Probation in Europe

Latvia

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1. Introduction

1.1 Probation organization(s)
State Probation Service (SPS) is a public organisation under the Ministry of Justice. SPS began its work in 2003 and creation of the service was begun from zero. At the beginning of 21st century a law was elaborated and adopted – it defined State Probation Service’s organizational principles, tasks and functions. All the employees of probation service were selected and hired in accordance with the new law, in order to regulate the implementation of service’s functions necessary laws and regulations were elaborated and approved, trainings for probation workers were organized.

Before the creation of SPS a small part of its functions was carried out by Ministry of the Interior and Ministry of Justice (by prison officers, police officers), however the majority of probation work was not being done. SPS was created as a completely new institution therefore it was possible to avoid the inheritance of the post-soviet penitentiary philosophy. The probation system is developed to deny using punitive instruments as the basic instruments for achieving the objectives of criminal justice – more attention is paid to clarifying the reasons of offending, the needs of offenders, this system supports the offenders in a way that helps them to integrate in the society and to live without breaking the law.

Most of probation service’s functions are carried out by probation workers; however NGOs and volunteers are also actively involved in carrying out of certain functions (mediation and aftercare). Due to the crisis of 2009 probation service suspended the implementation of aftercare function. In 2013 the function is not renewed yet.

1.2 Probation activities in a nutshell
Probation activities in Latvia have slightly changed during operation of SPS. In the early development years more emphasis was placed on the aftercare of prisoners as well as development and support of resettlement centres. Since 2009 aftercare was dismissed from the tasks of probation service, currently this task is in competence of social services. In 2013 the State Probation Service has the following tasks:

1) To provide assessment reports regarding persons against whom the charges in criminal procedure are laid. These reports are prepared on the basis of a request from a court or a public prosecutor. After a request from the administration of prison State Probation Service prepares assessment reports regarding the persons who have requested a conditional release from imprisonment.

2) To develop probation programs and to ensure the delivery of licensed probation programs.

3) To organize the implementation of criminal penalty – community service;

4) To organize the implementation of educational measures for juveniles - community service;

5) During the term of probation to supervise persons against whom a criminal matter has been terminated, conditionally releasing them from criminal liability;

6) To carry out mediation in criminal proceedings;

7) To supervise persons upon whom a suspended sentence has been imposed
and who have been conditionally released from prison before the term;

8) To ensure implementation of additional punishment – probation supervision.

1.3 General remarks about the implementation of Probation Rules
Probation measures of SPS combine control and support to offenders. Assessment tools are used to assess risks of re-offending, cognitive and social causes of offense (criminogenic needs), and to identify resources helping to desist from offending. Interventions are implemented by taking into account individual characteristics, circumstances and needs of each offender and victim. Advisory reports (pre-sentence and parole reports) for courts and prosecutors are common, staff is professionally well educated, including through in-service training, specialized training activities for work with different categories of offenders, knowledge re-freshment trainings and peer-reviews are held on a regular basis. Available resources primarily are targeted on offenders with highest re-offending risk and major criminogenic needs, community interventions are implemented in a way to develop both - offender’s desistance from offending and skills to satisfy his needs in socially acceptable manner, where establishment of positive relationships with offenders is essential and motivational interviewing is important technique to be used. In general, probation practice in Latvia complies with EPR. However, it is worth to mention that improvements in several fields are possible:

- Amount of resources available to SPS;
- Research on criminal justice issues and effectiveness of probation work;
- In-service training system;
- Exchange of experiences and knowledge with prisons’ staff;
- Preparation of prisoners for release from prisons and aftercare;
- Organization of community service (insurance for offenders and use of risk and needs assessment tools);
- Consequences of breaches done during community supervision;
- Use of volunteers;
- Communication with society.
- Community service.

2. Historical Development of the Probation System

2.1 History from the origins to 2008
The beginning of probation system in Latvia can be traced to the first period of independence (1918-1940) when assistance to prisoners and suspended sentences were introduced. During Soviet rule some community sanctions and measures – like suspended sentences, correctional work and early release from imprisonment existed. The supervision of offenders in the community was organised by the police. Development of the probation system in its Western European sense took place after Latvia regained its independence in 1991. Revision of the punishment system started several years later with the abolishment of capital punishment and drafting of new

Criminal Law. In partnership with countries such as Canada, Sweden, Norway, United Kingdom and others as well as organisations such as Soros Foundation Latvia, new strategies were developed and piloted. In 1999, community service was introduced as a new alternative punishment and until 2005 local municipalities carried it out. The term “probation” (probācija) appeared in Sentence Enforcement Code with the amendments of 14 October 1998. These amendments provided for the creation of Probation Service whose main task was assistance to persons released from prison. In 2001 a working group under auspices of the Ministry of Justice developed a Policy paper on development probation service and draft Law on the State Probation Service. During development of the probation system, various models of probation services from around the world were reviewed. Canadian International Development Agency (CIDA) funded several projects in the area of criminal justice sector from 1998 to 2004, including expertise on the development of new Law on Criminal Procedure and Law on the State Probation Service. The probation working group visited Canada and several European countries. At the same time CIDA funded several pilot projects in local municipalities that were aimed to juvenile crime prevention. Some of them included models of juvenile probation service. Canadian experts became the first trainers of probation officers in Latvia. According to the Concept Paper on Development of the State Probation Service, SPS was founded as an institution under Ministry of Justice in October 2003. Law on the State Probation Service entered into force on January 1, 2004.

The Concept Paper on Development of the State Probation Service (adopted in 2002) provided gradual introduction of probation system in Latvia in two ways - territorial development and development of competence. The concept paper provided gradual creation of regional offices throughout Latvia until 2007. In practice SPS completed its territorial development in 2005 by creating 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 basis), preparation of pre-sentence reports to judges and prosecutors and co-ordination of community service. State Probation Service since 2006 is tasked also to supervise persons during probation period in community and prepare the parole reports. Function of community supervision gradually was overtaken from State Police (sentences coming into force after 31st December 2005 were executed by the State Probation Service and police continued to execute older ones).

There was no clear line drawn between the tasks of local municipalities and probation service during the start of co-ordination of community service. The concept paper and law provided that probation service would have the role of methodical adviser to the local municipalities. That meant that the court would still send the judgements directly to local municipalities. Practice showed that the vast majority of local municipalities had a limited understanding about enforcement of sentences and limited financing from government. Due to the uneven system of enforcement, courts in some regions of country did not apply community service or applied it only in few cases. During negotiations with representatives of local municipalities it was agreed that SPS should take over all duties related to enforcement of community service. In 2005 SPS took over organisation of community service in 9 regions. In 2006 SPS took over organisation of community service in whole country.
2.2 Recent history from 2008 to 2012

Due to financial crisis in 2009 the budget of SPS was significantly reduced. Therefore general trend during this period can be seen as reduction of probation activities in different areas:

- SPS sharply reduced financing to non-governmental agencies providing treatment and different rehabilitation services for probation clients;
- Aftercare was removed from the functions of SPS. Decision was made in order to give up on institutionalized aftercare services (there is no agency responsible for aftercare services anymore) therefore after the release from prison person must apply for social services in a general manner;
- Categories of clients for which SPS delivers pre-sentence reports to courts and prosecutors were reduced until 2013 (reports were kept for sex offenders and juveniles);
- Supervision over persons who have been granted conditional waiver by the public prosecutor has been suspended until 2013;
- Mediation in criminal matters done by probation officers was constrained to several stages of criminal proceedings until 2013;
- Delivery of treatment programmes in prisons by probation officers has been suspended until 2015, with exception of treatment programmes for sex offenders.

At the same time there is a trend to increase the role of SPS in criminal justice area. New additional criminal punishment – probation supervision - is developed; it will progressively replace existing additional punishment – police control – during the next decade.

Thanks to projects financed by Norway Grants and other financial instruments, significant resources during years 2008 – 2012 have been invested into development of probation officers’ professional skills through various training activities. For management and further development of those activities in headquarters of SPS both Training and Research Division and a position of Projects Manager were created. During this period also a system for work with sex offenders was created, it includes specialised training for work with this category of clients, introduction of assessment tools Static-99, Stable-2007 and Acute-2007, and cognitive behavioural treatment programmes in community and prisons. Work was started on introduction of Circles of Support and Accountability for the work with sex offenders and four pilots of Multi Agency Public Protection Arrangements (MAPPA) were implemented, too.

The punishment system has been substantially reformed at the end of 2012. Since April, 2013 it is possible to combine suspended sentence with community service.

3. Legislative Basis of the Probation System

Implementation of European Probation Rules

Probation system has well developed legislative basis (numerous laws and government rules) and anyone can easily explore it to get acquainted with rights and obligations of different parties involved (SPS and other governmental bodies, offender, victim,
etc.). Legislation prescribes SPS to ensure security of society both by establishing positive relationships with offenders and controlling them. SPS has established co-operation relationships with other public authorities and non-governmental organisations to execute functions successfully. In addition SPS actively develops draft legislation and takes part in numerous multi-agency working groups where policy planning documents and legislation are developed. Legislative basis of SPS is comprehensive and detailed enough to comply to a large extent with European Probation Rules (EPR).

