, the Committee of Human Rights and Public Affairs of the *Saeima* (Parliament of Latvia), prosecutor's office, court, counsel for defence, the person directing the proceeding as well as correspondence of the detained foreigner with the diplomatic or consular representative office of his/her country or diplomatic or consular representative office thereof, which is entitled to represent his/her interests, shall not be subject to control and shall be sent for the means of the investigation prison.

Correspondence of the detained person with other public and municipal authorities shall be made at the expense of the means of the investigation prison in the case when there are no means in the personal money card of the detained person and the detained person disputes the administrative deed or factual activity of such authorities, or sends an application for receipt of the State provided legal aid.

A submission to the head of the Administration regarding the decision taken by the head of the investigation prison shall be sent at the expense of the means of the investigation prison.

### **DRINKS AND MEALS**

The detained shall receive a warm dish three times per day, providing for regular vital functions of a body, as well as drinking water at any time.

The minor shall receive food, providing for valuable physical development of him/her.

### **WHAT WILL MY CELL BE LIKE?**

Natural lighting shall be provided in cells, where detained persons are located, but during the dark time of the day and night – artificial lighting, as well as air temperature not below +18°C and ventilation shall be provided. Cells are equipped with a table, a stool (benches) and beds, as well as places for storage of personal belongings of the detained persons and toilet facilities are arranged, which shall be separated from the rest of the room. The living space shall not be below four square meters per one detained person.

An individual bed, bedding and towel are provided for the detained person in the investigation prison. A detained shall take a sauna or shower at least once per seven days and have clean bedclothes. A possibility to comply with the personal hygiene as well as an opportunity to wash his/her cloth and clothing is provided for the detained person.

### **ARRESTED PERSON'S MONEY AND NON-FOOD PRODUCTS**

The money which has been sent to an arrested person by transfer or paid in the cashier's office of the investigation prison shall not be issued to him or her, but transferred to the deposit account of the investigation prison in the Treasury and recorded in the personal money accounting card of the arrested person.

An arrested person may use the money on his or her personal money accounting card in the form of transfers with the intermediation of employees of the investigation prison for the purchase of food products and basic necessities in the shop of the investigation prison.

An arrested person may send money transfers only with a permission of the person directing the proceedings.

The money of the arrested person shall be stored in the investigation prison, forwarded and disbursed to the arrested person in euros. The money received in another currency shall be recalculated in euros according to the currency exchange rate used in accounting, at the beginning of the day when the money was received at the investigation prison.

An arrested person shall be permitted to receive only non-food products in consignments and parcels.

The procedures for accepting and issuing of consignments or parcels, as well as the list and quantity of such articles which may be received with consignments and parcels shall be determined by the internal regulations of investigation prisons.

Decision taken by the head of an investigation prison rejecting to accept things receiving of which in an investigation prison with consignments and parcels is not allowed, is not to be disputed nor appealed.

### **HEALTH CARE IN PRISON**

An arrested person shall receive granted by the state budget health care services in the amount and in accordance with the procedures stipulated by normative acts on financing and organising health care. An arrested person receives health care services that are not paid by the state budget in accordance with the procedure stipulated in the Medical Treatment Law.

In addition to the amount of medical care that is determined in the normative acts regarding financing and organising health care, an arrested person receives urgent dental care.

Health care of arrested persons is provided at the medical department of a prison or at the Prison Hospital of Latvia. In case an arrested person needs health care services providing of which is not possible at the investigation prison or the Prison Hospital of Latvia, the arrested

person is transferred to such a medical institution outside the prison where the respective services are delivered.

In case an arrested person needs urgent medical aid providing of which is not possible at the prison, such aid is rendered to him or her in another medical institution outside the prison.

In cases mentioned in the second sentence of the first paragraph of this section, the prison administration provides conveyance of the arrested person and guarding thereof at the medical institution, whereas in case mentioned in the second paragraph of this section – guarding of the arrested person during entire period of receiving health care service.

Expenses of the health care services provided to arrested persons at the medical institutions outside the prison are covered by the administration of the investigation prison in the amount and according to the procedure determined by the normative acts on financing and organising health care.

An arrested person who is located at a medical institution outside a prison is obliged to be staying only in the rooms provided by a medical practitioner or a prison official.

An arrested person while located at a medical institution outside a prison is entitled to keep with oneself only products for personal hygiene. The rights provided in the Law On the Procedures for Holding under Arrest to have a daily walk, to receive consignments and parcels, rights to receive, send and use money transfers, meet with relatives or other persons, purchase literature and stationary, send and receive letters and telegrams, use personal household appliances, conduct phone conversations, purchase goods in a prison shop, keep with oneself food products excluding those that are delivered by the medical institution do not refer to an arrested person who is located at a medical institution outside a prison.

### **SOCIAL REHABILITATION**

The main means for social rehabilitation of arrested persons shall be socially useful activities – acquisition of general, vocational and interest education, educating measures, employment, and psychological care.

The administration of the investigation prison shall ensure as much as possible that arrested persons acquire general, vocational and interest education.

Registered foundations and associations, as well as religious organisations after coordination with the Latvian Prison Administration shall be permitted to implement educating measures in investigation prisons within the scope of social rehabilitation of arrested persons.

The administration of an investigation prison shall employ an arrested person within the scope of social rehabilitation, if he or she has lodged a submission addressed to the head of the investigation prison and there is such an opportunity at the investigation prison.

An arrested person may be involved without remuneration only in upkeep and improvement of the investigation prison and the surrounding territory, as well in improvement of the cultural and everyday conditions of arrested persons. Such activities according to the daily regimen may last two hours a day. Upon a wish of the arrested person he or she may be employed in the abovementioned work for a longer period of time.

An arrested person shall be employed in a cell or in a specially equipped room at the investigation prison.

An arrested person shall be employed only in such work where determination of a piecework salary is possible.

An arrested person shall be employed by entering into a contract for work performance for a definite time period. Entering into such a contract shall be possible only with consent of the head of the investigation prison and the person directing the proceedings.

Regarding a decision taken by the head of the investigation prison not to allow an arrested person to conclude a contract for work performance, a complaint may be submitted to the Head of the Prison Administration. The decision of the Head of the Prison Administration

may not be appealed. Regarding a decision of the person directing the proceedings not to allow an arrested person to conclude a contract for work performance, a complaint may be submitted in accordance to the procedure provided by the Criminal Procedure Law.

The payment determined for an arrested person may not be less than payment for equivalent work outside the investigation prison.

### **SPIRITUAL CARE OF AN ARRESTED PERSON**

Spiritual care of an arrested person shall be carried out by the chaplain service of the Latvian Prison Administration.

The chaplain service of the Latvian Prison Administration shall organise and coordinate religious activities of religious organisations at an investigation prison.

