

Question 13

During supervision the person must comply with the obligations stated in the law, for example, fulfil the obligations and lawful requirements determined by an official of the SPS, appear at the SPS at the time determined by the official of the SPS etc. Also, SPS can impose several obligations to probation clients according to Sentence Execution Code of Latvia Sections 138.6, 155.1 and 119.7, these are:

1. to comply with the prohibition to leave the place of residence at a specific time of the day;
2. to comply with the prohibition to change his or her place of residence without permission of the SPS;
3. to comply with the prohibition to visit specific public places;
4. to comply with the prohibition to contact specific people;
5. to comply with the prohibition to leave a specific administrative territory without the permission of the SPS;
6. to comply with the prohibition to use alcohol, narcotic or other intoxicating substances;
7. to comply with the route of movement coordinated with an official of the SPS;
8. to participate in one or more probation programmes;
9. to comply with the prohibition to purchase, carry or keep particular items;
10. to comply with the prohibition to approach specific objects, places or institutions;
11. to see the specialist indicated by the SPS for resolving issues of a criminal nature if the conditionally released person agrees to pay the additional expenses related to such visits or it does not result in additional expenses for the conditionally released person and to follow the instructions of the specialist;
12. to follow the instructions of the SPS aimed at deriving legal subsistence means or resolving of practical matters in a socially acceptable way.

In addition, when imposing the obligations mentioned before, SPS contacts the victim if necessary to clarify victim's opinion on the need to protect the victim's rights and legal interests, if the victim is child, SPS contacts child's legal representative. Also, when imposing the obligations mentioned, SPS takes into account convicted persons risks and needs, which are determined using risk and needs assessment tools STATIC-99R, STABLE-2007 and ACUTE-2007. The aim of these tools is to evaluate the possible causes of sex offence and to determine the therapeutic target goals. To achieve the therapeutic goals and to work with the identified risks of sexual offending, SPS can impose an obligation to convicted person in supervision of SPS to participate in probation programme. SPS provides a programme that's specifically aimed at preventing repeat sexual crimes. The SPS covers public transportation expenses for probation clients, if they are related to the arrival to the probation program intended for persons who have committed a sexual crime, and the probation program is implemented outside the territory of the territorial structural unit of the SPS, where supervision of

the probation client is provided (Sentence Execution Code of Latvia Sections 119.12, 138.10 and 160.1).

When providing supervision for persons who have committed sexual offences, SPS organises Multi Agency Public Protection Arrangement (MAPPA) meetings. Since 2015 SPS, State Police and Latvian Prison Administration have concluded an agreement on cooperation to ensure more effective inter-institutional cooperation in the prevention of sexual offences. Since 2021 the State Inspectorate for the Protection of Children's Rights is included in the agreement as a cooperation partner. MAPPA meetings is arranged in order to promote the necessary exchange of information, to address the needs and risks of the convicted person, with the aim of preventing new criminal offense. MAPPA meetings are held, within the framework of which each specific situation is viewed in several sections - work with the offender, existing and potential victims, the role and responsibility of the institutions involved.

It is important to mention that CPL, Section 39, Paragraph 1, Clause 6.1 stipulates that in all cases when the person is accused of committing a sexual offence, the prosecutor has a duty to request an evaluation report (pre-sentence report) from the SPS regarding that person. This way it is ensured that the SPS has obtained information describing the person, including the possible reasons for committing the crime, before sentencing. Pre-sentence report is a valuable information for prosecutor or court also in making decision about the punishment.

Regarding the organization of the resocialization process for persons who have been sentenced to imprisonment for committing a criminal offence against morality and sexual inviolability, within two months after the convict is placed in a prison to start serving the sentence, an assessment of the risks and needs of the mentioned persons is ensured, determining:

- 1) the convict's resocialization needs, the degree of his/her antisocial behaviour and risk of committing a repeated criminal offence in the prison;
- 2) the most suitable means of social behaviour correction or social rehabilitation and other measures to be implemented during the sentence execution and to be included in the convict's resocialization plan.

In 2023, the State Probation Service in co-operation with Latvian prisons implements the social behaviour correction programme "Path of Changes 2" which replaces "Programme for Monitoring and Supervision of Persons Who Have Committed Sexual Crimes" implemented in prisons until now.

The programme "Path of Changes 2" is based on the principles of Cognitive Behavioural Therapy which emphasizes the close connection between emotions, thoughts and actions, accentuating the work with thinking mistakes. The overall goal of the programme is to reduce the risk of future sexual crimes, thereby protecting previous, current and potential victims.

The target audience of the programme – men between the ages of 21 and 60, clients of medium, high and very high level of supervision and support who have been convicted of a crime against morality and sexual inviolability.

In addition to participating in the programme “Path of Changes 2”, persons convicted of a crime against morality and sexual inviolability while serving a prison sentence, can participate in:

- general, professional and non-formal education programmes;
- psychological assistance activities (individual consultations of a psychologist, group activities and crisis interventions) and consultations of a social worker individually or in a group;
- paid work in the prison maintenance service, in the workplaces created by companies and located in prison, as well as outside the prison if this is permitted by the sentence serving regime imposed on the convicted person;
- unpaid work for the maintenance, cleaning and improvement of the prison and the surrounding area, as well as in the improvement of the cultural and living conditions of convicts;
- career consultations of the State Employment Agency of the Republic of Latvia and pre-release consultations in job searching issues;
- free time activities – cultural, informative, art, amateur and sports activities;
- addiction reduction measures, incl. the addiction reduction programme in Addicts Centre of Olaine Prison (Latvian Prison Hospital);
- fellowship measures.

In addition, Section 72 Paragraph 4 of the Law states that managers and employees of child care, educational, health care, and other such institutions where children are staying, and also organisers of events, individual merchants, managers of commercial companies, and organisers of voluntary work have an obligation to ensure that such persons participate in organising and event and fulfil duties in an institution or to participate in organising events, the organiser of events or the manager of the institution has an obligation to request information from the Punishment Register in order to ascertain the compliance of the person with the requirements referred to in Paragraphs five and six of this Section, and also to re-verify such information not less than once a year. The employer shall request the abovementioned information on the manager of the institution.

In accordance with the provisions of Section 72 Paragraph 5 of the Law, such persons shall not work in child care, educational, health care, and other such institutions where children are staying, at events for children and such events in which children take part, shall not perform voluntary work, and also shall not provide services according to an agreement entered into (except for the persons who provide extraordinary or temporary services, and also services which are provided in the absence of a child):

- 1) who have been convicted of criminal offences that are related to violence of threats of violence – irrespective of whether or not the conviction is extinguished or set aside except for the case when, after extinguishing or setting aside the conviction, the State Inspectorate for Protection of Children’s Rights has assessed whether it does not harm the interests of children and has permitted such persons (except for teachers who are assessed in accordance with that laid down in the Education Law) to work, carry out voluntary work, and also, according to an agreement entered into, to provide services at childcare, educational, health care institutions and other such institutions where children are present, at children’s events, and such events where children are participating. The Cabinet shall determine the procedures by which it shall be assessed whether the permission for such persons to work, to carry out voluntary work, and also, according to an agreement entered into, to provide services are not to harm the interests of the child.
- 2) who have been convicted of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside.
- 3) to whom the court has applied the compulsory measures of a medical nature specified in the Criminal Law.
- 4) who have been imposed a fine for the administrative offence referred to in Section 81 of this Law, unless three years have elapsed from the day when the decision taken by the competent authority or court judgement has entered into effect and become not subject to appeal.