3.1 Legislative Basis

Criminal Law defines the punishment system, content of suspended sentence, probationary supervision and conditional release from imprisonment. It defines possibility and consequences of mediation in criminal proceedings.

Criminal Procedure Law defines the role of probation service in different stages of criminal procedure. It is important for persons directing the proceedings – police, prosecutor, judge, to have regulation on tasks of probation in Criminal Procedure Law as it clearly shows the importance of probation in criminal justice system.

Sentence Enforcement Code prescribes the general procedure for enforcement of all criminal sentences, including community service. It also includes rules on supervision of persons with suspended sentences and persons conditionally released from imprisonment. The Law on Educational Measures for Juveniles contains rules on community service – one of the possible diversions from criminal procedure used for juveniles. Community service can be applied to juveniles as educational measures if they have reached the age of 11 years.

Since 2010 mediation has became a part of system of educational measures. If a juvenile has gone through the process of mediation and has fulfilled the obligations set in agreement with victim, he can be released from application of educational measure.

The Law on the State Probation Service, which came into force on 1 January 2004, is the main legal act that sets the organization of SPS and general principles of its operation. The Law includes regulations on the rights and obligations of client, general rules about the tasks of the service. The Law contains a chapter on the operation of Consultative Boards. These boards are composed of representatives from law enforcement bodies and local municipalities and are operating in all probation areas in country. Requirements for becoming probation officer and volunteer probation worker are also included in the Law on the State Probation Service.

Secondary legislation in the form of regulations of the Cabinet of Ministers stipulates the operation of SPS in greater detail. Currently there are thirteen regulations of the
Cabinet of Ministers defining the work of probation system. They can be divided in two categories – those that prescribe the conduct followed by probation officers in dealing with clients (order of supervision, preparation of pre-sentence and parole reports, order of mediation process etc.) and more general regulations (on information system and file processing). In addition to laws and regulations of the Cabinet of Ministers State Probation Service issues guidelines for probation workers. Mandate for issuing of internal legal acts are provided in the Law on State Administration.

3.2 Mission and Mission statement

The mission of SPS can be found in several policy planning documents and it derives from different legislative acts adopted by the parliament.

The mission statement included in the Strategy of the State Probation Service for years 2007 – 2009 is to care about the safety of Latvian society. The main task of the Service included in this strategy is to reduce offending by improving efficiency of sentence execution and resettlement of offenders.

Due to economic crisis in 2008 budget of government institutions was largely reduced and government decided not to keep strategic planning for the next period 2010 – 2012 in a form of three year strategy as it was deemed before. Therefore currently there is no document of policy planning that would include mission statement of SPS. Instead government stipulated that strategic objectives of government institutions shall be included in the annual working plan.

However, mission, work methods, ethical and philosophical values of the probation work derive from several policy planning documents and legislative acts adopted by government and parliament of Latvia.

Fundamental principles of execution of criminal sentence are included in Article 4 of The Sentence Enforcement Code of Latvia, which provides that all persons shall be treated with dignity and equality under the law must be kept.

Article 3 of the Law on the State Probation Service sets Principles on which the work of the State probation Service shall be set:

1) the principle of co-operation – the basis of probation work is the organization and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilize the resources of the State, local governments and public organizations for the implementation of probation;

2) the principle of optimization – probation work shall be organised in such a way that it rationally utilizes the functions of probation, delegating them to the relevant local governments and public organizations and reserving the right to determine the criteria for the performance of such functions and to control the performance of these functions; and

3) the principle of social integration – performing the supervision of probation clients and the correction of their social behaviour, shall ensure the integration into society of such clients.”
Strategic objective of SPS is to foster safety of society and crime prevention, ensuring effective execution and co-ordination of community sentences as it is indicated in working plans of service for year 2011, 2012 and 2013. Strategic objective and performance indicators of SPS are submitted with annual budget request during the elaboration of annual law on state budget.

In the plan SPS has set the priority areas and tasks for year 2013 and they are:

1) To continue development of legal basis for execution of the functions of service and ensure quality of services according to legal acts and objectives set in the Quality Management System;

2) To renew execution of functions: pre-sentence report after requirement of judge and prosecutor; supervision of persons under conditional waiver by the public prosecutor; mediation in the trial stage (execution of these functions were suspended during the period of financial crisis: from 2009 to 2013);

3) To ensure implementation of amendments to Criminal Law adopted on December 13, 2012. These amendments provide invention of a new additional punishment - community service, which can be applied together with deprivation of liberty or conditional deprivation of liberty. Besides these amendments application of community service as the main punishment will be widened;

4) To improve administrative capacity of SPS and professional performance of civil servants (electronic documentation flow; evaluation system of employees’ performance, training of employees; improvement of electronic case management system - PLUS);

5) To promote involvement of society in carrying out probation tasks (widening of volunteer involvement in mediation and in resettlement of sex-offenders as well as broadening the network of social rehabilitation services for clients);

6) To improve supervision of offenders in society by implementation of Risk, Needs and Responsivity principles;

7) To launch project “Development of alternatives to imprisonment (including possible pilot for Electronic monitoring)” co-financed by the Norway Grants Financial Mechanism.

3.3 Crime Prevention

The Ministry of Interior is responsible for the creation of policy on crime prevention in Latvia. There are many institutions, including SPS involved in the drafting and implementation of this policy. Mediation and the organisation of community sanctions are among the activities of crime prevention. The SPS does not have a legal obligation to organise primary prevention activities. Twice a year the SPS organizes events for juveniles in the Cesis Correctional Establishment for Juveniles. These events involve volunteers who work with juveniles during workshops or organisation of Sports Games. Consultative Boards play an important role in co-ordination of crime prevention. They are created under the wing of SPS and include representatives from court, police, prosecutor’s office, social service and they meet on a regular basis to discuss problems and possible solutions in the field of crime prevention.
3.4 Victim assistance
Protection of victims enters into the competence of SPS through its mission of caring about the safety of society. By managing each individual supervision case, probation officers assess possible risks and if necessary co-operate with police to protect potential victims. Victim’s information is collected when preparing an assessment report about the charged person. Information provided by the victim can be used when developing sentencing recommendations for the court.

According to Criminal Procedure Law a victim has the right to settlement with offender in all types and in all stages of criminal procedure. SPS provides free of charge mediators to lead the process of mediation in these cases. Competence of SPS is laid down in the Law on the State Probation Service and regulation of the Cabinet of Ministers No. 825 since April 4, 2012 “Order of Organisation and Implementation of Mediation by the State Probation Service”. Mediation can be carried out by probation workers or trained and certified volunteer mediators. The SPS is responsible for recruiting and training of mediators. Legislation and practice comply with Rules 93-97 EPR.

In 2006 Legal Assistance Administration was created under the Ministry of Justice, it was tasked with paying compensation to crime victims. There are several NGOs that deal with rehabilitation of victims of violent crimes and children that have suffered from violence.

3.5 Volunteers involvement
Volunteers are involved in the tasks of SPS mainly in the area of victim-offender mediation. There have been some individual cases where volunteers were involved also in other functions of SPS, but this practice has not become common within the operation of the SPS till 2013.

As mediators, volunteers are entitled to organise and carry out mediation process between the victim and offender. Volunteers are attached to the local probation office and cases are referred to them through the head of local probation office. It is common that mediation session takes place in the premises of SPS.

The Law on the State Probation Service stipulates status and competence of voluntary probation workers complies with Rule 34. Persons who have expressed the wish to participate in the implementation of probation tasks and have received an opinion that they can perform certain probation tasks may become voluntary probation workers. Probation volunteer can be a person who has legal capacity, has reached 18 years of age and who has a good command of Latvian language, has to have necessary knowledge and skills to be a mediator, he/she cannot be charged for an intentional criminal offence and has to be certified by SPS.

Volunteer probation officers receive remuneration for each mediation case in the amount specified by the Cabinet of Ministers. In 2013 this amount comprises 28 Euros (bruto). This amount is deemed to cover expenses related to organisation of the mediation process, such like travel and communication expenses.
4. The Organization of Probation Services

Implementation of European Probation Rules.
Overall probation services are organized in compliance with EPR 21-34. However, despite numerous in-service training activities, organization of staff training still lacks systemic approach. Training activities sometimes are organised without written curriculums and acquired qualifications are not subject to processes of independent, external verification as a guarantee of their quality. All staff members do not have regular access to training activities on new legislation, policy, practices and other relevant developments they should be aware off to execute their work responsibilities.

Reason for mentioned departures from EPR is under resourcing of SPS. SPS is not recognised as a key element in criminal justice system and probation staff does not have a status, remuneration, benefits, conditions of employment and respect that reflects the value of their work, their skills and their knowledge. As a result staff turnover is high (11-38 % annually during the period of 2007-2011).

