

Reducing Prison Population: advanced tools of justice in Europe
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Alternatives to imprisonment in Latvia

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1. Introduction

In the Latvian system of criminal sanctions deprivation of liberty is not considered to be the “main sanction” for which one can search for alternatives. Deprivation of liberty is applied as the most serious criminal sanction for serious and especially serious crimes. This is why there is no such concept as “alternative sanctions” in the Latvian criminal justice system, but there are sanctions without person’s isolation from the society as well as several ways to apply for release prior to the completion of a punishment of deprivation of liberty in prison.¹ Similar is situation with pre-trial alternatives to imprisonment as the law foresees division between security measures related to deprivation of liberty and security measures that are not related to deprivation of liberty.

In order to integrate and further expand the knowledge on different non-custodial measures in Latvia; to identify and assess different practices of alternative sanctions as well as to gain useful information and criteria to assess and select the best practices², there were five in-depth interviews with Latvian key stake-holders held between 29th of September and 25th of November.

Each of five interviewees represented different sectors of Criminal Justice system – interviews were held with a member of parliament, a judge, representative of Ministry of Justice, State Probation Service and Prison Fellowship Latvia. Choice of key stake-holders proved to be successful as all identified good examples of alternatives to imprisonment were fully analysed and evaluated. Each interview was held in accordance with the guidelines provided by Synergia and summarized in a form for the mapping of existing practices on alternatives to imprisonment.

2. Types of alternatives to imprisonment

2.1. Pre-trial alternatives to imprisonment

The following security measures are foreseen in Criminal Procedure Law³: notification of the change of the place of residence; reporting to the police authority at a specific time; prohibition from approaching a specific person or location; prohibition from specific employment; prohibition from departing from the State; residence in a specific place; personal guarantee; bail; placement under police supervision; house arrest and arrest. Most of the compulsory measures and security measures in Criminal Procedure Law are not related to deprivation of liberty⁴, therefore there is a wide range of pre-trial alternatives to imprisonment.

As indicated by the stakeholders, security measures are effective when used in combination. That allows person directing the proceedings to individualize the approach and to adjust it to the risks of person in question. For instance, notification of the change of the place of residence or reporting to the police authority; prohibition from approaching a specific person or location and prohibition from departing from the State ensures that the person is reachable by the police when necessary while also following the principle to choosing a procedural compulsory measure that infringes upon the basic rights of a person as little as possible, and is proportionate. In selecting a security measure, a person directing the proceedings takes

¹ Kronberga I. National Report on alternatives to imprisonment in Latvia. Available at: http://providus.lv/upload_file/Projekti/Kriminalitesibas/National%20Report%20on%20Latvia_final_07_31_2014.pdf (last visited on 12.12.2014.).

² Guidelines for Workstream 1 – Research phase by Synergia. Unpublished material.

³ Section 243 of Criminal Procedure Law, available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumum/Criminal_Procedure_Law.doc (last visited on 15.11.2014.).

⁴ Please see Attachment 1 of National Report on alternatives to imprisonment in Latvia for an exhaustive list of all pre-trial security measures.

into account the nature and harmfulness of a criminal offence, the character of the suspect or accused, his or her family situation, health, and other conditions⁵.

A decision to apply a set of security measures that are not related to deprivation of liberty aims at ensuring reasonable balance between the goals of criminal proceedings and rights of the suspected or accused person.

Even though application of a individually adjusted set of security measures was named as the most effective pre-trial alternative to imprisonment by several stakeholders and it is currently legally available, without a doubt there is still place for development. A question that was raised in several interviews concerns electronic monitoring at pre-trial stage. It is recognized as a promising approach, nevertheless currently is not supported by legislator due to financial limitations and lack of nationally based practical experience. As indicated by stakeholders, electronic monitoring could be applicable to suspects and accused without placing them in the prison environment – this alternative remains a topic for discussions for the near future.

2.2. Post-trial alternatives to imprisonment

Criminal Law foresees basic punishments that are not related to deprivation of liberty and isolation from society, namely, community service and a fine⁶. These sanctions will be applied in cases when the type of criminal offence, harm caused and personality of the offender allows the court to do so, therefore some stakeholders doubt whether, for instance, **community service** can be considered an alternative to imprisonment while others emphasize its positive impact on punishment execution system and names it as one of the best approaches currently available.

