

# Latvia

## 1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

<b>SUSPENDED SENTENCE</b>	
<b>Name of the judgement or the probation decision</b>	Suspended Sentence (LV-Nosacita notiesašana)
<b>Classification of this judgement or the probation decision</b>	Suspended sentence
<b>Legal basis of this judgement or the probation decision</b>	<i>Criminal Law (Kriminallikums)</i>
<b>Definition of this judgement or the probation decision</b>	<b>Suspended Sentence</b> - a custodial sentence involving deprivation of liberty, the execution of which is conditionally suspended and not executed, if the sentenced person does not commit new violations of the law while serving the sentence.(LV - <b>Nosacita notiesašana</b> - personas nosacita notiesašana, piespriežotar brivibas atnemšanu saistitu sodu, kura izpilde tiek nosaciti uz laiku atlikta un netiek izpildita, ja notiesatapersona nosacitas soda izciešanas laika neizdara jaunus likumparkapumus.)
<b>Legal Conditions of this judgement or the probation decision</b>	<b>Suspended Sentence</b> - may be applied if the person is sentenced to deprivation of liberty for a period not longer than five years, or to a custodial arrest. The court must be convinced (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) that the offender, not serving the sentence, will not commit future violations. The court may prescribe a probation period of not less than six months and not exceeding five years.

	<p>The court may place upon the convicted person the following obligations:</p> <ol style="list-style-type: none"> <li>1) to allay the harm caused, within a specified term;</li> <li>2) not to change his or her place of residence without the consent of the State Probation Service;</li> <li>3) to participate in probation programmes in accordance with State Probation Service instructions;</li> <li>4) not to frequent specified places;</li> <li>5) to be present at his or her place of residence at the time specified; and</li> <li>6) to observe other conditions, which the court has recognised as necessary to achieve the purpose of the sentence.</li> </ol> <p>The court may impose, for a convicted person who has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction, the duty to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction, with his or her consent.</p>
<b>Type of probation measures</b>	<p><b>Measures that may be ordered to a person:</b></p> <ol style="list-style-type: none"> <li>1) to allay the harm caused, within a specified term;</li> <li>2) not to change his or her place of residence without the consent of the State Probation Service;</li> <li>3) to participate in probation programmes in accordance with State Probation Service instructions;</li> <li>4) not to frequent specified places;</li> <li>5) to be present at his or her place of residence at the time specified; and</li> </ol> <p>The court may also order to observe other conditions, which the court has recognised as necessary to achieve the purpose of the sentence. These are not defined by law.</p> <p>The duty of the person conditionally released prior to completion of sentence is, within five days from the day the court's decision enters into force, to arrive and register to the determined territorial unit of the State Probation Service.</p> <p>A basic sentence - community service - may be applied in Latvia. This is not a probationary measure but it is an alternative sanction according to Article 4 of the Framework Decision.</p>
<b>Combination of sanctions or measures</b>	No.
<b>Authority responsible for taking such a decision</b>	N/a.
<b>Authority responsible for supervising</b>	State Probation Service.
<b>Authority responsible in case of infringement</b>	<p><b>First instance court.</b></p> <p>If a convicted person upon whom a suspended sentence has been imposed or who has been conditionally released, without justifiable reason does not fulfil the obligations imposed by the court or those specified in the regulating laws regarding the execution of criminal penalties or repeatedly commits</p>

administrative violations for which administrative penalties are imposed upon him or her, the court, pursuant to a submission by the institution which has been assigned to supervise the behaviour of the convicted person, may take a decision regarding serving of the sentence determined for the convicted person, or extension of the term of probation for one year.

If the person, during the probation period, commits a new crime, the sentence adjudged to the convicted person shall be executed and the court shall determine the sentence in accordance with the Criminal Law.