And there are no arrangements made to ensure possibility of temporary secondment of probation staff to prison and the other way round what is another departure from EPR.

4.1 Main characteristics
Latvia has a centralized probation system. The government appoints the Head of SPS. The headquarters in Riga makes general policy and standards of probation work. The budget of SPS is governed by headquarters office.
SPS was established by the ruling of the Cabinet of Ministers on 7 October 2003 as a State organisation under the supervision of Ministry of Justice. There are two forms of subordination of state administration – control and supervision. Supervision includes the rights of higher institutions or officials to examine the lawfulness of decisions taken by lower institutions or officials and to revoke unlawful decisions, as well as to issue an order to make a decision in case of unlawful failure to act (State Administration Structure Law).

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2 Funding for management of one case of probation client in 2007 was 1.08 EUR per day, in 2008 – 0.88 EUR per day, in 2009 – 0.70 EUR per day, in 2010 – 0.58 EUR per day, and in 2011 – 0.56 EUR per day. This number calculated with following formula: (total budget of SPS in particular year/total number of probation clients in particular year) / 365.
4.2 Internal organization
The organisation of SPS comprises headquarters office and local offices. Local offices of SPS are located throughout all territory of Latvia; all in all, 28 territorial divisions have been formed. The structure of State Probation Service includes Headquarters and local offices. Bigger regional offices are divided in branches.

The staff working in headquarters can be divided in two categories: (1) those dealing with probation work with clients and (2) administrative staff. The tasks of headquarters office are to plan and implement probation policy – hire employees; deliver training; draft amendments to laws and prepare by-laws, internal regulations; monitor the quality of probation work and ensure professional assistance; ensure local offices with technical equipment and other resources necessary for work, ensure remuneration to probation staff; represent service in different working groups, give opinion on legal acts prepared by other institutions. Personnel of local offices consist of the head of office and probation workers. Some larger regional probation offices have technical assistants. The head of office is responsible for distribution of responsibilities among the staff. The responsibilities vary from one local unit to another. There are units where each probation worker works with a specific function but there are also offices where the responsibilities of one worker include several functions (for example, supervision, pre-sentence report and mediation).
4.2.1 Probation workers

Requirements to be met by civil servants and employees of the State Probation Service are set out in the Law on the State Probation Service. Persons who comply with the requirements of the State Civil Service Law may apply for the position of civil servant of SPS.

Personnel working with the case management are civil servants or volunteer probation workers in cases of mediation. The majority of probation workers are people with education in social work, social pedagogy, pedagogy, psychology and law, but there are also probation workers with education in other fields like engineers or physicians. It is very important for probation workers to have the right competencies for work which are tested during the employment process.

Staff dealing with probation functions can be divided into:
- probation workers – case managers,
- probation workers – case managers with the power to act as local managers during the absence of local managers and power to carry out quality control over the cases of other probation workers,
- volunteer probation workers (dealing with mediation)
- local managers directly supervising probation workers (part of them also delivers services to clients, for example, as group leaders),
- staff at headquarters dealing with methodology, quality assurance of probation work, guidance and support (some of this staff work part time as case managers).

In January 2013 there are 28 volunteer mediators and 63 probation workers are certified as mediators.

Case loads of probation workers vary according to probation functions he/she carries out. The caseload of probation workers who supervise persons on suspended sentences and conditionally released from imprisonment may vary from 20 to 300, depending on the risk level of clients. There is methodology which sets that the time spent with low risk client is 30 minutes per month and time spent with case of high risk client is 7,5 hours per month. Average daily caseload of probation worker in supervision function SPS in 2012 was 40 cases.

Daily caseload of workers who supervised exclusively community service cases in 2012 was 45 – 50 cases.

Guidance and support to staff is organised in several ways –staff can receive everyday guidance from senior colleagues, local managers and staff at headquarters. There are peer-consultations organised and available for each probation worker at least once a year. Supervision with professional therapist is available only for staff working with the most serious cases (serious sex-offenders, violent offenders).
Table 1. *The staff structure*

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of staff positions on 01/01/2013 (includes vacant places)</td>
</tr>
<tr>
<td>376</td>
</tr>
<tr>
<td>Management staff (including higher and middle management at central office</td>
</tr>
<tr>
<td>54</td>
</tr>
<tr>
<td>and managers of local probation units)</td>
</tr>
<tr>
<td>Probation workers</td>
</tr>
<tr>
<td>264</td>
</tr>
<tr>
<td>Executive staff of headquarters dealing with methodology, support</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>and quality assurance</td>
</tr>
<tr>
<td>Supporting staff in headquarters and local offices (e.g. secretary,</td>
</tr>
<tr>
<td>36</td>
</tr>
<tr>
<td>bookkeeping staff, ICT staff etc.)</td>
</tr>
</tbody>
</table>

4.2.2 Education, training requirements and opportunities

As mentioned before, there is no specific type of university degree required, but preference is given to persons with education in social work, social pedagogy, pedagogy, psychology and law. Latvia is relatively small country and in local universities there are no study programs available in criminology or on work with offenders in community. Despite the fact that profession of probation worker is defined in legislation, there is no educational institution where this profession could be acquired. That is why in-service training (after the person is recruited) is very important, therefore SPS started to develop comprehensive (modular) training programme for probation staff. In-service training program is prepared for implementation, but it will be introduced later than in 2013.

For newly recruited probation workers basic in-service training is organised in a form of e-learning with certain number of face-to-face sessions. Other regular in-service training activities include specialised training for work with different groups of clients (for example, sex offenders, mentally disabled offenders, juveniles, addicts), motivational interviewing, and facilitation of probation programs. In addition to that there is official training for civil servants organised by State Administration School. Besides the training, an important part of the work are peer-reviews and professional supervisions of probation workers, especially those who are delivering probation programs and work with high risk offenders. One may conclude that generally speaking the legislation and practice concerning recruitment, training and professional qualities of the staff are in accordance with Rules 21- 34 EPR.

4.2.3 Other organizations involved in probation work

There are different organisations involved in probation work on the local level. In order to organise community work SPS has concluded agreements with more than 1000 organisations of local municipalities, state organisations and NGOs. These organisations provide workplace for sentenced persons and monitor their performance together with probation workers.

Until 2011 SPS had extensive cooperation with different NGOs providing social rehabilitation services to offenders. When financial crisis in 2009 started, funding for this cooperation was reduced considerably and at the end of 2012 SPS did not
have any contracts with organisations representing private sector for provision of rehabilitation services to probation clients.

Labour Union of Latvian Probation Officers (LPDA) was established in 2012 and it unites more than a half of persons employed by SPS.

4.3 Probation and offenders abroad

Until end of 2012 there has been only one case when the sentence with community sanction was transferred to Latvia for execution from abroad. In this specific case a Latvian citizen was sentenced in Lithuania with suspended sentence and one year of community supervision.

Level of immigration to Latvia is low and as a result offenders with foreign citizenships, not speaking in Latvian or Russian languages are rarely in the caseload of probation worker. SPS works with less than 100 foreign offenders per year.

While offenders are under the community supervision of SPS they have a right to leave country, they are entitled to freedom of movement. If they plan to stay in other country for more than 15 (fifteen) sequential days, written permission of SPS is needed. Usually offenders are going to other countries for several months to live and work there. Around 600 such permissions are issued by SPS annually.

5. Different Stages of the Criminal Justice Process

Implementation of European Probation Rules

Overall delivery of probation services during different stages of criminal justice process and execution of SPS functions is done in compliance with EPR. However, there are several departures for EPR:

- Volunteer involvement into probation work is negligible. Within SPS there are only 28 volunteers in January 2013. They all are trained and certified only on mediation in criminal matters;
- Offenders on community service are not subject to risk and needs assessment used for offenders under community supervision. To choose appropriate work placement for offender assigned to community service, his/her professional skills and the risks he possesses to community are assessed by using professional judgement of probation officer;
- Offenders carrying out community service are not insured against accidents, injuries and public liability arising as a result of implementation;
- National legislation prescribes obligatory execution of basic punishment (usually, imprisonment), if person with suspended sentence or person conditionally released from imprisonment is recognized as guilty of a new crime done during the probation period;

3 Working with suspects and offenders, this includes actions with regard to mediation schemes and victim support schemes.
Currently SPS is no longer involved in preparation for the release of prisoners – prison holds full responsibility there – and no agency is responsible for provision of specific aftercare services. As a result ex-prisoners falls within general jurisdiction of social services.

The State Probation Service in Latvia is involved in the work with offenders in all stages of the Criminal Justice process. Tasks of the probation system are described in Law on the State Probation Service, Criminal Procedure Law and Sentence Enforcement Code. 2005 Criminal Procedure Law determines the order of criminal procedure – investigation of a criminal offence, criminal prosecution, and the trial of a criminal matter. Sentence Enforcement Code determines institutions responsible for enforcement of sentences and order of enforcement. Division one of the Criminal Procedure Law names the persons involved in criminal proceedings – person directing the proceedings, expert of an expert-examination institution, invited expert, auditor, public prosecutor in criminal proceedings, investigating judge, maintainer of state prosecution, maintainer of private prosecution – victim or his representative, judge and court. Probation workers are not among the participants of criminal proceedings according to current law.