As for other sanctions that are not related to isolation from society, one can make a distinction between those that allow offender to avoid prison as such and those that foresee a possibility to return to society before serving the whole term of imprisonment adjudged by the court. For instance, if, in determining a punishment – deprivation of liberty – for a period longer than three months, but not longer than five years, 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, without serving the punishment, will not commit violations of the law in the future, it may punish the offender with **a sentence that is suspended**.⁷ (Suspended Sentence). Suspended sentence in combination with community service as additional punishment was specifically indicated as a good alternative to imprisonment in cases when it can be applied as it includes the punishing element and restitution of the caused harm by working for a public benefit while also making it possible to apply probation programs or other conditions that may lead to changes in the way offender thinks and acts.

A person who has committed a criminal violation or a less serious crime, may be **conditionally released from criminal liability** by a public prosecutor if, taking into account the nature of the offence and the harm caused, information characterising the accused and other circumstances of the matter, there is an acquired conviction that the accused will not commit further criminal offences.⁸ (Conditional Release from Criminal Liability).

⁵ Section 244 of Criminal Procedure Law, available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 15.12.2014.).

⁶ Section 36 of Criminal Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc (last visited on 15.12.2014.).

⁷ Section 55 of Criminal Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc (last visited on 15.12.2014.).

⁸ Section 58.¹ of Criminal Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc (last visited on 15.12.2014.).

A person who has been convicted with deprivation of liberty, except temporary deprivation of liberty, may be **conditionally released prior to completion of his or her basic punishment**, if there is a reason to believe that he or she is able to adapt in the society after release without committing a criminal offence.⁹ (Conditional Release Prior to Completion of Punishment).

The arguments in favour for alternatives to imprisonment are rather common among all stakeholders with an emphasis on the consequences an imprisonment has on the offender as well as on offender's family and society in a long term context. Economic aspects are mentioned as the first ones and the reason for that is twofold: firstly, imprisonment is the most expensive of all punishments (daily costs of one prisoner in Latvia is EUR 20¹⁰) and, secondly, even after the person is released from prison one is likely to face difficulties in finding an employment. Therefore person remains dependant on municipal support and allowances or is lead to committing more criminal offences, which means that long term imprisonment costs double to society – those are the expenses of prison and the expenses of persons' reintegration. As highlighted during the interviews, in many cases offenders are not prepared to find legal ways to provide for themselves and probation interventions can be used to tackle this problem. Probation programs, supervision, electronic monitoring – those are tools that can be applied to integrate a person in work environment, in educational environment and other resocialization categories, therefore enabling the person to remain in society and to do so without harming others. Another aspect that was often named for consideration is the social argument within the context of family ties. If alternatives to imprisonment are applied to a person, he or she is able to stay with and to provide for the family which can be viewed as one of the preventive factors. Economic benefits in a narrower understanding were also mentioned as, for instance, community work leads to concrete savings for the employers while socially relevant and beneficial work is carried out - as indicated in Annual Report of State Probation Service, 362 513 hours of community service were served in 2013 which lead to approximately EUR 620 518 savings for employers¹¹.

3. Strengths and weaknesses of alternatives to imprisonment

To make a general summary of all strengths that stakeholders identified for alternatives to imprisonment, the work of State Probation Service should be mentioned as the common thread. To varying extent State Probation Service is the implementing and supervising authority in all cases of post-trial alternatives to imprisonment, including community service, suspended sentence, conditional release prior to completion of punishment et.al.

The main strength of interventions and approaches applied by State Probation Service is the focus on causes of criminal offences and individual approach to each offender. As mentioned by several interviewees, these interventions and approaches enable specialists to influence the values of offender, to change the way person thinks and to foster a shift in attitude while considering the sociopsychological needs of the offender and adjusting the intervention to the required extent. Person remains within the society, does not loose one's social contacts and can remain financially and economically active.