### CONDITIONAL RELEASE PRIOR TO COMPLETION OF SENTENCE

<b>Name of the judgement or the probation decision</b>	Conditional Release Prior to Completion of Sentence (LV-Nosacita pirmstermina atbrivošana no soda)
<b>Classification of this judgement or the probation decision</b>	Conditional release
<b>Legal basis of this judgement or the probation decision</b>	Criminal Law (Kriminallikums)
<b>Definition of this judgement or the probation decision</b>	<b>Conditional Release Prior to Completion of Sentence</b> - conditional release from serving the sentence prior to its completion of a person who has been sentenced to deprivation of liberty (LV- <b>Nosacita pirmstermina atbrivošana no soda</b> - personas, kas notiesata ar brivibas atnemšanu, nosacita pirms termina atbrivošana no pamatsoda izciešanas.)
<b>Legal Conditions of this judgement or the probation decision</b>	<p><b>Conditional release prior to completion of sentence</b> may be ordered if the convicted person:</p> <ol style="list-style-type: none"> <li>1) has reached a particular resocialization result;</li> <li>2) to the possible extent has voluntarily made compensation for financial losses caused by his or her crime;</li> <li>3) has the possibility after the release to legally obtain means of subsistence;</li> <li>4) does not have in effect a penalty in respect of serving of sentence regime requirement violations or administrative violations;</li> <li>5) is solving and is ready to continue solving his or her psychological problems that were or might be the reason for committing a crime;</li> <li>6) agrees to treatment for alcoholism or narcotic, psychotropic or toxic substance addiction, in cases where the convicted person has committed the criminal offence due to alcoholism or narcotic, psychotropic or toxic substance addiction.</li> </ol> <p>The court may, for the period of the unserved sentence, impose on the</p>

	<p>convicted person the same obligations as in case of a conditional sentence. Conditional release prior to completion of sentence shall not be applied if the sentence is adjudged to an adult for especially serious crime committed against a minor and is related with violence or is directed against sexual enviability or morals.</p>
<p><b>Type of probation measures</b></p>	<p><b>Measures that may be ordered to a person:</b></p> <ol style="list-style-type: none"> <li>1) to allay the harm caused, within a specified term;</li> <li>2) not to change his or her place of residence without the consent of the State Probation Service;</li> <li>3) to participate in probation programmes in accordance with State Probation Service instructions;</li> <li>4) not to frequent specified places;</li> <li>5) to be present at his or her place of residence at the time specified; and</li> </ol> <p>The court may also order to observe other conditions, which the court has recognised as necessary to achieve the purpose of the sentence. These are not defined by law.</p> <p>The duty of the person conditionally released prior to completion of sentence is, within five days from the day the court's decision enters into force, to arrive and register to the determined territorial unit of the State Probation Service.</p> <p>A basic sentence - community service - may be applied in Latvia. This is not a probationary measure but it is an alternative sanction according to Article 4 of the Framework Decision.</p>
<p><b>Combination of sanctions or measures</b></p>	<p>No.</p>
<p><b>Authority responsible for taking such a decision</b></p>	<p>N/a.</p>
<p><b>Authority responsible for supervising</b></p>	<p>State Probation Service.</p>
<p><b>Authority responsible in case of infringement</b></p>	<p>First instance court.</p>

<p><b>COMMUNITY SERVICE (FORCED LABOR)</b></p>	
<p><b>Name of the judgement or the probation decision</b></p>	<p>Community Service (Forced Labor) (LV-Piespiedu darbs)</p>

<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the probation decision</b>	<b>Criminal Law (Kriminallikums)</b>
<b>Definition of this judgement or the probation decision</b>	<p><b>Community Service</b> - is compulsory participation in indispensable public service, which a convicted person or a person for whom community service has been specified with a public prosecutor's injunction regarding penalty, serves as punishment by doing work, in the area where he or she resides, as specified by the community service implementation authorities during free time outside regular employment or studies and without remuneration.</p> <p>(LV-<b>Piespiedu darbs</b> - ir piespiedu iesaistišana sabiedrībai nepieciešamajos darbos, ko notiesatais vai persona, kurai piespiedu darbs noteikts ar prokurora priekšrakstu par sodu, izcieš kā sodu, veicot dzīvesvietas apvidu piespiedu darba izpildes institūcijas noteiktos darbus no pamatdarba vai mācībam brīvā laika un bez atlīdzības.</p>
<b>Legal Conditions of this judgement or the probation decision</b>	<p><b>Community Service</b> - applied for a period of forty to two hundred and eighty hours. Community Service shall not be applied to incapable persons and soldiers.</p>
<b>Type of probation measures</b>	<p><b>Measures that may be ordered to a person:</b></p> <ol style="list-style-type: none"> <li>1) to allay the harm caused, within a specified term;</li> <li>2) not to change his or her place of residence without the consent of the State Probation Service;</li> <li>3) to participate in probation programmes in accordance with State Probation Service instructions;</li> <li>4) not to frequent specified places;</li> <li>5) to be present at his or her place of residence at the time specified; and</li> </ol> <p>The court may also order to observe other conditions, which the court has recognised as necessary to achieve the purpose of the sentence. These are not defined by law.</p> <p>The duty of the person conditionally released prior to completion of sentence is, within five days from the day the court's decision enters into force, to arrive and register to the determined territorial unit of the State Probation Service.</p> <p>A basic sentence - community service - may be applied in Latvia. This is not a probationary measure but it is an alternative sanction according to Article 4 of the Framework Decision.</p>
<b>Combination of sanctions or measures</b>	No.