5.1 Pre-trial/remand/trial stage
There are several ways how SPS is involved in criminal procedure during the pre-trial phase. Probation activities include mediation between the victim and offender, supervision in cases of termination of criminal proceedings with conditional waiver by the public prosecutor and the enforcement of community service in cases of injunction of a public prosecutor regarding a penalty.

Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage

<table>
<thead>
<tr>
<th>Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence</th>
<th>Provision in legislation</th>
<th>Probation service involvement</th>
<th>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help&amp;support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unconditional waiver by the public prosecutor</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Conditional waiver by the public prosecutor</td>
<td>x</td>
<td>x</td>
<td>Supervision during the period set by the prosecutor. Prosecutor may add conditions set by the Criminal Law of Latvia</td>
</tr>
<tr>
<td>Conditional suspension of the pre-trial/remand detention</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Pre-trial/remand detention</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Police custody</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Sanctions/Measures/Penalties/Conditions attached to a conditional decision or sentence</td>
<td>Provision in legislation</td>
<td>Probation service involvement</td>
<td>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help&amp;support)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Bail</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Caution</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Surety</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>House arrest</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Electronic monitoring</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Community service</td>
<td>x</td>
<td>x</td>
<td>Can be imposed with injunction of public prosecutor. Maximum hours – ½ of the hours set by the Criminal law. SPS implement community service in cooperation with the workplace.</td>
</tr>
<tr>
<td>Treatment order</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Training/learning order</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Drug/alcohol treatment program</td>
<td>x</td>
<td>x</td>
<td>Can be condition of conditional waiver by the public prosecutor. SPS supervises client during conditional waiver.</td>
</tr>
<tr>
<td>Compensation to the victim</td>
<td>x</td>
<td>x</td>
<td>Can be condition of conditional waiver by the public prosecutor. SPS supervises client during conditional waiver.</td>
</tr>
<tr>
<td>Mediation</td>
<td>x</td>
<td>x</td>
<td>SPS organises and leads mediation process</td>
</tr>
<tr>
<td>Semi-detention</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Attending a day centre</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Liberty under judicial control</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Interdiction to leave the country</td>
<td>x</td>
<td>x</td>
<td>Can be condition of conditional waiver by the public prosecutor. SPS supervises client during conditional waiver.</td>
</tr>
<tr>
<td>Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence</td>
<td>Provision in legislation</td>
<td>Probation service involvement</td>
<td>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help &amp; support)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Interdiction to enter different cities/places</td>
<td>x</td>
<td>x</td>
<td>Can be condition of conditional waiver by the public prosecutor. SPS supervises client during conditional waiver.</td>
</tr>
<tr>
<td>Interdiction to carry out different activities</td>
<td>x</td>
<td>x</td>
<td>Can be condition of conditional waiver by the public prosecutor. SPS supervises client during conditional waiver.</td>
</tr>
<tr>
<td>Interdiction to contact certain persons</td>
<td>x</td>
<td>x</td>
<td>Can be condition of conditional waiver by the public prosecutor. SPS supervises client during conditional waiver.</td>
</tr>
<tr>
<td>Psychiatric treatment</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Deferment of sentence</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Fine (Injunction of a public prosecutor)</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Other financial sanctions</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

**Mediation**

SPS can be involved in criminal proceedings from the moment it is initiated. The suspect has the right to settle with the victim. A victim may settle, in all stages of proceedings and in all types thereof, with the person who caused harm to him or her. In the cases provided for in the law, a settlement shall be the grounds for the termination of criminal proceedings. The termination of criminal proceedings is possible in the cases intentional offence if the term of deprivation of liberty set in law do not exceed three years or in a case of unintentional offence, if a term of deprivation of liberty set in law do not exceed eight years. Parties may settle between themselves, through lawyers or using services of a mediator. 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 SPS. 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. The organization of mediation process is set in the regulation of the Cabinet of Ministers. Probation workers or volunteers act as mediators between the victim and offender.

4 Criminal Procedure Law 2005, s. 66.
5 Criminal Procedure Law 2005, s. 97 (8).
6 Criminal Procedure Law 2005, s. 381.
Conditional waiver by the public prosecutor
If a public prosecutor, taking into account the nature of case and injury caused by a committed criminal offence, personal characterising data, and other conditions of a case, accepts that an accused will henceforth not commit criminal offences, the prosecutor may terminate criminal proceedings, conditionally releasing the accused from criminal liability. Termination is possible if the accused person agrees that he/she has committed a criminal violation or a less serious crime, and has not previously been punished regarding an intentional criminal offence. In terminating criminal proceedings, conditionally releasing from criminal liability, a public prosecutor shall determine a term for an examination of three to eighteen months. Supervision is exercised by SPS. The prosecutor may impose upon the accused the following duties provided for in Criminal Law: to apologize to the victim, to compensate the harm caused within a specific time period, to register periodically at SPS and to participate in probation programmes, prohibition to change place of residence without permission of SPS, to inform about the place of residence, to refrain from specific types of actions or activities and to receive medical treatment for alcoholism, narcotic, psychotropic, toxic substance addiction or other addictions. If the person violates the conditions or commits additional crimes during the examination period, the prosecutor makes a decision to renew criminal proceedings, and directs such proceedings in accordance with general procedures.

Injunction of a public prosecutor regarding a penalty
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.

The injunction of a public prosecutor regarding a penalty was invented by Criminal Proceedings 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, yet not more than half of the maximum pecuniary penalty or duration of community service provided for in the Criminal Law (maximum duration of community service provided in Criminal Law is 280 hours). SPS enforces the community service when this sanction is imposed by the court.

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7 Criminal Procedure Law 2005, s. 415.
8 Criminal Procedure Law 2005, s. 420 (1).
5.1.1 Pre-trial/pre-sentence report

The legal grounds for the request of pre-sentence report (it is called Assessment report) are set in Criminal Procedure Law and Law on the State Probation Service. In preparing for trial in a criminal court session, a judge shall decide to request an assessment report from SPS\(^9\). Law on the State Probation Service provides that the prosecutor or the judge can request an assessment report. The person must be in the status of accused. According to the legal system in Latvia SPS is not entitled to prepare a report on its own initiative or according to a request by lawyer or accused person.

Third part of Article 15 of the Law on the State Probation Service sets the aims of assessment report:

1) to give comprehensive and objective information which can serve as a basis for determining punishment or conditions of supervision. Information must be prepared taking into account thinking pattern, behaviour, attitude of probation client and social circumstances which supported criminal activity;
2) to give information about restoration of violated rights of a victim of crime or possibility to restore them;
3) Assessment report must be prepared and submitted to the court or prosecutor within 15 working days after a request is received, if other deadline is not indicated.

The assessment is carried out in accordance with Rules 66-71 EPR. In the process of preparation of the report accused person is invited to an interview with the probation service. He/she is informed about the procedure of preparation of report and he/she is interviewed in areas of assessment (see Annex). Probation worker needs to get a written permission from the client to meet with persons who could affirm given information – employer, family members, friends, neighbours etc. SPS has a power to contact state and municipal institutions (social services, orphans’ court etc.) without permission from the client. During the preparation of report, risk and needs assessment tool is used. The tool used in Latvia has been developed based on the assessment tool of the British Columbian Correctional Services in Canada. The report is structured in a way to highlight the re-offence risks and specific needs of individuals. The content of risk and needs assessment tool corresponds to sections of the pre-sentence report (see the forms of probation documents in this book). The factors evaluated by the risk and needs assessment tool are divided in dynamic factors and static factors. Dynamic factors evaluate existing needs of a person and shows where the work of probation worker must be targeted. Static factors show criminal history of a person and predict the risk of re-offending.

When the information needed for the risk assessment is collected, probation worker organizes the second meeting with client to clarify necessary information and to discuss possible obligations to be recommended to prosecutor or court.

\(^9\) Criminal Procedure Law 2005, s. 491.
In the conclusion part of the report probation worker suggests possible resources for the offender in society and proposes conditions that would be advisable for the offender while under supervision of probation. If there are obstacles to an imposition of community service, it is always mentioned in the report. The conclusion part should not contain any suggestion to the judge on which sanction would be more appropriate for the person but it give an overview of the possibilities in society. The report is not expected to provide a supervision plan either.

After the report is prepared it is sent to the requesting authority. A copy of report is issued to probation client after his/her request.

If a person refuses to give information necessary for preparation of the report, SPS informs requesting authority about the reasons why the report cannot be prepared. However, probation worker would provide available information that may be used during sentencing but it cannot be considered an assessment report.

5.2 Enforcement stage
Since April 1st, 2013 one of the following basic punishments may be imposed on a person who has committed a criminal offence:

1) deprivation of liberty;
2) community service; or
3) a fine.