An arrested person has the right to request a chaplain that he invites a minister representing the faith of the arrested person.

The procedures by which an arrested person is allowed to meet a minister and to participate in religious activities of religious organisations shall be stipulated by the internal regulations of investigation prisons.

An arrested person is entitled to attend educational and religious events or individually meet with a minister. The head of the investigation prison or a person authorised by the abovesaid head may take a decision not to allow an arrested person to attend educational and religious events or individually meet with a minister if such limitations for the arrested person are determined by the person directing the proceedings or they are needed to observe the requirements of isolation, provisions of a medical practitioner and other reasons linked to security of the institution. The aforesaid decision of the head of the investigation prison or the person directing the proceedings a complaint may be submitted to the head of the Prison Administration. The decision taken by head of the Prison Administration may not be appealed.

### **PSYCHOLOGICAL CARE OF AN ARRESTED PERSON**

In case an arrested person needs psychological care, it is provided by conduction psychological examination, consulting or provided other kind of psychological assistance. If an attempt to commit suicide performed by an arrested person has taken place, the psychological assistance shall be provided immediately but no later than on the following working day after receiving the information or the assignment issued by the head of the investigation prison. In such a case the psychological examination shall be conducted by a psychologist.

### **CORRESPONDENCE AND TELEPHONE CONVERSATION**

Employees of an investigation prison shall control correspondence and telephone conversations of an arrested person (except the correspondence and telephone conversations with the institutions of the State and international human rights institutions, the Human Rights and Public Affairs Committee of the Saeima, the Prosecutor's Office, courts, advocate, person directing the proceedings, as well as the correspondence of an arrested foreign citizen with the diplomatic or consular mission of his or her residence country or the diplomatic or consular mission of such country, which is authorised to represent his or her interests). If the content of correspondence and telephone conversations endangers the rights of other person, democratic structure of the State, public safety, welfare and morals, ascertaining of the truth in criminal proceedings, as well as safety of places of imprisonment, the correspondence shall be intercepted or the telephone conversation shall be interrupted and the arrested person shall be explained the reasons for intercepting the correspondence or interrupting of the conversation.

### **PRIVILEGES**

The head of an investigation prison may apply the following incentives to an arrested person for exemplary behaviour:

- to express gratitude;
- to grant additional time for walk;
- to grant additional time for telephone conversations;
- to grant additional meetings with relatives or other person in the presence of a representative of the administration of the investigation prison.

### **PUNISHMENTS TO AN ARRESTED PERSON FOR THE VIOLATION OF THE INTERNAL REGULATIONS OF INVESTIGATION PRISON**

- the giving of a warning;
- the taking away of personal TV set or transistor radio (without the possibility of voice recording) for a time period up to one month and to transfer it for storage in the warehouse of the investigation prison or to return to persons who have given it to the arrested person for use;
- the giving of a reprimand;
- a prohibition to purchase food products and tobacco products in the shop of the investigation prison for a time period up to one month;
- a prohibition of the current meeting with relatives or other persons;
- a prohibition of telephone conversations for a time period up to one month;
- the placement of an arrested person of legal age in a punishment isolation cell for a time period of up to 15 days;
- the placement of a minor arrested person in a punishment isolation cell for a time period of up to 10 days.

Minor arrested persons may not be applied a prohibition of meeting with the parents or guardian, as well as may not be applied a prohibition of telephone conversations with parents or guardian as a punishment, if such a prohibition has not been imposed by an investigation judge or court.

An entry regarding application of a punishment shall be made in the personal file of the arrested person.

An arrested person may be placed in a punishment isolation cell for a gross or systematic violation of the internal regulations of investigation prisons.

The following activities of an arrested person shall be considered as gross violations of the internal regulations of investigation prisons:

- physical resisting to an employee of the investigation prison or defamation and injuring his or her dignity;
- refusal to obey lawful requests of an employee of the investigation prison;
- physical influencing of other arrested persons or different infringement of their honour and dignity;
- use, storage or distribution of alcohol, narcotic or psychotropic substances;
- refusal to undergo an examination in order to verify whether the arrested person has used alcohol, narcotic or psychotropic substances;
- refusal to go to a medical treatment institution for the performance of medical examination, if the arrested person does not agree to undergo a test of alcohol concentration in exhaled air or its results;
- storage and use of a mobile phone, its spare parts and SIM card;
- taking part in a game of cards or other gambling in order to gain material or other benefits, extorting winnings;
- intentional damaging of the property of the investigation prison.

Violations which have been committed two or more times during the last six months shall be considered as systematic violations of the internal regulations of investigation prisons.

An arrested person may be placed in a punishment isolation cell only if there is a physician's opinion that the health condition of the arrested person allows serving of such punishment.

Punishment – placing in a punishment isolation cell – shall not be imposed on an arrested pregnant woman, as well as a woman who is in an investigation prison together with an infant.

An arrested person is allowed to take personal hygiene items, glasses, contact lenses, stationary, envelopes, notes and documents related to the criminal care, as well as – with a permission of the doctor – technical assistance equipment and medicinal products to a punishment isolation cell.

An arrested person who is placed in a punishment isolation cell for violations of the discipline shall not be allowed:

- to use the right to a meeting;
- to purchase food products and tobacco products;
- to sent letters to private individuals or to receive letters from them;
- to use the right to telephone conversations;
- to use table games;
- to smoke.

Minor arrested persons who have been placed in a punishment isolation cell shall be allowed to maintain correspondence with the family.

**An arrested person shall be released from an investigation prison in the following cases:**

- an adjudication on revocation of arrest has been received;
- an adjudication on amending of the security measure has been received;
- the maximum time period of arrest provided for in the law has elapsed;
- the term of arrest exceeds the maximum term of the deprivation of liberty sentence stipulated in the Criminal Law, which may be adjudged by a court for a criminal offence of the committing of which the person has been accused;
- the term of arrest exceeds the sentence adjudged by a court;
- the term of arrest has elapsed and a decision to extend the term of arrest has not been received;
- a request of a foreign state has not been received within 18 days from the day of detention in accordance with Section 771, Paragraph four, Clause 1 of the Criminal Procedure Law regarding execution of the deprivation of liberty sentence imposed in such foreign state together with the necessary annexes.

If the term of arrest has expired and a decision to extend the term of arrest has not been received, the arrested person shall be released in accordance with Section 314, Paragraph four of the Criminal Procedure Law.

An arrested person who is released from an investigation prison shall be issued a statement regarding release according to the sample provided for in the internal regulations of investigation prisons. The head of the investigation prison shall sign the statement and certify with a seal with the State coat of arms.

Prior to release an arrested person shall be issued the money on his or her personal money accounting card, his or her belongings, jewellery and documents upon signature.