<b>Authority responsible for taking such a decision</b>	N/a.
<b>Authority responsible for supervising</b>	State Probation Service.
<b>Authority responsible in case of infringement</b>	First instance court.

## 2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

**a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.**

<b>Probation measures / alternative sanctions</b>	<b>Explanation</b>
<b>Obligation for the sentenced person to inform a specific authority of any change of residence or working place</b>	The Criminal Law of Latvia provides an obligation not to change his or her place of residence without the consent of the State Probation Service. There are no restrictions or specific conditions with regard to the application of this obligation.
<b>Obligation not to enter certain localities, places or defined areas in the issuing or executing State</b>	The Criminal Law of Latvia provides an obligation not to frequent specified places. The places not to be frequented are specified in the court's decision. The State Probation Service supervises the fulfilment of this obligation.
<b>Obligation containing limitations on leaving the territory of the executing State</b>	The Criminal Law of Latvia does not provide for such an obligation, however, it does provide an obligation to be present at his or her place of residence at the time specified, or not to change his or her place of residence without the consent of the State Probation Service, which basically means a limitation on leaving the territory of Latvia.
<b>Instructions relating to behaviour, residence, education and training, leisure activities, or</b>	The Criminal Law of Latvia does not provide for such an obligation, however, the court may order such an obligation, considering the particular circumstances of the case.

<p><b>containing limitations on or modalities of carrying out a professional activity</b></p>	
<p><b>Obligation to report at specified times to a specific authority</b></p>	<p>The Criminal Law of Latvia provides for a possibility to apply to the person a additional sentence - police supervision. Within the framework of the police supervision the chief of institution of the State police determines particular obligations that the person must fulfill, including the obligation to arrive to the police institution and register one to four times a month.</p>
<p><b>Obligation to avoid contact with specific persons</b></p>	<p>Such an obligation - to avoid contact with specific persons - is not provided for by the Criminal law of Latvia. However, the court may order such an obligation, considering the particular circumstances of the case.</p>
<p><b>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</b></p>	<p>Such an obligation is not provided in Latvia. However, the court may order such an obligation, considering the particular circumstances of the case.</p>
<p><b>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</b></p>	<p>The Criminal Law of Latvia provides for an obligation to allay the harm caused, within a specified term. This term shall be specified by the court, considering the particular circumstances of the case.</p>
<p><b>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</b></p>	<p>Such an obligation is not provided in Latvia. However, the court may order such an obligation, considering the particular circumstances of the case.</p> <p>There is a possibility in Latvia to apply the alternative sanction - community service.</p> <p>Community Service is compulsory participation in indispensable public service, which a convicted person or a person for whom community service has been specified with a public prosecutor's injunction regarding penalty, serves as punishment by doing work, in the area where he or she resides, as specified by the community service implementation authorities during free time outside regular employment or studies and without remuneration.</p> <p>The community service is applied for a period of forty to two hundred and eighty hours.</p> <p>The public prosecutor in his her injunction may apply community service for a period of not more than a half of the term provided by the law. Community Service shall not be applied to incapable persons and soldiers.</p>

<p><b>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</b></p>	<p>Such an obligation is not provided in Latvia. However, the court may order such an obligation, considering the particular circumstances of the case.</p>
<p><b>Obligation to undergo therapeutic treatment or treatment for addiction</b></p>	<p>The Criminal Law of Latvia provides for a possibility to order the person an obligation to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction, with the condition that he or she consents. Such an obligation may be ordered only if the person has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction.</p>

**b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?**

No.

**c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?**

The Criminal Law of Latvia provides for a possibility to order the person an obligation to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction, with the condition that he or she consents.

Such an obligation may be ordered only if the person has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction.

The court may order to the person upon whom a suspended sentence has been imposed or who has been conditionally released an obligation to participate in a probation program in accordance with the instructions given by the probation service.

**3) Electronic monitoring**

**Does your national law provide for the possibility to use Electronic Monitoring?**

No.

**Do you intend to provide Electronic Monitoring in the future?**

The possibility to use Electronic Monitoring in Latvia is under consideration, but no political decision has been made yet with regard to its introduction into practice.

**4) Formalities**

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).