In addition to a basic punishment, the following additional punishments may be imposed:

1) confiscation of property;
2) deportation from the Republic of Latvia;
3) community service;
4) a fine;
5) limitation of rights;
6) police control;
7) probationary supervision.

Probation supervision as additional punishment can be imposed since October 1st, 2011. Police control as additional punishment will remain applicable until January 1st, 2015, as it will then be removed from the punishment system.

SPS is the enforcing institution for basic punishment “community service” and for additional punishments “community service” and “probationary supervision”. SPS is also involved with other basic punishments if they are imposed by the court. In this case SPS is the supervising authority during the period of probation. If the deprivation of liberty is imposed on a person, SPS may be involved in delivery of probation programs during the execution of penalty. SPS also supervises convicted persons who are conditionally released from imprisonment.

Besides, SPS can organize victim offender mediation in the enforcing stage if offender or victim has requested so. The procedure is similar to that described in the previous chapter.
Table 3. *Sanctioning system and probation involvement in the enforcement stage*

<table>
<thead>
<tr>
<th>Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence</th>
<th>Provision in legislation?</th>
<th>Probation Service involvement</th>
<th>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help&amp;support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprisonment</td>
<td>x</td>
<td>x</td>
<td>Delivers programs for offenders in prison, prepares pre-release reports</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>x</td>
<td>x</td>
<td>Supervises during the probation period</td>
</tr>
<tr>
<td>Conditional sentence</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Affidimento in prova</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>House arrest</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Electronic monitoring</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Community service as sanction</td>
<td>x</td>
<td>x</td>
<td>Organizes workplace and supervises execution of sentence. Can be imposed as main punishment or additional punishment</td>
</tr>
<tr>
<td>Semi-liberty</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Semi-detention</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Treatment order</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Training/learning order</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Drug/alcohol treatment program</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Educational measures</td>
<td>x</td>
<td>x</td>
<td>Organizes educational measures for juveniles – community service and mediation</td>
</tr>
<tr>
<td>Compensation to the victim</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Mediation</td>
<td>x</td>
<td>x</td>
<td>Organizes mediation between the victim and offender</td>
</tr>
<tr>
<td>Attending a day centre</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

23
<table>
<thead>
<tr>
<th>Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence</th>
<th>Provision in legislation?</th>
<th>Probation Service involvement</th>
<th>Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help&amp;support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interdiction to leave the country</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Interdiction to enter different cities/places</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Interdiction to carry out different activities</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Interdiction to contact certain persons</td>
<td>x</td>
<td>x</td>
<td>Supervises this measure as a condition of suspended sentence</td>
</tr>
<tr>
<td>Fine</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Day fine</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Other financial penalties</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>In/out patient order (psychiatric treatment)</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Security measures</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Combined order</td>
<td>x</td>
<td>x</td>
<td>Involved in the execution of basic punishments and additional punishments (see description before the Table 3)</td>
</tr>
<tr>
<td>Community punishment</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Conditional release / Parole</td>
<td>x</td>
<td>x</td>
<td>Supervises offender during the probation period</td>
</tr>
<tr>
<td>Automatic release</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Open prison (part of deprivation of liberty in Latvia)</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Penitentiary program outside the prison</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Probationary supervision (additional punishment)</td>
<td>x</td>
<td>x</td>
<td>Supervises offender during the probation period</td>
</tr>
<tr>
<td>Police control (additional punishment)</td>
<td>x</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
Supervision of persons with suspended sentence

Article 55 of Criminal Law and Chapter 30 of Sentence Enforcement Law outlines supervision of suspended sentence. Currently the court can suspend deprivation of liberty. The sentence is suspended if a court, taking into account the nature of the committed criminal offence and the harm caused, the personality of the offender and other circumstances of the matter, becomes convinced that the offender will not commit violations in the future. The term of probation of not less than three months and not exceeding five years is prescribed. The term of probation starts when the judgement has entered into force. According to Article 55 (6) of Criminal Law the court may place upon the convicted person the following obligations:

- to compensate the harm caused, within a specified term;
- not to change place of residence without the consent of SPS;
- to participate in probation programmes according to instructions of SPS;
- not to attend specified places;
- to be present at place of residence at the time specified;
- to observe other conditions, which the court has recognised as necessary to achieve the purpose of the sentence.

The court may also impose treatment for a convicted person who has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction with his or her consent\(^{10}\). According to Article 155 of Sentence Enforcement Code of Latvia convicted person has the following obligations:

- to register at SPS within a period of ten days after the judgement has come into effect;
- fulfil the lawful requirements of an official of SPS;
- attend SPS at the specified time;
- inform the official of SPS regarding his or her place of residence, workplace or educational institution, notify regarding the changes;
- request permission from SPS regarding departure outside of his or her place of residence for a period, which is longer than fifteen days;
- submit information to an official of SPS regarding the fulfilment of duties imposed by a court and means of support.

The Criminal Law provides that if a convicted person granted a suspended sentence does not fulfil the obligations imposed by the court without a valid justification or repeatedly commits administrative violations, the court, pursuant to a submission of SPS, may take a decision regarding serving of the punishment determined for the convicted person, or extension of the term of probation for one year \(^{11}\). If a convicted person granted a suspended sentence commits a new criminal offence during the term of probation, his or her imposed sentence shall be implemented. Supervision of suspended sentence is organised according to the regulations of the Cabinet of Ministers. There are several phases during the supervision: assessment; drafting of plan and supervision which includes two elements - counselling and control.

\(^{10}\) Criminal Procedure Law 2005, s. 55 (7).

\(^{11}\) Criminal Procedure Law 2005, s. 55 (9).
As SPS has started supervision only from 2006, many procedures are still under development and require more detailed regulation. There is a handbook developed regarding the question of risk-based interview.

There are several assessment tools currently used by SPS: general risk and needs assessment tool, assessment tool for juveniles, and three assessment tools for sex offenders (Static-99-R, Stable-2007, Acute-2007).12

Community service
Community service in the sentencing stage can be imposed as a basic punishment or as an additional punishment. Community service is compulsory participation in public service. A convicted person or a person for whom community service has been specified by public prosecutor’s injunction regarding the punishment, will serve the punishment by doing work in the area where he or she resides. Authorities implementing the community service will specify the work which has to be done in person’s free time - outside the regular employment or studies and without remuneration13. Community service can be determined for a term of not less than forty hours and not exceeding two hundred and eighty hours. The process of enforcement of community service is set in chapter 24 of Sentence Enforcement Code of Latvia and more detailed procedures are outlined in Regulations of Cabinet of Ministers.

If a person who has been sentenced to community service violates provisions without a justified reason, a court, following the receipt of a submission from SPS, may substitute the unserved punishment hours, counting four hours of community work as one day of deprivation of liberty.

Supervision of persons conditionally released from imprisonment
Conditional release from custodial sentence is possible if the convicted person has not committed violations and, to the extent possible, has voluntarily made compensation for financial losses caused by his or her crime; or in cases where the convicted person has committed criminal offence due to substance addiction - if he or she agrees to the treatment14. Release is possible if a person has actually 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 two thirds of the sentence imposed for a serious crime, or if the convicted person is a person who previously has been sentenced with deprivation of liberty for an intentional crime and criminal record for this crime has not been set aside or extinguished. Person must serve not less than three-quarters 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 a sentence of deprivation of liberty. The decision of release is made by the court.

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13 Criminal Law 1998, s. 40.0

14 Criminal Law 1998, s. 61.
The procedure of release involves an administrative commission in the 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 (see in annex) 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 breaks 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.

During the period of Latvia’s independence general amnesty by law has been granted in 1992, 1994 and 1997. Since 1993 individual pardons by the state president have been granted to 421 persons. SPS is not involved in supervisions of persons under amnesty or individual pardon.

**Probationary supervision**

Probationary supervision is an additional punishment invented since October, 2011, which a court may adjudge or a public prosecutor determine in an injunction regarding the 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.

**Deprivation of liberty**

According to the Criminal Law Deprivation of liberty shall be determined for a term of not less than fifteen days and not exceeding fifteen years, but for especially serious crimes – for a term not exceeding twenty years. Deprivation of liberty may exceed twenty years if a person is sentenced for several crimes.

Where law provides in cases of criminal violations and for the offences where deprivation of liberty is set in the law is less than 5 years, a short term deprivation of liberty – up to 3 months, can be imposed. This form of punishment has replaced administrative arrest which was abolished from the sanction system.

In cases specifically provided for in Criminal Law, deprivation of liberty may be determined for life (life imprisonment).

Deprivation of liberty is organized and carried out by the Prison Administration which is a state institution under the Ministry of Justice.

On 15\textsuperscript{th} December of 1995 the amendments to the Sentence Enforcement Code on implementation of progressive punishment were accepted. That punishment is based on differentiation of convicts in frames of regimes and prison kinds, as well as on transfer of convicts from one kind of prison to another taking into consideration time served, behaviour, committed crime, previous convictions, attitude to other convicts and prison staff. Since the implementation of the progressive punishment system, closed, semi-closed and open prisons as well as a correctional institution for juveniles were established.