An arrested person who is released from an investigation prison shall be covered the minimum expenses of the public transport for the purchase of a ticket to the place of residence in the territory of Latvia, but the place of residence of the person is outside Latvia – the minimum expenses of the public transport for the purchase of a ticket to the State border

crossing point or to the nearest railway station in the state with which Latvia has land border. The arrested person, who is released from an investigation prison, if necessary, shall be ensured with clothing appropriate for the season.

The relevant Orphan's court shall be informed regarding release of such minor arrested person from an investigation person who does not have parents or guardians so that it would settle the minor in a place of residence and solve his or her social security problems.

Within 10 working days after receipt of an order regarding execution of a judgment the person sentenced with deprivation of liberty shall be sent from an investigation prison to a deprivation of liberty institution for serving of the sentence.

Within 10 working days after receipt of an order regarding execution of a court decision the person sentenced with deprivation of liberty in a foreign state shall be sent from an investigation prison to a deprivation of liberty institution for serving of the sentence.

## **II EXECUTION OF A CRIMINAL PUNISHMENT, INCLUDING TEMPORARY DEPRIVATION OF LIBERTY**

The basis for the execution of a criminal punishment shall be a court judgement that has entered into effect, or an injunction of the public prosecutor regarding punishment, as well as a court adjudication which has not yet entered into effect and the appeal submitted in respect of which in accordance with the Criminal Procedure Law does not suspend the execution thereof.

In executing any form of criminal punishment the following fundamental principles shall be observed:

- guarantees laid down in the law against torture, and against inhumane or degrading application of punishment to a convicted person shall be fulfilled; the objective of punishment execution shall not be to cause physical suffering or to lower the self-esteem of a person, or to ostracise the person;
- discrimination against a convicted person on the basis of race, nationality, language, gender, social and financial status, political beliefs, religious convictions or other criteria shall not be permitted;
- all convicted persons are equal under the law.

The execution of a criminal punishment related to deprivation of liberty shall be suspended concurrently with a convicted person being transferred to a foreign state for further serving of the sentence or from the moment when a notification is received from the Ministry of Justice that the judgment has been rendered for execution in the foreign state.

The execution of a criminal punishment not related to deprivation of liberty shall be suspended from the moment when a notification is received from the Ministry of Justice that the judgment has been rendered for execution in the foreign state, except the confiscation of property and limitation of rights. The execution of property confiscation and limitation of rights shall be continued regardless of whether an adjudication of a Latvian court has been transferred for execution to the foreign state.

The execution of a criminal punishment shall be reinstated if the authority executing the criminal punishment receives a notification from the Ministry of Justice that the person has escaped from the foreign deprivation of liberty institution or that the execution of the criminal punishment not related to deprivation of liberty has been returned to Latvia.

Within the meaning of this Code the matter of a convicted person shall be suspended and shall not be terminated until the moment when a notification regarding full execution of the punishment in a foreign state is received from the Ministry of Justice.

Convicted persons shall serve their sentence in accordance with the laws and other regulatory enactments which are in force at the time when the sentence is served, provided that it is not otherwise laid down in a law or regulatory enactment.

All persons who have been convicted in Latvia shall serve their sentence in the territory of Latvia, provided that it is not otherwise laid down in international agreements binding on the Republic of Latvia.

Persons serving a sentence have duties and rights as are stipulated in laws, subject to the restrictions for convicted persons provided for by laws and such restrictions as result from a court judgement and the sentence serving procedure that for serving the respective sentence is provided by the Sentence Execution Code of Latvia.

### **TYPES OF PRISONS**

A deprivation of liberty sentence shall be executed in a closed prison, a partly-closed prison or an open prison, or in a juvenile correctional institution. Closed, partly-closed or open prison sections may be organised in a deprivation of liberty institution.

Convicted persons may also serve their deprivation of liberty sentence in the isolation sections or in the maintenance service of investigation prisons.

Persons of legal age who have been sentenced with deprivation of liberty shall serve their sentence in a closed prison, a partly-closed prison or an open prison, or in the isolation sections or the maintenance service of investigation prisons, but male minors so convicted shall serve their sentence in juvenile correctional institutions and female minors – in separate sections of women's prisons which have been arranged as juvenile correctional institutions. Conditions and an amount of rights of the sentence serving regime for the aforesaid persons shall depend on the respective type of a prison and the degree of the sentence serving whereof the person serves the imposed liberty deprivation punishment.

Deprivation of liberty institutions in the Republic of Latvia shall be established and liquidated by the Ministry of Justice.

In accordance with order No 1-1/492 from December 30, 2014 issued by the Ministry of Justice 'On types of the deprivation of liberty institutions and the number of the convicts to be located in them', in the Republic of Latvia there are nine deprivation of liberty institutions where convicted persons serve the imposed deprivation of liberty punishments: the Brasa prison, the Daugavgrīva prison, the Jelgava prison, the Jēkabpils prison, the Olaine prison, the Valmiera prison, the Vecumnieki prison, the Ilģuciems prison (for women), the Cēsis juvenile correctional institution, and also in two investigation prisons: the Riga Central prison and the Liepāja prison, respective type of sections of a deprivation of liberty institution.

The allocation of a convicted person in a specific deprivation of liberty institution shall be determined by the head of the Latvian Prison Administration taking into account medical, security and prevention of crime criteria. The decision taken by the head of the Latvian Prison Administration regarding the allocation of a convicted person in a deprivation of liberty institution may not be contested nor appealed.

The allocation of a convicted person in a specific department, unit and cell of the deprivation of liberty institution shall be determined by the commission of allocation of convicted persons established by the order of the head of the Latvian Prison Administration taking into account the vacant places in the cells, the psychological compatibility, health condition, attitude to smoking and the previous criminal experience of the convicted person.

A convicted person who has assisted to resolve a criminal offence committed by another person and who has been diminished the punishment determined in the adjudication pursuant to the provisions of the Criminal Law shall be allocated separately from other convicted persons if he or she has requested so.

If the convicted person is a judge, a person belonging to the courts system, an employee, former employee of an investigation institution, a criminal punishment execution institution, a government institution performing operative activities, local government police or other public institution involved in assurance the government or society security, his or her spouse or a first degree relative thereof, such a convicted person shall be allocated separately from the other convicted persons.

The decision taken by the commission of allocation of convicted persons may not be contradicted or appealed.

Persons sentenced with deprivation of liberty shall be conveyed to serve their sentence not later than within ten working days from the day the judgment has entered into lawful effect or from the day when the judgment has been assigned for execution.