When a suspended sentence or conditional release prior to completion of punishment is adjudged, in order for the objective of punishment to be reached offender has to follow specific conditions and obligations set by the court. Up until now, it was court that decided on these conditions, even though State Probation Service carried out evaluation of the person,

⁹ Section 61 of Criminal Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumis/The_Criminal_Law.doc (last visited on 15.12.2014.).

¹⁰ Sprinģe I. Prisoners. An article on the basis of research „Baltic Prisons”. Available at: <http://www.rebaltica.lv/lv/petijumi/balt/a/1102/ieslodziti.html/> (last visited on 07.12.2014.).

¹¹ Annual Report of State Probation Service (2013). Available at: http://www.probacija.lv/uploads/gada_parskati/2013_vpd_publiciskais_parskats_16_06_2014.pdf (last viewed on 10.12.2014.).

assessed his or her risks and supervised implementation of the probationary supervision plan. Benefits of individualized and timely adjusted conditions were recognized by legislator, therefore amendments to Criminal Law¹² will enter into force on 01.02.2015. and with these amendments State Probation Service will have more impact on the content of conditions and obligations. This, in turn, means that the content of interventions will be even more personalized in accordance with sociopsychological needs of the offender and considering his or her level of risks, resocialization and integration.

Abovementioned amendments to Criminal Law will also introduce electronic monitoring in specific cases of conditional release prior to completion of punishment, thus widening the circle of persons who will be entitled to serving the remaining part of the punishment without isolation from society. As stated by one of the stakeholders, electronic monitoring itself does not prevent committing another crime but it provides offender with a certain “credit of trust” – with the necessary support in place, it can lead to the expected results.

In addition to effectiveness of the rehabilitation and reintegration of offenders, cost benefits must also be noted. As indicated in the Annual report of State Probation Service, the average daily costs per one probation client in 2013 was EUR 1.27¹³. When contrasted with the daily costs of punishment that is related to isolation from society – EUR 20, cost benefits for alternatives to imprisonment are well illustrated.

An issue that was mentioned by all stakeholders was the punitive element of the alternatives. The opinions, however, varied. While some held the opinion that Latvian society has outgrown the idea of more severe punishment leading to safer society, others were certain that, in public’s opinion, the opposite is true– long terms of imprisonment and very high fines are still viewed as the only considerable sanctions for criminal offences. Several aspects must be mentioned in this regard. Firstly, all of the alternatives foresee the punitive element as a proportionate reaction to crime and it is included within the conditions and obligations set by court and/or State Probation Service. Besides, Criminal Law indicates the minimal and maximal sanction for specific type of criminal offence and the court is bound to these limits in all cases. Secondly, 2013 marks a year when Latvian criminal justice system underwent fundamental changes¹⁴, ensuring that sanctions foreseen in Criminal Law become less severe – in many cases both the minimal and maximal limits were decreased. Therefore, a shift in public opinion is tried to be reached by changing the criminal justice system first. Thirdly, the proportionality of punitive element is assessed not only in general terms by society but also in case of each specific crime by the victim. As indicated by the stakeholders, this is the point where various restorative justice measures can be of crucial importance – implementation of those measures can ensure that the victims consider situation to be resolved in a just and fair way.

To address the weaknesses of alternatives, one has to mention the insufficient social support system which is of high relevance when a person is conditionally released prior to completion of punishment – if the social support is weak or non-existent, a person will return to the environment that lead to offending in the first place and that leads to risks of re-offending.

As for pre-trial alternatives to imprisonment, two interrelated types of weaknesses were mentioned – firstly, in many cases the actual capacity of authorities to control implementation of these security measures is rather limited. Therefore, secondly, application of security measures is successful if the person is responsible and willing to follow the limitations. If not, it can be challenging to ensure the discipline that is required for the purposes of criminal

¹²Amendments to Criminal Law that will come into effect on 01.02.2013., available at: <http://likumi.lv/ta/id/269815-grozijumi-kriminallikuma> (last visited on 10.12.2014.).

¹³ Annual Report of State Probation Service (2013). Available at: http://www.probacija.lv/uploads/gada_parskati/2013_vpd_publiciskais_parskats_16_06_2014.pdf (last visited on 10.12.2014.).