Involvement of probation service during the period of deprivation of liberty is limited due to the lack of resources. Currently SPS is delivering a sex-offender treatment program in prison and cognitive behavioural programs for juveniles. Another area of involvement of probation is organisation of mediation between victim and offender and preparation of parole report. However there are a variety of social skills programs and some cognitive programmes offered in prisons. Programs to develop social skills are - Life school 2, Easy about complicated, self-aid group for young women, value education and communication skills program, Education program about HIV, Aids; Cognitive programs – motivational program to foster resettlement, addiction reduction program Atlantis (overtaken from Poland); Equip - for young offenders; Anger management.
There are also art therapy program and dance therapy program available.15

**Table 4. Other probation activities in the enforcement stage**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing support to the families of the offenders/detainees</td>
<td>No</td>
</tr>
<tr>
<td>Coordinating volunteer prison visitors</td>
<td>No</td>
</tr>
<tr>
<td>Preparing offenders for (conditional) release</td>
<td>No</td>
</tr>
<tr>
<td>Preparing prisoners for home leave and/or providing support during home leave</td>
<td>No</td>
</tr>
<tr>
<td>Providing support to persons that have been pardoned or amnestied</td>
<td>No</td>
</tr>
<tr>
<td>Providing advisory report with respect to amnesty or pardon</td>
<td>No</td>
</tr>
</tbody>
</table>

**5.3 Care and after-care outside the criminal justice system**

When SPS was created in 2003, aftercare was one of its first functions. It was carried out from 2003 till 2009, when aftercare was abolished from the functions of SPS. Persons who expressed a wish to co-operate with SPS after the full term of sentence were able to conclude an agreement. The agreement was concluded for a period not exceeding 12 months. After this period, if needed, it was possible to prolong the agreement for 6 more months. The person had the right to conclude the agreement 6 months after he/she has been released from the institution. The aftercare included consultation by a probation worker regarding the available resources - housing, education, and work possibilities. There were possibilities for a person to participate in probation programmes including cognitive behavioural programmes and resettlement programs. Resettlement programs included housing in a half way house. SPS financed the stay of clients in half way houses for six months. In some cases it was possible to prolong the stay to 9 months.

Currently aftercare lies within the competence of social services.

**6. Probation Methodology**

**Implementation of European Probation Rules**

Current probation methodology fully complies with EPR. 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 (Risk- Needs-Responsivity, Good Lives, Desistance models) developed on a basis of sound research, staff is adequately trained, each offender is assigned to certain probation worker (case manager) and case work is particularly recorded. SPS operates under supervision of Minister of Justice and is subject of controls of State Audit Office (auditing reports are available to public).

15 Data from Latvian Prison Administration.
Community supervision

Community supervision is organised according to the main operational principles:

Risk – level of supervision, number of interventions depends on the results of risk and needs assessment;

Needs – interventions are targeted on reduction of criminogenic needs;

Responsiveness – interventions are organised by taking into account offenders capabilities and individual needs. Control and counselling measures must be applied in such way that promotes positive changes in the life of offender and desistance in the most efficient way;

Support – probation worker believes in offender’s ability to achieve positive changes in his/her life-style and motivates to do that by expressing interest and empathy, acknowledgment for accomplishments, reflecting ambivalence between offender’s wishes and behaviour, refraining from admonishment and disputes;

Predictable behaviour – probation worker explains to offender the conditions and process of supervision as well as what will be the probation worker’s foreseeable reaction to violation of supervision order;

Immediate reaction – probation worker’s reaction to violation of supervision must be immediate;

Professionalism – probation worker works with offender in accordance with law, uses knowledge and skills developed in professional trainings;

Responsibility – probation worker is responsible for quality of his own work, but is not responsible for the behaviour of offender;

Integrity – supervision measures are implemented in a structured manner, according to all the aforementioned principles, measures are result oriented and mutually complementary.

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. While the results of risk and needs assessment are unknown, it is assumed that high level of supervision is appropriate. 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. Level of supervision is determined with the following matrix:

<table>
<thead>
<tr>
<th>Overall level of dynamic factors</th>
<th>Overall level of static factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>low</td>
<td>low</td>
</tr>
<tr>
<td>low</td>
<td>medium</td>
</tr>
<tr>
<td>medium</td>
<td>high</td>
</tr>
<tr>
<td>high</td>
<td>high</td>
</tr>
</tbody>
</table>
Level of supervision creates a professional ‘frame’ for case manager and strongly influences his caseload management:

<table>
<thead>
<tr>
<th>Supervision level of offender</th>
<th>Number of supervision intervention types to be applied per month</th>
<th>Number of interviews with offender per month (one type of intervention obligatory for all offenders)</th>
<th>Number of working hours for case management (all included) per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>0.5 (1 - if offender is sex offender or children)</td>
<td>0.5</td>
<td>0.5 h</td>
</tr>
<tr>
<td>Medium</td>
<td>2-3</td>
<td>2-3</td>
<td>4.5 h</td>
</tr>
<tr>
<td>High</td>
<td>3+</td>
<td>3+</td>
<td>7.5 h</td>
</tr>
</tbody>
</table>

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 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. This decision is made in accordance with the criteria set in rules of Cabinet of Ministers. Prolongation of probation period is possible only in case of conditionally sentenced persons.
**Probation programs**
Currently there are nine probation programs available to clients under community supervision and in prison.

Part of the programs are based on cognitive-behavioural approach and are taken over from other jurisdictions or developed within SPS. Programs overtaken from other jurisdictions are EQUIP (programme for juveniles), “Respectful Relationships” (domestic violence), “Violence Prevention Programme”, “Substance Abuse Management”, treatment programs for sex offenders in prison and community. Motivational program elaborated and delivered by SPS is called “Motivation to change”.

There are two social skills development programs available for probation clients – “Life School 2” and “Easy about complicated” (program elaborated by SPS).

A person serving custodial sentence currently has limited possibilities to undergo programs. SPS on mutual agreement with Prison Administration has facilitated programme for juveniles in Cēsis Correctional Facility for Juveniles and for sex offenders in several prisons.

All programs are mainly delivered in groups and only those offenders evaluated as medium and high risk can be assigned to a program.

**Community service**
SPS concludes agreements with work providers (for example, institutions of municipality, NGOs, churches, libraries, schools, kindergartens etc.) for engagement of sentenced persons in community service. Probation worker in consultations with sentenced person chooses the most appropriate activity for person, taking into account his skills, age, conviction and other practical issues. For example, if a person has ever been convicted of a sexual crime, he would never be assigned to work in a school. Together with the work providers and sentenced persons, a work execution plan is drafted and signed by all parties. A sentenced person can work up to 2 hours and with his consent – up to 4 hours per day if he is working or studying. If the person is not working or studying he can work up to 8 hours per day. Probation worker contacts work providers to check if a person is working and if the person is working according to the agreed plan. Without notifying the sentenced person, case manager also have the duty to check if the sentenced person is working. Frequency of controls on working place is set out in internal rules of service. If a sentenced person evades, in bad faith, from serving the sentence, a court may substitute community service with deprivation of liberty for the unserved sentence, calculating four hours of work as one day of deprivation of liberty.

**Mediation**
Mediation is organised according to the order set in the Regulation of the Cabinet of Ministers and internal methodology of SPS. As mentioned before – probation worker or certified volunteer can act as a mediator. The first mediation practice was started in 2005. In 2010 first Conferencing (restorative justice practice where besides victim and offender other involved parties participate) was carried out.

Within the process of mediation mediator contacts both parties, explains the process and agrees on a meeting. Meeting is usually organised in the premises of SPS, but it
can be held in other places agreed by the parties. SPS practice direct mediation which means that representation of both parties at mediation session is necessary. In cases when victim is juvenile, he/she can be represented by parents or orphans’ court.

During the mediation meeting mediator introduces ground rules of the process - mutual respect and confidentiality. Then both parties have the possibility to tell what has happened and how it has affected each of them. When this part is over, session moves to the topic “what can be done to solve and restore the situation”. If the parties agree on common solution, agreement is drafted and signed. Mediator then informs police, prosecutor or court about the concluded agreement or the fact that the agreement has not been concluded.

Currently there is some shortage in the consequences if offender does not fulfill his part of agreement. If the criminal case is already closed on the basis of mediation it is not possible to renew the proceedings. There is legislative initiative submitted to the Ministry of Justice to solve the situation.

7. Finances, Accounting, Registration Systems and Evaluation Procedures

Implementation of European Probation Rules.
SPS is under resourced and is not recognized as key element within criminal justice system. As a result there is a lack of resources for staff remuneration, benefits and improvement of working conditions, training and research activities. Despite research on criminal justice issues and effectiveness of probation work is not sufficiently recognized as important part of policy development, SPS recently started to develop knowledge and research capacity on its own by creating Division of Training and Research. Division already carried out several researches on efficiency of probation interventions and opinion of probation clients to be taken into account in further policy developments. Overall compliance with relevant EPR is disputable.