The Latvian Prison Administration shall, within three working days from the day when a court order on execution of the judgment and a copy of the judgment was received, send a registered letter to the person sentenced with temporary deprivation of liberty, who at the time when the judgment has entered into effect or has been transferred for execution is not imprisoned, indicating in the letter the deprivation of liberty institution to which the person must arrive for serving of the deprivation of liberty sentence and the time, as well as informing the person of the liability laid down in the Criminal Law for evasion of serving the sentence. The time period between the day when the letter was sent and the day when serving of the sentence is commenced may not be less than ten working days.

If a person sentenced with temporary deprivation of liberty does not arrive at the deprivation of liberty institution to serve the sentence at the specified time, the head of the deprivation of liberty institution shall send a submission to the State Police in order to decide the matter on initiating criminal proceedings.

As soon as the convicted person commences serving of the sentence, the administration of the deprivation of liberty institution shall ensure him or her with the possibility of notifying relatives regarding the place where the sentence is being served.

A personal file shall be established in regard to each person sentenced with deprivation of liberty. Each person sentenced with deprivation of liberty shall be prepared photographs of the person and his or her unique features, as well as criminalistic characterisation of the person.

Convicted persons shall be admitted to a deprivation of liberty institution by the administration in accordance with the procedures laid down in the internal procedural regulations of the deprivation of liberty institution.

The administration of a deprivation of liberty institution shall, within 21 days after it has received an order from the judge on execution of the judgment, notify the foreign citizen convicted in Latvia or a person whose permanent place of residence is not Latvia of his or her right to express his or her will to serve the sentence in the country of his or her citizenship or the country of his or her permanent residence. The legal consequences of transferring a person for serving of the sentence in accordance with the provisions of the Criminal Procedure Law shall be explained to the convicted person.

Persons sentenced with deprivation of liberty who must serve their sentence in a deprivation of liberty institution may be left in an investigation prison, with a decision of the district, city or regional court prosecutor, for a time period of up to three months, but with a decision of the Prosecutor General – for a time period for up to six months, if it is necessary to conduct investigative activities, or with a decision of a court, which is taken in accordance with the examination of the matter in the court – for the time period specified for the examination of the matter.

If the convicted person is held criminally liable in another matter and the means of security determined for him or her is custody, the term for holding him or her in the

investigation prison shall be determined in accordance with the provisions of the Criminal Procedure Law.

Transfer of a convicted person from deprivation of liberty institutions to an investigation prison shall be permitted: – in relation to court proceedings – according to a decision of the court for the time period of adjudication of the specific matter; – in relation to investigative activities in a matter regarding a criminal offence committed by the convicted person or another person, with a decision of the district, city or regional court prosecutor – for a time period up to three months, but a decision of the Prosecutor General of the Republic of Latvia, for a time period of up to six months. The extent of the rights of such a convicted person in an investigation prison is laid down in the Sentence Execution Code of Latvia. However the aforesaid conditions of transferring a convicted person to an investigation prison shall not apply to the convicted persons who serve their deprivation of liberty sentence in open prisons.

In deprivation of liberty institutions men and women, as well as minors and adults shall be held separately. Convicted persons whose personal characteristics and criminal experience negatively affect other convicted persons or who oppress and exploit other convicted persons shall also be held separately.

Persons who have been applied the security measure – custodial arrest – shall be held separately from convicted persons, except cases when they agree to being placed together or get involved in joint activities and the investigation institution, the Prosecutor's Office or a court which has the arrested person at the disposal thereof consents thereto.

The requirements laid down in the Sentence Execution Code of Latvia regarding separate holding of convicted persons shall not apply to hospitals of deprivation of liberty institutions. Persons who are undergoing medical treatment in such a hospital shall be held under such form of regime conditions as are determined for such persons.

The persons sentenced with temporary deprivation of liberty shall be held separately from other convicted persons in conformity with the provisions of the first sentence of Paragraph one of this Section, however, it shall be permitted to involve them in spiritual care and re-socialisation measures along with other convicted persons.

Convicted persons shall wear their personal clothing or the type of clothing stipulated in accordance with the internal procedural regulations of the deprivation of liberty institution. The requirements in relation to the appearance of a convicted person shall be laid down in the internal procedural regulations of the deprivation of liberty institution. Convicted persons shall be subject to search which shall be conducted by a person of the same sex.

Convicted persons in all types of prisons and juvenile correctional institutions, as well as separate sections of women's prisons which have been arranged as juvenile correctional institutions, shall be placed in locked premises or cells for the time provided for sleep but at the lowest level of the sentence serving regime in closed and partly-closed prisons – also during the time free from re-socialisation activities.

**All convicted persons shall be subject to the progressive sentence execution system, except the persons sentenced with temporary deprivation of liberty.**

Progressive execution of sentence is based on differentiation of convicted persons within the framework of each type of deprivation of liberty institution and regime of a deprivation of liberty institution, as well as the transfer of convicted persons from a prison of one type to a prison of another type, taking into account the portion of the sentence served and the behaviour of the convicted person. Its objective is to achieve conformity of the sentence execution regime with the behaviour and re-socialisation level of the convicted person in ensuring execution of the sentence, and his or her optimal involvement in life after release.

Convicted persons shall commence serving the sentence at the lowest level of the sentence serving regime, except the persons sentenced with temporary deprivation of liberty and the convicted persons for whom the court has replaced the unserved part of the term of the

sentence – community service or a fine – with deprivation of liberty. The persons sentenced with temporary deprivation of liberty and the convicted persons for whom the court has replaced the unserved part of the term of the sentence – community service or a fine – with deprivation of liberty shall serve the sentence only at the highest level of the sentence serving regime of a partly-closed prison.

Convicted persons in closed prisons shall serve their sentence at three regime levels – the lowest, medium and the highest level, but in partly-closed prisons – at two regime levels – the lowest and the highest. Levels of the service execution regime shall not be determined for convicted persons in open prisons and for minors in juvenile correctional institutions.

A sentence execution regime in closed and partly-closed prisons shall be determined by this Code which provides for the following regarding the sentence execution regime:

- gradual mitigation in order to prepare the convicted person for release and facilitate his or her return to normal life after serving of the sentence;
- enhancing in order to ensure behaviour of the convicted person corresponding with the requirements of the law.

A convicted person may be transferred from the highest level of the sentence serving regime of a closed prison to the highest level of the sentence serving regime of a partly-closed prison, and from the highest level of the sentence serving regime of a partly-closed prison to an open prison. In deciding the progress of a convicted person within the scope of the progressive sentence execution system, the following criteria shall be evaluated in accordance with the provisions of this code: whether one year has passed since the application of the sentence – placement in a punishment or disciplinary isolation cell – for violation of the sentence serving regime, or six months have passed since the application of the sentence provided for in this Code for another violation of the sentence serving regime or the convicted person has been subject to the incentive laid down in Section 68, Paragraph one, Clause 5 of this Code and the convicted person must be considered as not have been subject to an administrative punishment.