¹⁴ Amendments to Criminal Law that come into effect on 01.04.2013., available at: <http://likumi.lv/ta/id/253698-grozijumi-kriminallikuma> (last visited on 10.12.2014.).

proceedings and it leads to application of more strict measures that can be related to deprivation of liberty.

As a potential weakness of post-trial alternatives, namely – suspended sentence, there are groups of offenders that would expect to be punished by application of alternative instead of actual deprivation of liberty. It is particularly the case in relation to criminal offences in state authority service, offences committed by state officials. Their background and characteristics provides funded reasons to expect not to be punished with imprisonment, therefore the preventative aspect of possible punishment is not entirely successful.

4. Identification of the key actors involved

4.1. Pre-trial alternatives to imprisonment

When application of pre-trial alternatives is in question, target group consists of persons with a status of suspect or accused. Grounds for the application of a procedural compulsory measure shall be the resistance of a person to the reaching of the aim of criminal proceedings in concrete proceedings or to the performance of a separate procedural action, or non-execution or improper execution of his or her procedural duties. A security measure shall be applied as a procedural security measure to a suspect or an accused if there are grounds to believe that the relevant person will continue criminal activities, or hinder pre-trial criminal proceedings or court or avoid such proceedings and court.¹⁵

A person directing the proceedings shall choose a procedural compulsory measure that infringes upon the basic rights of a person as little as possible, and is proportionate. In selecting a security measure, a person directing the proceedings shall take into account the nature and harmfulness of a criminal offence, the character of the suspect or accused, his or her family situation, health, and other conditions.¹⁶

When identifying the target group of pre-trial alternatives to detention, the general conclusion is as follows – if a person has a status of suspect or accused, in most cases a security measure will be applied¹⁷ and, if the specific circumstances to apply a security measure that is related to deprivation of liberty are not in place¹⁸, person directing the proceedings will apply a security measure or combination of several measures that is not related to deprivation of liberty.

As for the key actors involved in implementation of the described approach, security measures are applied by a decision of person directing the proceedings¹⁹ and decision can be

¹⁵ Section 241 of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

¹⁶ Section 244 of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

¹⁷ In a research that was carried out in 2008, persons directing the proceedings participated in a survey and there was a question about situation when no security measure is applied to a suspect or accused. 57% of all respondents indicated that this approach can be used only in certain cases, 10% said that no security measure at all is a bad practice and 7% held an opinion that this approach is unacceptable. The vast minority of respondents – only 26%, indicated that it is a common approach. More information: Judins A. Security Measures not Related to Deprivation of Liberty. Riga (2008). Available at: http://providus.lv/upload_file/Publikacijas/Kriminalt/Judins_Brivibas%20atnems.pdf (in Latvian). (last visited on 12.12.2014.).

¹⁸ Author's note: for more information please see Chapter 15 Compulsory Measures Related to the Deprivation of Liberty of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

¹⁹ Author's note: in accordance with Section 27 of Criminal Procedure Law, person directing the proceedings is (a) an investigator or in exceptional cases a public prosecutor – in an investigation; (b) a public prosecutor – in a criminal prosecution.

appealed to investigating judge if a person to whom a security measure has been applied may justify that the provisions of such security measure cannot be fulfilled²⁰.

4.2. Post-trial alternatives to imprisonment

In Latvia, implementation of alternatives to imprisonment is mostly dependent on classification of criminal offences – that is the case when community service, suspended sentence and conditional release from criminal liability are applied. These alternatives to imprisonment are applicable to persons who have committed a criminal violation²¹, a less serious crime²² or a serious crime for which the possible punishment – deprivation of liberty, exceeds three years but does not exceed five years. In accordance with the opinion of stakeholders and their professional experience, in most cases these alternatives can be applied to offenders who have committed criminal offences against traffic safety and criminal offences against property, but this list is only indicative, not exhaustive.

In addition to classification of criminal offence, the target group of alternatives to imprisonment is also narrowed by assessing the nature of the committed criminal offence and the harm caused, the personality of the offender and other circumstances of the matter.