7.1 Finances
SPS is financed according to Law on Budget that is annually passed by parliament. Financing of SPS is negotiated with the Ministry of Justice and Cabinet of Ministers. Part of the budget of SPS comprises grants from different donors (EU, Norway Grants projects). There are no other sources of funding. The budget is divided in several segments: wages, running expenses and capital investments. The amounts allocated to those segments can be changed only by the amendments to the Law on Budget that usually is made once per year. The money that has not been spent during the budget year must be returned to the State Treasury. The responsibility over legitimate use of allocated budget lies with the Head of SPS. He has the power to sign agreements for purchase of goods and services. To check legality of expenditure of state money SPS like other government organisations is regularly audited by the State Audit Office. The budget of SPS was cut within the period of economic crisis in the country. Currently (in 2013) budget allocated to SPS is still insufficient for successful operation of the institution. In 2008 budget of SPS comprised 8,3 million euro, in 2009 it was cut to 5,4 million euro, in 2010 – to 4,1 million euro. Starting from 2009, staff positions of probation workers were cut, also salaries and other social guaranties (like health
insurance, additional payments) were reduced. Working week of probation workers was reduced from 40 to 32 hours per week. 40 hours working week was renewed in 2013.

### Table 5. Prison / Probation expenditure

<table>
<thead>
<tr>
<th></th>
<th>Probation Services</th>
<th>Prison System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total current yearly budget in euro (2013)</td>
<td>5, 73 million</td>
<td>39, 21 million</td>
</tr>
<tr>
<td>Average number of employed staff (2013)</td>
<td>376</td>
<td>2790</td>
</tr>
<tr>
<td>Daily average number of offenders/clients dealt with</td>
<td>6000</td>
<td>6500 ^1</td>
</tr>
</tbody>
</table>

#### 7.2 Accounting

SPS is accountable to the Ministry of Justice and Cabinet of Ministers for disbursing the allocated budget. The Ministry of Justice monitors expenditure of the budget on a quarterly basis. Each year SPS submits detailed report on the use of the budget to the Ministry of Justice. This report together with the reports from other institutions is submitted to Ministry of Finance. The audit unit of the Ministry of Justice as well as State Audit Office administers the lawfulness of expenditure of state money. The State Audit Office of the Republic of Latvia is an independent institution subjected only to the law that ensures control over the utilization of central and local government resources, implementation of functions set in regulatory enactments and provision of recommendations for improvement of central and local government work. So far on the revisions organised by State Audit Office financial operation of SPS were found compliant with the law.

#### 7.3 Registration Systems and Evaluation Procedures

Autonomous internal information system of SPS (System for Registration of Probation Cases – PLUS) was created in 2009 with the aim to digitalise case management and to automatize collection of statistical data. In PLUS there is one case per each probation client with corresponding subsections reflecting his status (client of community supervision, mediation in criminal matters, pre-sentence report, community service or other function) and, if appropriate, subsection of risk and needs assessment. 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. Description of all actions done or information collected (including scanned copies of documents) by probation worker during the case must be also included in PLUS. PLUS can be used for giving instructions for case management, too. All probation workers have secure access to PLUS from work stations situated within the premises of SPS and in watching regime they can access all cases stored in the system. If a person becomes probation client for one more time, for example, if new community sanction is applied to him, his previous case within PLUS must be renewed and continued.
For now PLUS is integrated only with information system Register of Inhabitants which is maintained by the Office of Citizenship and Migration Affairs, but it is planned to integrate it with additional information systems, for example, information system of Prison Administration. In addition to PLUS, probation workers have access to multiple other data systems maintained by other public institutions: Integrated Information System of Internal Affairs (information on criminal history, criminal proceedings, convictions, and administrative offences), Browser of Persons Data, System for Informative Support to Juveniles, Information System of Courts, and other information systems.

PLUS provides high level of functionality in case management however paper files are still used to store originals of sent and received documents. Electronic exchange of documents between institutions still is not a common practice.

8. Societal Support and Clients’ Views

Implementation of European probation Rules
There are some public relations activities carried out by the SPS to inform about the content of work with offenders. Annual report on operation of probation system is published on probation web page. However, comprehensive media and other campaigns are not organized to keep the general public informed on the nature and content of community sanctions, measures and the various ways in which they are implemented, new developments within the criminal justice system are also not reported. Deficiencies in compliance with EPR are present.

8.1 Societal Support and public opinion
A survey on society’s opinion towards SPS and persons released from prison was conducted in the beginning of 2006. 1064 respondents were interviewed. The results of survey showed that 28% of Latvian inhabitants have heard about probation. 47% of respondents who have heard about SPS evaluated its operation positively. Survey also showed that people associate the name SPS with aftercare rather than with community service, supervision or mediation. After 2006 there are no researches or public opinion polls done on societal support to community sanctions or work of SPS.

8.2 Clients’ Views
Research on organisation of community service in Latvia was conducted in 2006. The methodology was qualitative in nature and included interviews with clients. Results showed that the overall opinion on the quality of work of the probation service is related to the quality of work of the case manager. Mostly clients view their case managers positively, especially when these case managers respect the individual needs of clients during the planning and enforcement of sentence. Positive and respectful attitude were also valued by clients.

In 2010 SPS did a research on opinion of probation clients about the organisation of community service, community supervision (suspended sentence and conditional release from imprisonment) and probation programs within SPS. Questionnaires
were prepared and sent to all probation offices. Probation clients were invited to fill them in on a voluntary basis and guarantees of confidentiality and anonymity were provided. In total 790 questionnaires were filled in and submitted. The main findings:

67% of community service clients and 82% of community supervision clients evaluated their cooperation with probation worker as positive;

50.8% of community service clients evaluated as appropriate the number of community service hours they were sentenced with comparing to offence they did, 49.2% believed they were sentenced with “too many” hours of community service and 7.9% believed they “didn’t deserve punishment at all”;

63.2% of community supervision clients evaluated received punishment as appropriate comparing to offence they did, 18.8% believed they are sentenced with “too severe” punishment and 17% believed they “didn’t deserve punishment at all”;

Most approved aspects of cooperation with probation worker for community service clients were preciseness (92%), positive attitude (85%), as well as competence and knowledge (91.8%) of probation worker;

Most approved aspects of cooperation with probation worker for community supervision clients were positive attitude (92.3%), abidance to agreed time of meeting (97.4%) and competence (96.2%) of probation worker;

15.3% of community service clients indicated that probation worker is too strict, 5.9% felt humiliating or other negative attitude from probation worker and 4.8% felt lack of positive attitude;

18.9% of community supervision clients rated their supervision as “too strict”, 82.2% believed that conversations with probation worker help to avoid trouble and re-offending, 4.6% believed that conversations with probation worker had no use, and 3.3% felt humiliating or other negative attitude from probation worker;

82.1% participants of probation programs recognized that their “understanding about themselves and others” increased, 74.5% recognized that “a lot of useful knowledge and skills are acquired”, but 15.6% sessions of probation programs rated as boring and 16.2% believed that “issues discussed during the sessions” were unimportant. 16

In 2012 SPS carried out similar research and 830 questionnaires were filled in from all across Latvia. The main findings:

Convincing majority of community service and community supervision clients as well as participants of probation programs express positive attitude towards the work of the SPS and how it is organised;

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16 Valsts probācijas dienests, pētījums Probācijas klientu viedoklis par piespiedu darba izpildes un uzraudzības organizēšanu Valsts probācijas dienestā (Opinion of Probation Clients on Organization of Execution of Community service and Supervision within State Probation Service), 2010.
The length of meetings influences several satisfaction indicators of community supervision clients, for example, positive correlation with belief that probation worker will help to solve client’s problems and overcome events from the past;

Optimal length of meetings for community supervision clients is between 30 minutes and 1 hour: according to clients opinions, shorter meeting indicates lack of interest from probation worker while too long meeting is exhausting;

More than ¼ of community supervision clients indicated that presence of other persons in the room disturb conversation with probation worker;

Client’s satisfaction with community service is strongly influenced by social status, social background and criminal history of client; satisfaction with community supervision is strongly influenced by contribution of probation worker’s time to client, for example, the length of meetings.\(^{17}\)

It is planned to continue carrying out similar researches on a regular basis.

9. Probation Clients Rights

Latvia complies with Rules 99-103 EPR in respect of probation client’s rights with only exception that offenders have limited access to probation case records and materials. Case of probation client has status of classified information.

The rights of the clients are included in several legal acts including Law on the State Probation Service and Sentence Enforcement Code. All rights and responsibilities of probation client and probation worker are explained to offender during the first meeting with case manager. A probation client has the right to request and receive information regarding the implementation procedures of the judgment of a court or decision of prosecutor, to request and receive information regarding possible assistance, to request and receive information regarding his or her rights, to utilize the social behaviour correction services offered by SPS and to apply for and participate in social behaviour correction programs. All procedures that relate to third parties (clients) must be set in the by-laws of Cabinet of Ministers. There are more than ten by-laws available for public describing the process of enforcement of sentence and other activities of SPS. Probation clients have a right to submit complaint to higher official about unlawful action of a probation worker and to request the change of case manager.