For separate gross violation of the sentence serving regime or systematic violation thereof according to a decision taken by the deprivation of liberty institution commission a convicted person may be reallocated from an open prison to the highest level sentence of the service regime of a partly closed prison, but from a partly closed prison to the lowest level of the sentence serving regime at a closed prison.

Provisions of the Sentence Execution Code of Latvia regarding the gradual mitigation, strengthening of the sentence serving regime or reallocation of a convicted person do not refer to the convicted persons with temporary deprivation of liberty.

In each deprivation of liberty institution by the order issued by the head of the Prison Administration an assessment commission shall be established that ensures the advance of convicted persons within the progressive sentence serving system and the allocation of convicted persons (also the allocation of with deprivation of liberty convicted persons transferred from a foreign country for sentence execution) at the deprivation of liberty institutions pursuant to the provisions of this code. The assessment commission shall take decisions in accordance with the Sentence Execution Code of Latvia when deciding upon mitigation or strengthening of the sentence serving regime within one particular type of prison or reallocation him or her to a different type of deprivation of liberty institution. When deciding on mitigation or strengthening of the sentence serving regime, the assessment commission shall take into consideration the conduct of the convicted person within the deprivation of liberty institution. The composition of the assessment commission, the agenda and the criteria of taking decisions is determined by the Cabinet of Ministers.

**Strictly regulated daily schedule shall be determined in deprivation of liberty institutions.**

Convicted persons shall not be permitted to keep in their possession money, valuables, or objects the use of which in deprivation of liberty institutions is prohibited. The prohibition to keep money and valuables in one's possession shall not apply to convicted persons who serve their sentence in open prisons. Unpermitted objects and money found in the possession of convicted persons shall be removed. Money shall be paid into the budget of the deprivation of liberty institution and it shall be used to improve the living conditions of the convicted persons. The list and quantity of objects and belongings which may be in the possession of convicted persons and the procedures for removal of money shall be regulated by the internal procedural regulations of the deprivation of liberty institution.

In accordance with the procedures laid down in the Sentence Execution Code of Latvia convicted persons shall be permitted to purchase food products and basic necessity goods by means of transfer, to meet with visitors, to receive consignments, parcels, printed matter and money transfers, to correspond and to send money transfers to relatives.

The postal consignments and parcels addressed to convicted persons shall be inspected. The correspondence of convicted persons shall be inspected by reading it, except the correspondence with the State and local government institutions.

The head of the deprivation of liberty institution or his or her authorised institution official has the right to request that visitors to the institution present identity documents, as well as to perform an inspection and search of such persons and their property.

Convicted persons are obliged to pay for the paid services delivered by the Prison Administration.

Convicted persons are permitted to purchase food products and basic necessity goods.

If convicted persons are not provided with work for a full month, they and disabled convicted persons, pregnant women, mothers breastfeeding children and minors have the right to purchase food products and basic necessity goods with money in their personal accounts.

The list of those food products and basic necessity goods which are permitted to be sold to convicted persons shall be regulated by the internal procedural regulations of the deprivation of liberty institution. Settlement for the goods purchased in deprivation of liberty institutions, except open prisons, shall not be made in cash but by transfer. The amount of money for which a convicted person is permitted to purchase goods in one month shall be stipulated in this Code.

Convicted persons, irrespective of the regime determined for them, shall be permitted without restriction to purchase literature in the book marketing network, subscribe to newspapers and magazines and purchase writing materials with funds from their personal account.

## **VISITS**

The persons sentenced with deprivation of liberty, except persons sentenced with temporary deprivation of liberty, shall have an opportunity to meet their relatives and other persons without the presence of a representative of the deprivation of liberty institution in accordance with the procedures and extent laid down in the Sentence Execution Code of Latvia: short visits – from one to two hours in order to facilitate the maintaining and renewal of socially useful contacts; long visits – from six to forty-eight hours in order to facilitate the maintaining of kinship and family contacts.

The persons sentenced with temporary deprivation of liberty shall have an opportunity to meet their relatives and other persons without the presence of a representative of the deprivation of liberty institution in accordance with the procedures and extent laid down in the Sentence Execution Code of Latvia: short visits – from one to two hours in order to facilitate the maintaining and renewal of socially useful contacts.

During long-duration visits the convicted persons shall be permitted to stay with their relatives – parents, children, adopted persons, siblings, grandparents, grandchildren or a

spouse. According to the decision of the administration of the deprivation of liberty institution short-duration visits with other persons may be permitted provided that the convicted person has had a common household or a common child with this person before commencing serving of the sentence.

When registering marriage convicted persons, in addition, may be granted a longer meeting of up to 48 hours with the permission of the deprivation of liberty institution.

Convicted persons shall not be permitted to meet arrested persons and the persons who are serving a sentence in other deprivation of liberty institutions. The head of the deprivation of liberty institution may forbid, according to his or her decision, that the convicted person meets a particular person for security considerations.

According to a written submission of a convicted person and with the permission of the head of the prison, telephone conversations, at the expense of the convicted persons or persons with whom the conversations are conducted, may be substituted for short or long-duration visits.

A convicted person who has been placed in the Prison hospital of Latvia according to the doctor's prescriptions a short-duration meeting may be replaced by possibility to communicate to the relatives or other persons by means of a video call. The number and duration of such video calls is determined according to the number and duration of short-duration meetings provided in this code for the respective level of the sentence serving regime which is imposed to the convicted person for his or her sentence serving.

A convicted person shall be permitted to meet with an advocate, sworn notary and a State provided legal aid worker for the receipt of legal aid in accordance with the procedures laid down in laws and regulations. The number of such meetings shall not be restricted and they shall not be included in the number of short or long-duration visits provided for in the Sentence Execution Code of Latvia and shall take place in the deprivation of liberty institution during working hours. Meetings with an advocate shall not be controlled. Meetings with a sworn notary and a State provided legal aid worker shall take place under visual control conditions.

There shall be a Chaplain Service in a deprivation of liberty institution. The Chaplain Service shall be subordinate to the Prison Administration. Lawfully registered religious, benevolent and charitable societies shall be permitted to carry out moral development activities in deprivation of liberty institutions.

### **CONSIGNMENTS**

In deprivation of liberty institutions only non-food goods shall be permitted to be received by way of consignments and parcels.

In closed prisons, partly-closed prisons and juvenile correctional institutions convicted persons who are permitted to wear personal clothing may receive such clothing by way of consignments and parcels.

Convicted persons shall be permitted to receive 12 consignments or parcels a year. Persons sentenced with temporary deprivation of liberty shall be permitted to receive one consignment or parcel a month or one consignment or parcel during the term of serving the sentence if the term is less than one month. Print publications and laws and regulations shall not be deemed to be consignments or parcels.