An exception from this type of target group identification is conditional release prior to completion of punishment as in those cases other criteria are considered. Firstly, personality and behaviour of the convicted person is taken into account and, secondly, the following criteria must be positively assessed: (1) the convicted person has reached a certain result of resocialisation; (2) the convicted person to the extent possible has voluntarily made compensation for losses caused by his or her crime; (3) the convicted person has possibilities to acquire means of subsistence in legal way after his or her release; (4) the term specified in a law regulating the execution of criminal punishments after imposition of the punishment for the violation of the punishment serving regime has lapsed and there are no effective punishments for administrative violations committed during execution of the punishment of deprivation of liberty; (5) the convicted person is solving and is ready to continue to solve his or her psychological problems which have caused or may cause commitment of criminal offence; (6) the convicted person has agreed to treatment for alcoholism or addiction to narcotic, psychotropic or toxic substances, if he or she has committed the criminal offence due to alcoholism or addiction to narcotic, psychotropic or toxic substances.²³

In addition to that, convicted person is eligible for conditional release prior to completion of punishment after he or she has actually served:

- 1) not less than half of the punishment imposed for a less serious crime committed;
- 2) not less than two-thirds of the punishment imposed, if it has been imposed for a serious crime, or if the convicted person is a person who previously has been convicted with deprivation of liberty for an intentional crime and the criminal record for this crime has not been set aside or extinguished;
- 3) 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; or

²⁰ Section 262 of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

²¹ Author's note: in accordance with Section 7 of Criminal Law, a criminal violation is an offence for which this Law provides for deprivation of liberty for a term exceeding fifteen days, but not exceeding three months (temporary deprivation of liberty), or a type of lesser punishment.

²² Author's note: in accordance with Section 7 of Criminal Law, a less serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding three months but not exceeding three years.

²³ Section 61 of Criminal Law, Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc

4) twenty-five years of a punishment of deprivation of liberty, if the convicted person is a person for whom life imprisonment has been imposed.²⁴

Even though the target groups for alternatives of imprisonment are defined rather widely, there are, however, categories of offenders that are recently excluded from being subjected to these alternatives. Since the amendments to Criminal Law that came into effect on 14.06.2014,²⁵ adults who have committed an especially serious crime against a person who has not reached the age of 16 years and this crime is linked to sexual violence are not eligible for conditional release prior to completion of punishment. Similarly, since the amendments to Criminal Law that came into effect on 29.10.2014,²⁶ a person who has committed rape or forcible sexual assault is not entitled to be punished with a sentence that is suspended. It must be noted that the abovementioned amendments have been viewed contradictory. On one hand, legislator is striving to highlight the harmfulness of these criminal offences and therefore the reaction is made stricter in order to prevent crime by clearly showing the severity of the punishment. On the other hand, within current legal framework suspended sentence and conditional release prior to completion of punishment are named as good practices due to involvement of State Probation Service as the implementing authority. With these amendments, convicted persons will be released after serving full term and therefore there will be no legal grounds for any of State Probation Service interventions that are valued highly by all stakeholders.

These interventions by State Probation Service are the reason for interviewees to name them as the most important actors for successful implementation of post-trial alternatives to imprisonment, while other **key actors** include persons directing the proceedings, court, prison personnel and providers of social services.

When the court is deciding on application of the alternatives to imprisonment, general principles of **victims' rights** are respected and so are the rights foreseen at each court instance, for example, (a) a victim, taking into account the amount of financial loss, physical suffering, and moral injury caused to him or her, shall submit the amounts of such harm, and use his or her procedural rights for acquiring moral and material compensation; (b) a victim has the right, in all stage of criminal proceedings and in all types thereof, to participate in criminal proceedings using the language that he or she understands, and, if necessary, using the assistance of an interpreter free of charge, as well as the right to not testify against himself or herself and his or her immediate family; (c) a victim – natural person may implement the rights thereof him or herself, or with the intermediation of a representative; (d) the rights of a victim – legal person shall be implemented by the representative thereof; (e) in order to ensure the actualisation of rights, a victim or the representative thereof may invite a defence council for the provision of legal assistance; (f) a victim shall implement his or her rights voluntarily and in an amount designated by him or her. The non-utilisation of rights shall not delay the progress of proceedings; (g) 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. (h) an image of a victim recorded as a photograph, video, or by other types of technical means shall not be published in the mass media during procedural actions without the consent of such victim if such publication is not necessary for the disclosure of a criminal offence.²⁷

In addition to that, the victim has the following rights in a court of first instance: (1) to find out the place and time of the trial in a timely manner; (2) to submit a recusation to the composition of the court, an individual judge, a maintainer of state prosecution, and an expert; (3) to participate him or herself in the examination of a criminal case; (4) to express his or her view

²⁴ Ibid.