General orders of complaints against the decisions or acts of state officials are set in the Administrative Procedure Law. This applies to the SPS, as it is an institution of state administration. Each decision made by a probation worker must include information about the order and time limits for appeal. These procedures are also included in by-laws on probation. Decision of probation worker may be impugned to the head of local probation office, and after that, if the head of local probation office

\(^{17}\) Valsts probācijas dienests, pētījums Probācijas klientu viedoklis par uzraudzības un piespiedu darba izpildes organizēšanu Valsts probācijas dienestā (Opinion of Probation Clients on Organization of Supervision and Execution of Community service within State Probation Service), 2012.
decides to leave the decision of probation worker as it is, to the Head of SPS, whose
decision is final. However, 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 impugned to the Ministry of Justice for final decision. 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 Law, a sentenced
person can submit complaint to a general court. Aside from the procedures described
above, any private individual has the right to apply to the Ombudsman’s Office with a
submission or complaint. There have been no complaints against the actions of SPS
up to now but a remarkable amount of complaints have been submitted concerning
the circumstances in Latvian prisons.

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.

In Latvia there are laws that guarantee free legal aid for persons unable to afford
legal services. During the court trial and hearings in criminal cases all defendants
have inalienable rights for attorney paid by the state. To obtain free legal aid in civil
and administrative cases (not in all cases such aid is possible), a person needs to
submit an application to the Legal Aid Administration (www.jpa.gov.lv).

In conformity with the Criminal Procedure Law, offenders have the right to access
the services of an interpreter when he/she is formally accused. During the execution
of sentence SPS uses services of interpreters only if probation client requests that
and SPS recognizes the need for that. Most probation workers are fluent in Russian;
therefore communication with Russian speaking clients is simplified. All documents
submitted to or sent by SPS shall be written in the state language - Latvian.

10. Developments to be expected

10.1 Developments in coming years

In 2013 comprehensive amendments in criminal justice legislation came into effect.
New legislation prescribes: (1) more widespread application of alternative sanctions;
(2) refusal from institute of re-offending and introduction of detached responsibility
for each offence; (3) reviewed criminal sanctions; (4) possibility to combine
suspended sentence with community service; (5) protection of the security of society,
restoration of justice and rehabilitation of offender are added among the aims of
punishment; (6) several legal transactions are criminalised, for example, fictitious
marriage.
It is planned that in 2015 electronic monitoring will be piloted and implemented by SPS as an alternative sanction thanks to financial support from Norway Grants Programme. Electronic monitoring will be implemented (1) to overcome challenges connected with growing prison populations and prison overcrowding, (2) to increase application of alternatives to imprisonment, (3) to increase the focus on vulnerable groups in prison.

Work on development of arrangements for the protection of public from dangerous offenders will be continued. SPS in cooperation with partners from Latvia and abroad will pilot model of voluntary work with dangerous sex offenders more commonly known as Circles of Support and Accountability. That will be done through the project “Circles4EU” which is co-financed by European Commission. Through another project co-financed by European Commission - Serious Offending by Mobile European Criminals – system for management of serious offenders moving across national borders will be improved.

An important priority is to prevent crimes done by juveniles. Comprehensive data system on youth at risk is recently created nationally providing preconditions for more efficient multi-agency cooperation and interventions. In addition to the data system additional measures to improve multi-agency cooperation in working with youth at risk and new educational measures for juvenile offenders are planned. In 2014 SPS will develop and introduce special community supervision program for youth offenders. Use of volunteers is planned there as well. During the next years more emphasis will be put on introduction of innovative technologies within the work of SPS: (1) digital case, case management and exchange of data, (2) videoconferencing for the needs of preparation of parole reports, (3) higher level of functionality and mutual integration of national data systems (SPS-State Police-Prisons).

Modular system for in-service training of probation officers will be introduced in the coming years, including on-line software for distant learning. SPS research capacity will be strengthened, too.

10.2 Implementation of EU Framework Decision 947
National legislation for implementation of framework decision is in force from July 2012. Until end of 2012 there were no cases of transfer of community sanction to Latvia from other EU country under the framework decision.
11. Important Publications


SDSPA „Attīstība“ pētnieku grupa (Prof. Dr. A.Vilciņa, A.Ābele, I.Dambe, I.Trapecniere, J.Osis, M.Trapencieris) profesores Dr. Lidijas Šiļņevas vadībā, pētījums: Ieslodzīto un no ieslodzījuma atbrīvo to personu izglītības, nodarbinātības un sociālās rehabilitācijas pakalpojumu pieejamība, (Education, Employment and Social Rehabilitation Services Availability for Imprisoned and Released from Imprisonment), 2005, www.probacija.lv


J. Wheeldon and T. Sanford, Toward Integrated Community Justice in Latvia in University of Latvia Law Journal, Fall 2002
12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages.

State Probation Service of Latvia
Dzirnavu street 91
Riga, LV 1011
Latvia
Tel. 00371 67021138
Fax: 00371 67021139
vpd@vpd.gov.lv
www.probacija.lv
www.spore-resilience.eu

Latvian Prison Administration
Stabu Street, 89
Riga, LV-1009
Latvia
Tel. 00371 67208325
Fax: 00371 67278697
ievp@ievp.gov.lv
www.ievp.gov.lv

Ministry of Justice of the Republic of Latvia
Brivibas blvd. 36
Riga, LV-1536
Latvia
Tel. 00371 67036801
Fax: 00371 6 7210823
tm.kanceleja@tm.gov.lv
www.tm.gov.lv

NGO Centre of Public Policy PROVIDUS
13 Alberta Street, 6th floor
Riga, LV-1010
Latvia
Tel. 00371 6703 9251
Fax: 00371 6703 9244
providus@providus.lv
www.providus.lv

Latvian Court Information System
Matīsa Street 8
Riga, LV-1001
Latvia
Tel. 00371 67844280
Fax: 00371 67844303
tis@lursoft.lv
http://court.jm.gov.lv
ANNEX 1

SUMMARY INFORMATION ON PROBATION IN LATVIA

General Information
- Number of inhabitants: 2,21 million
- Prison population rate per 100,000 inhabitants: 297 (www.prisonstudies.org)
- Link to Probation Service: www.probacija.lv
- Links to websites: www.tm.gov.lv (Ministry of Justice)
- Member of the CEP in: 2004

Characteristics of the Probation Service
- State Probation Service (SPS) is a public organisation under the Ministry of Justice.
- Created in 2003, probation officers are civil servants

Tasks
- To organise the implementation of criminal penalty and educational measure for juveniles – community service;
- To supervise suspended sentences, persons under criminal penalty – probationary supervision and persons conditionally released from imprisonment
- To provide assessment reports regarding persons against whom the charges in criminal procedure are laid and persons who have requested a conditional release from imprisonment.
- To develop probation programs and to ensure the delivery of licensed probation programs.
- To supervise persons against whom a criminal matter has been terminated, conditionally releasing them from criminal liability;
- To carry out mediation in criminal proceedings;

Number of staff (average numbers in 2012)
- Probation Officers: 264
- Probation Managers, all grades: 54
- Administrative support staff, all grades: 36
Total: 376

- Daily average number of offenders dealt with: 6000
New developments
- From April 2013 amendments to Criminal Law, among them: more widespread application of alternative sanctions; possibility to combine suspended sentence with community service;
- Latvia will pilot model of voluntary work with dangerous sex offenders more commonly known as Circles of Support and Accountability;
- Implementation of electronic monitoring in 2015;
- Comprehensive data system on youth at risk is recently created nationally providing preconditions for more efficient multi-agency cooperation and interventions
- Emphasis on introduction of innovative technologies within the work of SPS (further development of electronic case, use of videoconference)

Probation during the different stages of the criminal procedure

<table>
<thead>
<tr>
<th></th>
<th>Pre-Trial Phase</th>
<th>Trial and Enforcement Phase</th>
<th>Post Release Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing pre-sanction report</td>
<td>x</td>
<td>x</td>
<td>-</td>
</tr>
<tr>
<td>Supervising etc. sanction of probation</td>
<td>-</td>
<td>x</td>
<td>-</td>
</tr>
<tr>
<td>Supervising etc. conditional sentence</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Supervising etc. special measures drug addicts</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Supervising etc. community service</td>
<td>-</td>
<td>x</td>
<td>-</td>
</tr>
<tr>
<td>Supervising training or learning projects</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interventions with young offenders</td>
<td>-</td>
<td>x</td>
<td>-</td>
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<tr>
<td>Supervising etc. suspended sentence</td>
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<tr>
<td>Assistance/support of offenders in prison/detention</td>
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<tr>
<td>Preparing pre-release reports, prisoners</td>
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<tr>
<td>Supervising conditional release/parole</td>
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<tr>
<td>Supervising post custody, sex offenders</td>
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<tr>
<td>Preparing victim impact reports (part of pre-sentence report)</td>
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