The decision taken by the head of the deprivation of liberty institution to reject accepting goods that are not allowed to be received with parcels or consignments in the deprivation of liberty institution may not be contested or appealed.

### **TV SETS**

Convicted persons shall be permitted to use TV sets and transistor radios (without the possibilities of voice recording) of the deprivation of liberty institution and personal TV sets and radio receivers (without the possibilities of voice recording) at the time and in accordance with the procedures laid down in the internal procedural regulations of the deprivation of liberty institution. A complaint may be submitted to the head of the Prison Administration regarding the decision by the head of the deprivation of liberty institution to forbid a convicted person to use his or her personal TV set and transistor radio (without the possibilities of voice recording) or other personal household utensils. The decision of the head of the Prison Administration may not be contested nor appealed.

### **MONEY TRANSFERS**

Persons sentenced with deprivation of liberty shall be permitted to receive money transfers without restriction and send money transfers to relatives, but with permission of the administration of the deprivation of liberty institution □ also to other persons. Money which has been sent to a convicted person by mail or by telegraph shall not be issued to the person but shall be paid into his or her personal account; convicted persons who are serving their sentence in open prisons are the exception.

The deprivation of liberty institution shall keep custody of, forward and disburse the money of a convicted person to the convicted person in euros. Money received in other currency shall be converted into euros according to the currency exchange rate to be used in accounting at the beginning of the day on which the money is received at the deprivation of liberty institution.

A convicted person by way of a written submission, which addressed to the head of the deprivation of liberty institution, may request that a release fund be established for him or her. Upon receipt of such a submission the head of the deprivation of liberty institution shall without delay assign a relevant official to organise an individual release fund cash accounting card for the convicted person.

A convicted person may request not more than once per month by way of a written submission that money from his or her personal cash accounting card be paid into his or her release fund cash accounting card. There shall be no restrictions stipulated as to the amount of money that may be accumulated in a release fund.

A convicted person may not utilise the money accumulated in a release fund during the serving of a deprivation of liberty sentence, and it shall be disbursed to him or her on the day when the convicted person is released from the deprivation of liberty institution.

In exceptional cases, based upon a written submission from the convicted person, the head of the deprivation of liberty institution may permit the money accumulated in a release fund by the convicted person to be used in the deprivation of liberty institution or in an existing health care institution outside of it during the serving of a sentence, if the deprivation of liberty institution physician is of the opinion that such health care is necessary, and such health care services are not paid from State budget funds.

### **CORRESPONDENCE**

Convicted persons shall be permitted to send and receive letters and telegrams without restriction as to their number.

The administration of the deprivation of liberty institution shall issue the letters and telegrams addressed to convicted persons to them, as well as send their letters and telegrams to the addressees not later than within three days from the day when the letter or telegram was received or handed over.

Letters and telegrams addressed to convicted persons and to be sent to their addressees may be seized if:

- their content endangers the objectives of execution of the sentence, safety of the deprivation of liberty institution and the procedures determined therein;
- forwarding of the content thereof might promote committing of an offence subject to a criminal or administrative punishment;
- they may jeopardise the rights and interests of another person, protected by law;
- the purpose of the correspondence is the exchange of information between convicted persons who have jointly committed a criminal offence.

The letters and telegrams seized shall be registered and stored by an employee of the institution responsible for the censoring of correspondence.

### **TELEPHONE CONVERSATIONS**

Convicted persons shall be permitted to have such number of telephone conversations at their own expense or at the expense of the addressee as is determined in the relevant type of deprivation of liberty institution and corresponds to the level of the sentence serving regime. Telephone conversations, except telephone conversations with an advocate, shall be controlled.

A convicted person who is serving the sentence at the highest level of the sentence serving regime in a partly-closed prison, an open prison or a juvenile correctional institution may, by lodging a written submission to the head of the deprivation of liberty institution, request a permission to temporarily leave the deprivation of liberty institution for up to five twenty-four hour periods due to death of a close relative or a serious illness that endangers the life of a sick person.

### **TEMPORARY LEAVE**

In the aforesaid submission the convicted person shall state the reason for temporarily leaving the deprivation of liberty institution, the place where he or she will stay during his or her temporary leave and the contact phone number if such is available, and shall append all the documents at his or her disposal which confirm the existence of the reasons for the aforesaid temporary leave, as well as provide additional information regarding the reasons for the temporary leave to the head of the deprivation of liberty institution. If the aforesaid permission is requested by a convicted minor, he or she shall indicate the given name and surname of the adult who will accompany him or her. The head of the deprivation of liberty institution shall, upon evaluating the aforesaid submission, verify the existence of the abovesaid circumstances within three working days and may, having evaluated the possibility of the convicted person of getting to the funeral or visiting the sick relative during the intended temporary leave, the violations committed during previous occasions of temporary leave and returning to the deprivation of liberty institution at the specified time, permit the convicted person to temporarily leave the territory of the deprivation of liberty institution. The head of the deprivation of liberty institution shall indicate in the aforesaid permit the time of leaving the deprivation of liberty institution and the time when the convicted person must return to the deprivation of liberty institution. The aforesaid time period, spent outside the deprivation of liberty institution, shall be included in the term of serving of the sentence.

Penal institution chairman does not allow the convict to shortly leave penal institution territory if at least one of these conditions exists:

- Convict is sick with a dangerous infection disease in its active form, or a sickness in acute form and hasn't finished the medical course according to doctor's decision;
- Convict has committed an intentional crime in the time period of unserved term, if he has previously been conditionally released before term from servicing the sentence of deprivation of freedom;

- Because of unjustified reasons, convict has previously not returned in penal institution in the time period stated in Law On The Sentence Execution Code of Latvia, permit in Sections 49.3 and 78.4;

- Convict wants to emigrate from territory of Republic of Latvia.

Convict can challenge refusal of penal institution Chairman to give short term permit to leave penal institution's territory, in the order stated in Law On The Sentence Execution Code of Latvia.

Convict, to whom penal institution Chairman gave short term permit to leave penal institution's territory, is obliged to return to institution within the time stated in permit.

If convict, to whom penal institution Chairman gave short term permit to leave penal institution's territory, while outside of it, suddenly gets sick and is placed in a treatment centre, and his health condition does not allow returning to penal institution in the time stated in permit, convict or his relatives must immediately inform penalty institution Chairman about convict's sickness and whereabouts.

If convict cannot return to penal institution in the time stated in permit because of objective and previously unpredictable or imminent reasons, his duty is to immediately inform penal institution Chairman and return to penal institution as soon as such opportunity occurs.

For not returning to penal institution in the time stated in permit, convict is called to justice according to order stated in Criminal Law on avoiding service of sentence, except the cases stated in Paragraphs second and fourth of this Section.