²⁵ Amendments to Criminal Law that came into effect on 14.06.2014. Available at: <http://likumi.lv/ta/id/266590-grozijumi-kriminallikuma> (last visited on 12.12.2014.).

²⁶ Amendments to Criminal Law that came into effect on 29.10.2014. Available at: <http://likumi.lv/ta/id/269516-grozijumi-kriminallikuma> (last visited on 12.12.2014.).

²⁷ Section 97 of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

regarding every matter to be discussed; (5) to participate in an examination performed directly and orally of each piece of evidence to be examined in court; (6) to submit applications; (7) to speak in court debates (a victim may express him or herself regarding consideration for harm and a punishment to be applied to an accused²⁸); (8) to familiarise him or herself with a court adjudication and the minutes of a court session; and (9) to appeal a court adjudication in accordance with the procedures laid down in the law.²⁹

It must be noted, however, that decision on conditional release prior to completion of punishment does not foresee any involvement of a victim. At the same time, several stakeholders indicated the importance of restorative justice measures even after the judgement has entered into force and while the offender is serving the punishment in prison. Criminal Procedure Law foresees a settlement possibility in all stages of criminal proceedings; therefore there is a possibility for a victim to be involved in the punishment execution process, even though this approach is not commonly used in practice.

5. Identification of the feasibility and main conditions to implement alternatives to detention

In Latvia, one can apply only those alternatives to imprisonment that are specifically foreseen in law, therefore legal framework at national level including laws as well as regulations by the Cabinet of Ministers are crucial preconditions for the alternative to be implementable.

The main legislative framework consists of Criminal Law³⁰, Criminal Procedure Law³¹, State Probation Service Law³², Law on The Sentence Execution Code of Latvia³³ as well as various Cabinet of Ministers Regulations, for instance, Cabinet of Ministers Regulations No. 119 of 09.02.2010. on how State Probation Service organizes execution of the criminal punishment – community service³⁴, Cabinet of Ministers Regulations No. 804 of 27.11.2007. on how State Probation Service supervises persons with suspended sentence, persons on conditional release prior to completion of punishment and persons on conditional release from criminal liability³⁵ as well as Cabinet of Ministers Regulations No. 282 of 31.03.2009. on Rules of Administrative Commission's operational procedures and decision making criteria³⁶.

²⁸ Section 506 of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

²⁹ Section 99 of Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc (last visited on 12.12.2014.).

³⁰ Criminal Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc

³¹ Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc.

³² State Probation Service Law. Available at: <http://likumi.lv/doc.php?id=82551> (last visited on 12.12.2014.).

³³ Law on The Sentence Execution Code of Latvia. Available at: http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Sentence_Execution_Code.doc (last visited on)

³⁴ Cabinet of Ministers Regulations No. 119 of 09.02.2010. on how State Probation Service organizes execution of the criminal punishment – community service. Available at: <http://likumi.lv/ta/id/205060-kartiba-kada-valsts-probacijas-dienests-organize-kriminalsoda-piespiedu-darbs-izpildi> (last visited on 12.12.2014.).

³⁵ Cabinet of Ministers Regulations No. 804 of 27.11.2007. on how State Probation Service supervises persons with suspended sentence, persons on conditional release prior to completion of punishment and persons on conditional release from criminal liability. Available at: <http://ej.uz/uzraudziba> (last visited on 12.12.2014.).

³⁶ Cabinet of Ministers Regulations No. 282 of 31.03.2009. on Rules of Administrative Commission's operational procedures and decision making criteria. Available at: <http://likumi.lv/ta/id/190185-noteikumi->

The overall legal framework was described as sufficient and only a few gaps were mentioned. Nevertheless, in some cases these gaps can be considered an intentional will of the legislator. For instance, practitioners mentioned that the conditions for a person to be entitled for conditional release prior to completion of punishment are rather strict and it might be useful to consider making the system more flexible. Thus more offenders would have a possibility to prove themselves within the society while being supervised by State Probation Service.

