

State Probation Service  
Republic of Latvia

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State Probation Service of the Republic of Latvia

**CEP Expert Workshop on Enhancing the Implementation of  
Framework Decisions 2008/JHA/947 & 2009/JHA/829**

# ***FD 947 – the Experience of the State Probation Service of Latvia***

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## Framework Decision 2009/JHA/829

### **Competent authorities in Latvia:**

- State Police,
- Office of the Prosecutor General,
- Court.

### **Role of the State Probation Service:**

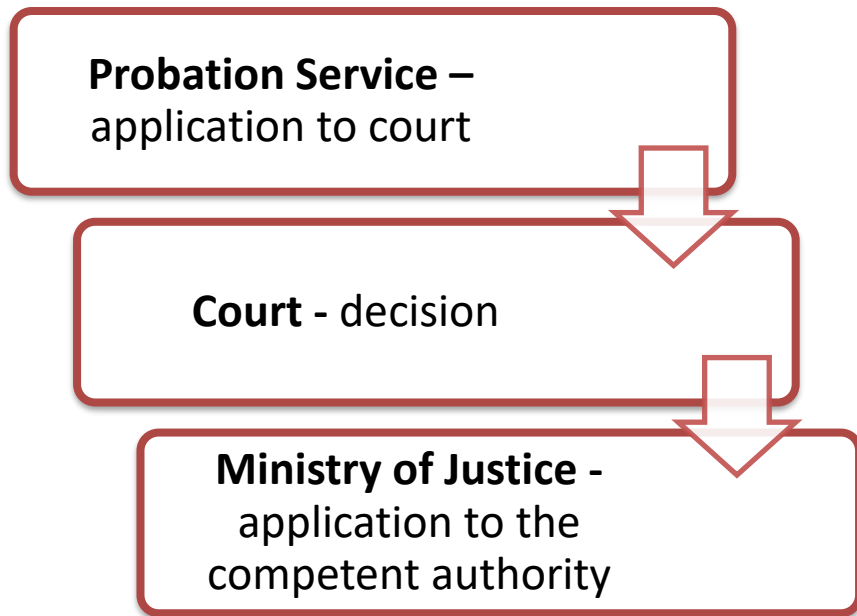
- not a competent authority under this FD,
- does not initiate or execute supervision measures,
- ✓ may prepare an evaluation report during pre-trial proceedings
  - supports the prosecutor or judge in determining an appropriate sentence,
  - based on the offender's personality and the nature of the offence.



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# Framework Decision 2008/JHA/947

## *How it works?*



## **Measures:**

- probationary supervision,
- conditional sentence,
- conditionally release prior to completion of punishment,
- electronic monitoring,
- community service.



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## Actual Transfers and Timing

- **Application review time:** 1 – 5 months (usually 2)
- **Waiting time** from competent authority: 4 – 20 months (or no reply)
- **Issues:**
  - frequent follow-ups needed,
  - long delays from competent authorities,
  - sometimes no response at all — sentence served in Latvia.



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## Actual Transfers and Timing

	2021	2022	2023	2024
<b>OUTGOING</b>	<b>7</b>	<b>5</b>	<b>4</b>	<b>6</b>
supervision	3	4	3	6
community service	4	1	1	0
<b>INCOMING</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>2</b>
supervision	1	3	5	2
community service	0	0	0	0



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# Training of the Probation Staff

## ***Training course: "Introduction to Probation Work"***

- Target group:
  - newly recruited probation officers
  - staff needing additional knowledge

### ***Final Seminar:***

- Delivered remotely by senior experts
- Duration: 1-hour presentation and discussion
- Topics covered:
  - EU and national legislation for sentence enforcement
  - Framework Decision 2008/947/JHA
  - Practical guidance on preparing court application
  - Actions before and after submission



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## *How It Works?*

- Sentence enforcement in Latvia continues until a response is received
- Transfer may be refused if:
  - offence is not criminally punishable in other Member State
  - probation client is not found at the declared residence or has no legal right to reside there
- *Recent case:*
  - Latvian citizen with residence abroad did not comply with supervision
  - Probation Service requested substitution with imprisonment
  - Court rejected – client requested sentence transfer
  - Court recognized procedural errors (by both court and Probation Service)
  - Sentence transfer request sent to the Ministry of Justice
  - Probation Service must continue supervision until response is received
  - Client remains unresponsive





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## Another Case

### ***Probation client's opinion must be taken into account?***

- Lithuanian national sentenced in Latvia for drug possession. Probation supervision under conditional sentence.
- Probation measures could be transferred to Lithuania under Framework Decision — but client chose to remain in Latvia:
  - easy travel (4h),
  - concern that transfer might delay sentence completion,
  - can submit drug tests and cooperate.

***Legal options exist, but individual preferences and social context are also crucial.***



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## ***What We Have Encountered so Far?***

- Practical challenges;
- Lack of criminal history data;
- Foreign nationals without a Latvian ID code are not visible in national databases;
- Limited access to prior convictions or offences;
- Limited background information - if court judgment lacks personal details, we rely only on client's self-reported information;
- Limits our ability to assess risk of recidive and supervision intensity;
- Typically leads to low-risk supervision intensity;
- Enables use of flexible supervision methods (in-person and remote), if client cooperates.



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## ***What We Have Encountered so Far?***

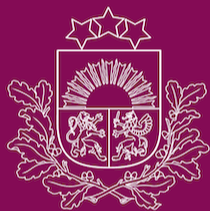
- Recent issue - basic and additional punishment not fully transferred;
- basic punishment transferred under FD 2008/909/JHA;
- probation measures omitted in the transfer request;
- legal and practical gaps in sentence execution;
- may force the individual to return to Latvia for probation measures, which:
  - undermines reintegration goals,
  - creates additional burden on the justice system,
  - requires new applications and court proceedings to transfer the probation measures separately.



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## Further Discussions

- **Transfer may be initiated, but enforcement must continue in the meantime:**
  - *How to supervise the probation client during this period?*
  - *What if the client violates conditions – request imprisonment?*
- **Uncertainty about duration of the transfer process creates practical dilemmas:**
  - *time served in Latvia is not recognized after transfer;*
  - *delayed response even when supervision has started abroad.*
- **Victim's rights and interests:**
  - *if the probation service enforces the sentence, victims can be contacted and involved;*
  - *if the court initiates transfer early, victim outreach may not happen at all.*
- **Suggestions:**
  - *assess circumstances and consult with the sentenced person during court proceedings;*
  - *decide on transfer before enforcement starts in Latvia;*
  - *if not possible, enforcement should be suspended from the moment transfer is decided.*



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