### **APPLICATIONS**

Convict has the rights to write applications to state institutions, public organizations and officials.

Convict's applications regarding questions related to conditions of executing sentence of deprivation of freedom, are reviewed by penal institution's Chairman in the order stated in Law of Submissions. Convict's applications on appeal of administrative acts issued by penal institution administration and actual activity, are reviewed by Council Chairman in the order stated in Administrative Process Law.

Convicts' correspondence with institutions of United Nations Organization, Commission of human Rights and Public Affairs of Saeima, Ombudsman's Office, prosecuting authority, court, advocate, as well as foreign convict's correspondence with his state's or its diplomatic or consular office, which is authorized to represent his interests, is not subject to check. Costs of convicts' correspondence with institutions of United Nations Organization, Commission of human Rights and Public Affairs of Saeima, Ombudsman's Office, prosecuting authority, court, advocate, as well as foreign convict's correspondence with his state's or its diplomatic or consular office, which is authorized to represent his interests, is covered by assets of penal institution.

Convict's correspondence with state government institutions is covered by penal institution assets, if on the payment card of convict there are no assets, and convict challenges actual deed or administrative acts issued by these institutions, or send application for receiving legal aid provided by state.

Convict has the right to turn to according officials with verbal application, who accept visitors in the penal institution. Reception is held without presence of other persons, if convict wishes so.

### **RESOCIALISATION**

To ensure reaching of resocialization goals, convicts, who serve sentence in investigation prison, penal institution or detention institution for minors, are employed with or without compensation.

Convict is employed with compensation if he has submitted a written application to penal institution Chairman, and this convict can be provided with work in the penal institution or outside of it.

Convicts are employed with compensation:

- In economic service of penal institution;
- Occupations placed in penal institution by merchants;
- Outside of penal institution, if the sentence service regimen of convict allows it.

If several convicts claim for the same position, preference is to the convict who has according education, work experience or skills.

If several convicts claim for the same position, whose education, work experience or skills are the same, preference is to the convict, whose application on employment in penal institution was registered first.

Convicts are employed without compensation only in the works of penal institution and surrounding territory maintenance, cleaning, and improvement, as well as in works of improving convict culture and social life conditions.

Convicts of deprivation of freedom are employed without compensation without their agreement, except for minors, pregnant women, women in the post-birth period until one year, women who breastfeed, convicts in pension age, as well as convicts that are disabled in first or second category.

Work without compensation convicts do in stand by order, after working hours, no longer than four hours per day. They can work longer in jobs without compensation, if convict has expressed such request. Convicts that are employed with compensation for more than four hours a day are not involved in work without compensation.

Penal institution administration ensures following the regulations of work safety normative acts in the time of mentioned work.

The convicts, who serve their sentence in closed or partially closed highest level of penalty service regimen, with a written permit from penal institution Chairman, which is coordinated with Board, can be employed outside prison territory in works of penal institution and its surrounding territory maintenance, cleaning, and improvement, without guards, by ensuring their surveillance. Surveillance of convicts is provided by penal institution.

Deprivation of freedom convict resocialization process is a set of social behavior correction and social rehabilitation, the goal of which is to promote convict's lawful behavior and create a socially positive value understanding.

Deprivation of freedom convict social behavior correction is a set of tools, which are executed in the framework of servicing deprivation of freedom penalty, to promote convict's lawful behavior and prevent reasons for illegal deed.

Deprivation of freedom convict social rehabilitation is a set of tools, which are executed in the framework of servicing deprivation of freedom penalty, so that convict would keep or learn social skills, professional or general knowledge and skills. Convict social rehabilitation stated in Law On The Sentence Execution Code of Latvia is not the social service and social help provision stated in normative acts. Convict participation in resocialization should be stimulated and positively valued in the order stated in Law On The Sentence Execution Code of Latvia.

Convict resocialization is executed by applying convict social behavior or social rehabilitation tools.

Convict social rehabilitation tools are applied in individual or group work form, according to the type of penal institution, sentence service regimen of the convict, and evaluation of convict risks and needs.

Convict social rehabilitation tools are:

- Education – educating the convict in general, professional, and interest education programs;
- Convict involving in publicly useful employment, as set in the Law On The Sentence Execution Code of Latvia (convict work in economic service of penal institution, occupations placed in penal institution or outside of it by merchants, based on the sentence service regimen of convict, employment without compensation, as set in law);
- Solving convict's social problems, taking into account the consequences of penal institution (improving, renewing, and learning provision of convict's social skills, provision of information on social services and social help options after release from freedom deprivation institution, getting person identifying documents);
- Psychological care – convict's psychological research, psychological consulting, as well as provision of psychological help in crisis situation in the penal institution;
- Organizing spare time events – involving convicts in culture, informative, art, amateur and sport events.

Convict social behavior correction tool is social behavior correction program.

In the framework of resocialization learning is provided in penal institution, so the convicted youth can have formal education. Comprehensive school learning for convicts is promoting and must be taken into account when determining their resocialization level.

In the framework of resocialization in penal institution is organized professional education learning, so convicts could work while in penal institution and after their release of sentence servicing. Convicts who are first or second group disabled, can be involved in professional education based on their wish.

In the framework of resocialization in penal institution there can be organized convict professional qualification improvement and involving in learning new specializations, which can be useful after servicing the sentence. Convict professional teaching or improving professional qualification is promoting and must be taken into account when determining their resocialization level.

Convicts with short term deprivation of freedom are not involved in general or professional education learning, but within possibilities there are interest education events organized for them, and they are involved in social behavior correction programs. Minors are provided with obligatory education learning.

### **PRIVILEGES**

For good behavior and honest attitude against work or studies, administration of penal institution can apply such encouragements to convicts:

- Express gratitude;
- Allow to use up to six additional telephone calls per year;
- Additionally assign a short or longer meeting, but no more than six additional meetings per year;
- In youth detention institutions – allow to leave the institution with parents or institution employee for up to eight hours;
- Admit the convict as conforming to terms of Law On The Sentence Execution Code of Latvia fourth Paragraph of Section 50.3, before the ending of determined term;
- In open prisons – with penal institution Chairman's permit to go outside of prison territory once a month for up to two days and nights, but on holidays – up to five days and nights.

### **PUNISHMENTS**

For sentence servicing regimen requirement violation convicts can be subject to such punishments:

- Expressed warning;

- Prohibition to use personal television or radio (without voice recording option) for time period up to one month and to put it for keeping in penal institution's storeroom, or to give back to persons, who gave it to the convict for use;
- Express reprimand;
- Prohibit for a time period up to one month to buy groceries and tobacco products in the shop of penal institution;
- For convicts servicing sentence in closed prison, to prohibit current phone conversation;
- For convicts servicing sentence in partially closed prison, to prohibit phone conversations for up to 10 days;
- For convicts with deprivation of freedom for life (life sentence), who serve sentence in separate closed prison block with reinforced surveillance, to prohibit current video call;
- Prohibit current meeting;
- Convicts that serve their sentence in prisons, place in penalty isolator for up to 15 days and nights;
- Convicts that serve their sentence in youth detention institutions for minors, place in disciplinary isolator for up to ten days and nights;

Women who are in prisons with babies, and pregnant women cannot be placed in penalty isolator.

