Restorative Justice in probation: Mediation and new promising practices in Latvia

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Main topics

1. Shortly about Latvia
2. State Probation Service (SPS)
3. Experience on Mediation and Conferencing
4. New practices
Latvia

- Population 1,978 million
- 1/3 population live in Riga
- Ethnic groups:
  - 61.1% Latvian
  - 26.2% Russian
  - 3.5% Belarusian
  - 2.3% Ukrainian
  - 2.2% Polish
  - 1.3% Lithuanian
  - 3.4% Other
- Official language – Latvian, belongs to Indo-European language family
- Latvia has ethnic and linguistic ties to Lithuania
Some more facts about Latvia

- Almost 50% of Latvia is covered by forests, and it's one of the most environmentally friendly countries on the planet.

- Latvia has the 5th fastest internet speed in the world, ranking between Hong Kong and the Netherlands.

- Latvia holds one of the largest song and dance festivals in the world (approximately 30,000 performers altogether participate in the event).

- Latvia also has one of the largest collections of traditional folk songs in the world, numbering over 300,000.

- The most popular type of sport - ice hockey. Latvia is also known with very active and attractive hockey fans.
State Probation Service (SPS)

SPS – public organization under the Ministry of Justice

Established in October 7, 2003

Law of SPS in force from January 1, 2004

28 Regional offices and 9 branches of regional offices

Year 2014

Staff - 378
Probation clients – 17290
Budget - 5 878 454 EUR

Information - www.probacija.lv
FUNCTIONS OF SPS

organise

Provide

Develop and ensure delivery

Carry out

Organise supervision

For persons against whom a criminal matter has been terminated, conditionally releasing them from criminal liability

For persons to whom a suspended sentence has been imposed

For persons conditionally released from prison before the term

criminal penalty – community service and educational measures for juveniles - community service

Assessment reports

Probation programs

Victim-Offender Mediation (VOM) in criminal procedure

State Probation Service
Republic of Latvia
Legislation on VOM

- Criminal Procedure Law (2005)
- Regulations of the Cabinet of Ministers “Order of organization and Implementation of Mediation by the State Probation Service” (2007)
- Regulations of the Cabinet of Ministers “Order of certification of volunteer mediators in the State Probation Service” (2007)
- Regulations of the Cabinet of Ministers for probation volunteers of contractual tasks receive compensation, and amount of payment (2008)
When a director of the criminal proceeding sees a possibility for mediation and it is appropriate to involve a mediator, he can inform the State Probation Service. **In all cases, except for case when mediation has already taken place, the director of the criminal proceeding must inform the State Probation Service, when a crime is committed by a minor.**
VOM practices

Year 2005
- established Mediation Division
- the first training (cooperation with Norwegian Mediation Service)
- first experience with VOM

Year 2010
- first experience with Conferencing

Today
- Mediators – officers of SPS – 78
- Volunteer mediators – 33 (certified for 2 years)
What is VOM in SPS

VOM - voluntary face-to-face negotiations between the victim and the offender, held by third person – mediator, who gives assistance to the parties involved to reach mutually acceptable and impartial solution.

VOM - based on principles of the Restorative Justice
The main principles of VOM

- Face-to-face meeting (exception when victim is minor)
- Voluntary participation
- The offender admits that the crime was committed
- Legal representative participates in cases when a minor is involved
- Parties are free to refuse negotiations any time
- Supporters of the parties or other influenced persons may be involved
- Mediator observes ethical principles and confidentiality
- Both parties are active in negotiations and decision making
- Free of charge
When is VOM possible

- In all types and stages of Criminal procedure

- Application may be required by:
  - police
  - public prosecutor
  - court
  - parties (victim, offender, parents)
  - judge (cases of Law on Compulsory Measures of Correctional Nature for Children)
VOM and Conferencing

**VOM**
Direct negotiations between Victim and Offender
One or two mediators

**Conferencing**
Negotiations is guided by a special script
Participate those who have been affected of the offense
Participate the wider range of actors
(social pedagogues, police, children protection officers e.tc)
Always two facilitators
Organization of VOM

- Mediator contacts parties, other participants
  - explains the process, arranges an individual meeting
- Mediation
  - Introduction and ground rules
  - What happened?
  - How it has affected?
  - What can be done to solve and restore situation?
- Drafting and signing the agreement
- Informing police, prosecutor, court or judge about the results

Consequences - Criminal case closed or mitigating circumstance in severe cases
Dynamics of VOM over the years

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<td>1296</td>
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<td>2015</td>
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Note: The year 2015 is for 8 months only.
Juveniles and adults in VOM

- **Year 2015 8 month**
  - Juvenile: 188
  - Adult: 537

- **Year 2014**
  - Juvenile: 312
  - Adult: 984

- **Year 2013**
  - Juvenile: 253
  - Adult: 837

- **Year 2012**
  - Juvenile: 108
  - Adult: 598

- **Year 2011**
  - Juvenile: 120
  - Adult: 576
### Dynamic of refereed mediation cases

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<td>3</td>
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<td>Both parties</td>
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<td>11</td>
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Main conditions

- Material compensation: 51%
- Apology: 22%
- Compensation (moral & material): 9%
- Moral compensation & work: 1%
- Work: 3%
- Other: 10%
The questionnaire consists of 10 questions

In total, 468 questionnaires were analyzed

188 offenders, 157 victims and 127 support persons of both parties participated in VOM

Offenders mostly in age from 14 up to 25 and from 31 until 40, but victims in age from 40
Import to parties

- Professional mediator: 231
- Faster than legal procedure: 210
- Good explanation of VOM aims, consequences & rights: 189
- Safe & comfortable place: 181
- Ask questions & receive answers: 154
- Empathetic mediator: 101
- Sense of security in the future: 63
Important activities . . .

Informative campaigns for society (RJ week)

Regular discussions and seminars for police officers, public prosecutors and judges on RJ and Mediation, Conferencing

Promoting skills of mediators through regular educational activities

Looking for new approaches (indirect mediation)

Strengthen institutional cooperation

Norwegian mediators meet Latvian mediators (common seminar in Latvia in cooperation with Mediation Service of Norway)

Supervise the fulfillment of the conditions of the agreement after VOM.
New practices

Project «Increasing the Application of Alternatives to Imprisonment (Including Possible Pilot Project on Electronic Surveillance)»:

- Mentoring programm for probation clients aged 14 to 25

- 5 regional seminars in Latvia on «follow-up» practice of Norway Mediation Service (institutional cooperation in work with young offenders)

SPS:

- Improving questionery about participant’s satisfaction

- Study on recidivism
Thank you for your attention!