When the questions of legislative gaps were raised, several ideas outside the existing regulations were brought up. A concept yet to be recognized by legislator was indicated during the interviews while describing the benefits of halfway houses for offenders. The idea behind this approach would be to have a place where offenders could gradually adjust to the circumstances they will encounter after the release from prison and to do so within controlled environment, with support from specialists and by participating in accredited and licensed programs that would ensure successful integration in society. An important aspect would be to establish this approach as part of punishment execution system, not the social support system as the objectives and approaches of both systems differ. Another suggestion addressed the possible role of State Probation Service at pre-trial stage of criminal proceedings. Probationary supervision is currently carried out only at the post-trial stage while similar approaches could benefit the accused and suspects before the trial as well.

When identifying additional conditions that are necessary to effectively implement alternatives to imprisonment, the common reply addresses resources in various forms – financial, personnel and capacity. In addition to that, awareness raising and educational measures were also mentioned as some of the pre-conditions for effective application of alternatives – both for society at large and for practitioners working in the field. Society should be brought to understanding that imprisonment as such does not lead to safer society and what are the benefits of alternatives while practitioners need to understand that it is both the attitudes and the content of applied approaches that will ensure results.

6. Conclusions and suggestions

To summarize all the opinions that were expressed by the stakeholders, one has to conclude that a good practice consists of two main elements, namely, it has to be customizable in accordance with the risks and needs of the offender and it has to have an impact on the way offender thinks, on one's values and understanding of what is acceptable within society.

Within the context of Latvian legal system, most of the good examples are related to work of probation service. The approaches as such are not innovative – for instance, community service as well as suspended sentence as concepts are well known in many legal systems across Europe and beyond. What makes these alternatives recognized as effective is their level of individualization and adjusted content of intervention.

All the specialists working in the punishment execution system are bound to laws and regulations of national level. However, the regional context is also of relevance as, for instance, State Probation Service has 28 regional offices³⁷ covering the whole territory of Latvia.

The target groups of alternatives are not specifically foreseen in law – nor by characteristics of an offender, nor by specific types of crime. Limits are set by classification of criminal offences and that leads to rather wide possible scope of application.

Section 35 of Criminal Law indicates the objective of punishment, which is (a) to protect the public safety; (b) to restore justice; (c) to punish the offender for a committed criminal offence;

par-administrativas-komisijas-darbibas-kartibu-un-lemumu-pienemsanas-kriterijiem (last visited on 12.12.2014.).

³⁷ State Probation Service of Latvia. Available at: <http://www.probacija.lv/page.php?id=17> (last visited on 12.12.2014.).

(d) to resocialize the punished person; and (e) to achieve that the convicted person and other persons comply with the law and refrain from committing criminal offences³⁸.

What was highlighted by all stakeholders is the fact that state's reaction to crime should not be more repressive than necessary for fulfilment of this objective and alternatives to imprisonment are tools that allow to follow this statement.

³⁸ Section 35 of Criminal Law. Available at:
www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc

Resources:

1. Criminal Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc
2. Criminal Procedure Law. Available at: www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Criminal_Procedure_Law.doc.
3. Law on The Sentence Execution Code of Latvia. Available at: http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Sentence_Execution_Code.doc (last visited on 10.12.2014.)
4. State Probation Service Law. Available at: <http://likumi.lv/doc.php?id=82551> (last visited on 12.12.2014.)
5. State Probation Service of Latvia. Available at: <http://www.probacija.lv/page.php?id=17> (last visited on 12.12.2014.)
6. Amendments to Criminal Law that will come into effect on 01.02.2013., available at: <http://likumi.lv/ta/id/269815-grozijumi-kriminallikuma> (last visited on 10.12.2014.)
7. Amendments to Criminal Law that come into effect on 01.04.2013., available at: <http://likumi.lv/ta/id/253698-grozijumi-kriminallikuma> (last visited on 10.12.2014.)
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17. Guidelines for Workstream 1 – Research phase by Synergia. Unpublished material.
18. Interviews with stakeholders. Unpublished material.