Only those convicts can be put in penalty isolator, who have conducted rude or systematic sentence service violations.

Rude sentence servicing violations are considered:

- Physical resistance to institution employees or their defamation;
- Physical influencing or other type of harassment of other convicts;
- Use, keeping and distributing of alcohol, drugs, toxic or psychotropic substances;
- Refusal of inspection, the goal of which is to state if convict has used alcohol, drugs, toxic or psychotropic substances;
- Refusal to go to medical institution for conducting medical inspection, if convict doesn't agree to alcohol concentration in exhaled breath or its results;
- Participating in a card game or other gambling game to gain material or other type of benefit, and extortion of winnings;
- Refusal to execute lawful request of penal institution employees;
- Organizing and participating in convict grouping, to resist prison administration lawful deed or to subordinate other convicts;
- Inciting other convicts to violations;
- Use and keeping of mobile phone, its components, and SIM card (except open prisons);
- Intended damaging of prison property;
- Unwarranted leaving of open prison territory.

Systematic regimen violations are considered penal institution internal regulation violations that have been conducted two or more times in the period of last six months.

For sentence servicing regimen violations in open prisons convicts can be subject to such penalties:

- Express reprimand;
- Prohibition to leave territory determined by prison administration for time period up to three months;
- Placing in penalty isolator for time up to 15 days and nights.

### **CELL CONDITIONS**

Convicts who serve their sentence in penal institutions, are to be provided with conditions conforming to epidemiological security and hygiene rules. Norm of living space for

one convict cannot be smaller than 4 square meters, but in single imprisonment cells – 9 square meters.

Convict must be allotted with individual sleeping place and bedding. Convicts must be provided with linens according to season.

Convicts receive food that ensures normal life functions of the body.

Better living space and mode of life conditions, as well as bigger food norms are provided to pregnant women, mother who breastfeed, minors, and the sick. These persons with a conclusion from medical commission are allowed to additionally receive product packages and parcels.

By request from mother and orphan's court approval, child can stay together with his mother in penal institution up to four years of age in full state maintenance. Child's food, hygiene item, clothing and care equipment norms in penal institutions are determined by the Cabinet of Ministers.

Administration of penal institution no later than three months before child reaches age of four, informs orphan's court by parent place of residence that the time when child can stay with his mother in penal institution is ending. Orphan's court, after previously inspecting conditions in child father's place of residence, gives the child in caring of father. If giving the child to father is not possible, orphan's court organizes child's care outside the family. When choosing further place of residence for child, orphan's court takes into account child's mother's opinion.

Convicts who serve their sentence in closed or partially closed prisons in the lowest regimen of sentence servicing, are to be provided with type of clothing and shoes as stated in penal institution inner regulations.

### **HEALTH CARE**

Convicts receive health care services paid from state budget, in the amount and order stated in normative acts on health care financing and organizing. Health care services that state budget doesn't cover, convicts receive in the order stated in Medical Treatment Law.

Additionally to health care volume stated in normative acts on health care financing and organizing, convicts receive immediate dental care. Cabinet of Ministers determines convict health care execution order.

If in the time of servicing sentence, the convict (woman) gives birth to a child, administration of penal institution is obliged to inform in written form on registering child birth the registry office in territory of which the penal institution is located.

Administration of penal institution provides in the institution the necessary measures for infection disease prevention and combating them in cases of possible spreading of a disease. Convicts who are sick with tuberculosis in active form or infected with human immunodeficiency virus, are treated in specially arranged penal institution hospitals or hospital departments with reinforced external guarding and internal surveillance. For treatment of these convicts, doctors from other health institutions can be invited, if necessary.

### **WHEN I WILL BE RELEASED?**

Convict can ask for conditional release before sentence servicing term, including stating of electronic surveillance, if he conforms to terms of Law On The Sentence Execution Code of Latvia fourth Paragraph of Section 50.3, actually has serviced the sentence part stated in Criminal Law, and conforms to other criteria stated in Criminal Law.

Conditional release before sentence service term and stating of electronic surveillance are not suggested if convict has serviced the sentence part stated in Criminal Law that has to be served for suggestion of conditional release before sentence servicing term.

Grounds for convict release of servicing sentence are:

- Service of sentence set in court judgement;
- Subjecting amnesty;
- Probation;
- Decision to release of service of sentence conditionally before term ending;
- Decision to release of service of sentence because convict has psychical issues or other heavy disease that prevents further service of sentence;
- Received information from Ministry of Justice that foreign judgement, which is executed in Latvia, is cancelled.

If in time of service of sentence convict has become ill with psychical issues or other heavy, untreatable disease, because of which he can no longer service the sentence, penalty execution institution ensures that an expertise is conducted according to law. Taking into account medical commission conclusion, penalty execution institution can suggest to court to release this person from further servicing of sentence.

After servicing the sentence stated in court judgement, convict is released from penal institution at the first half of last service term day. If service term is calculated in months, term ends in the according date of the last month, but if this month doesn't have the according date, then in the last day of that month.

Received documents on release until the end of working day penal institution administration executes immediately, but those received after working day end – in the morning of next day.

For each release when term in this Section is violated, penal institution Chairman immediately informs public prosecutor and Board chairman.

Penal institution Chairman or his deputy explains to the person for release its rights and obligations after release.

The person for release is completely settled with, money in his personal account and release fond is given to him, also valuables and belonging, person's documents and documents on education and qualification received in penal institution, as well as notice of determined form, where basis for release is indicated and the actual time period of servicing the sentence. By request of the person for release, he is provided with characterization.

From youth detention institutions released persons who are under 18 years old are sent to their parents or persons who replace them. If parents are dead, unknown, or they don't have custody and care rights, or the guardian is cancelled, administration of penal institution informs orphan's court by the previous place of residence of the released person.

If at the release day the person for release doesn't accept or leaves in penal institution its belongings, they are kept in penal institution for three months after release of the person. After ending of this term penal institution destroys the convict's belongings according to normative acts on order how registry, evaluation, realization, giving free of charge, destroying of belongings under the competence of state and realization income transfer in state budget must be carried out.

Persons who are released from penal institutions, in the amount and order stated by Cabinet of Ministers, are provided with the driving costs to place of residence or work place, and provided with clothing and shoes that conform to the season.