



State Probation Service
Republic of Latvia

Management of Community Supervision Breaches in Latvia

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State Probation Service of Latvia

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'Ordinary' community supervision

~6500 offenders annually

Duration of supervision period:

<6 months = 30%

6-12 months = 26%

1-2 years = 21 %

2-3 years = 11 %

> 3 years = 12 %

There are **obligatory conditions to all offenders** stipulated in Penal Code (*to visit probation office, on his own initiative to submit information to probation officer, etc.*)

Additional conditions of community supervision are set by the probation officer (not court) according to results of RNA and can be changed at any time during supervision period (*list of possible conditions on next slide*).



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'Ordinary' community supervision

Additional conditions (set by probation officer):

- 1) to observe a prohibition to leave his or her place of residence during a certain time of the day;
- 2) to observe a prohibition to change the place of residence without the consent of the State Probation Service;
- 3) to observe a prohibition to stay in specific public places;
- 4) to observe a prohibition to contact certain people;
- 5) to observe a prohibition to depart from certain administrative territory without permission of the State Probation Service;
- 6) to observe a prohibition to use alcohol and other intoxicating substances;
- 7) to co-ordinate the movement route with the official of the State Probation Service;
- 8) to participate in one or several probation programmes;
- 9) to comply with a prohibition to purchase, carry or store specific objects;
- 10) to comply with a prohibition to approach certain objects, locations or institutions;
- 11) for the purpose of solving the problems of criminogenic nature, to visit the specialist indicated by the State Probation Service, if the probationer agrees to pay additional costs associated with such visit or the probationer does not incur additional expenditures therewith;
- 12) to fulfil the instructions of the State Probation Service, aimed at getting legal means of subsistence or solving domestic issues in a socially acceptable way



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Electronic monitoring

'Ordinary' community supervision + electronic monitoring

Conditions of electronic monitoring (Penal Code):

- 1) to avoid changing of his or her place of residence without the consent of the State Probation Service;
- 2) to avoid using alcohol, narcotic, toxic or psychotropic substances;
- 3) not to damage electronic devices through which intensive monitoring is ensured for his or her compliance with the restrictions on his or her freedom of movement, and to ensure continuous operation thereof;
- 4) immediately to inform an official of the State Probation Service, if the electronic devices are damaged through which intensive monitoring is ensured for his or her compliance with the restrictions on his or her freedom of movement;
- 5) to comply with the electronic monitoring schedule prepared by an official of the State Probation Service;
- 6) to notify an official of the State Probation Service regarding persons permanently staying in his or her place of residence, immediately to notify about the persons who intend to reside permanently in his or her place of residence after installation of the electronic devices;
- 7) to eliminate the potential obstacles, which could interfere with an official of the State Probation Service at any time of day or night having access to his or her residence.



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Electronic monitoring

Offender under community supervision has:

- + Conditions obligatory to all offenders (8 *conditions*)
- + Additional conditions set by probation officer (0-12 conditions)
- + **Conditions of electronic monitoring** set in Penal Code (7 conditions)

Offender on electronic monitoring must comply with 15-27 conditions

Probation office has authority to request court to execute imprisonment sentence in case of any non-compliance situation



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Breaches of community supervision rules

Both during 'ordinary' community supervision and electronic monitoring probation officer:

- Requests written explanation from offender
- Issues written warning, if no plausible reasons identified for violation
- Exercises his professional discretion regarding further action:
 - 1) Adjustment of community supervision; *or/and*
 - 2) Request to the court to execute imprisonment sentence.

*!!! If offender **on EM** received 2 warnings for non-compliance with **specific EM conditions**, probation officer must request court to imprison offender and court must imprison offender !!!*

(no professional discretion in this case)



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Consequences of breaches

If probation office requests to execute imprisonment, that will be:

- Full term of imprisonment (suspended sentence); *or*
- Term of imprisonment what was left on date of early release from prison (early release/parole); *or*
- 1 day of imprisonment for each 2 days what are left on supervision period (additional punishment – probation supervision)



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Consequences of breaches

Example to illustrate possible consequences:

- Offender sentenced with imprisonment – 15 years 6 months
- After 11 years 5 months he was early released from prison with electronic monitoring during first 2 months and after that with 'ordinary' supervision on 3 years 11 months
- If during 4 years 1 month of community supervision (EM + 'ordinary' supervision) he breaches several times, probation office requests imprisonment and court approves request, offender will be brought back to prison **to serve 4 years and 1 month without possibility to be released on parole** anymore

It doesn't matter whether request is sent after 1st month of community supervision or 4th year, it still will be 4 years 1 month of real imprisonment



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Thank you!

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