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Community service as the first alternative to imprisonment in Latvia: expectations and reality

Les services à la communauté comme la première mesure alternative à l'incarcération en Lettonie : attentes et réalité

*Ilona Kronberga**

Riassunto

Nel corso degli ultimi decenni, in Lettonia, le sanzioni penali sono aumentate rapidamente a causa dei cambiamenti significativi, ma non è possibile spiegare dettagliatamente questa situazione in una sola pubblicazione. Pertanto, l'obiettivo di questo articolo è quello di aiutare il lettore a capire come le sanzioni penali si sono sviluppate in Lettonia da 25 anni a questa parte, esaminando quella sanzione penale che, tra le altre, non è legata all'isolamento della persona dalla società.

Résumé

Au cours des dernières décennies en Lettonie, les sanctions pénales ont rapidement évolué en raison de changements significatifs sans qu'il soit possible d'expliquer en détail cette situation dans une seule publication. Le but de cet article est donc d'aider le lecteur à comprendre la manière dont les sanctions pénales se sont développées en Lettonie depuis 25 ans, en examinant la sanction pénale qui, entre autres, n'est pas liée à l'isolement de la personne de la société, c'est-à-dire le service à la communauté. Cet article se base sur l'expérience de longue date de l'auteur dans le domaine de l'application des peines comme sur les résultats du projet « Reducing prison population : advanced tools of justice in Europe ».

Abstract

During the last decades, criminal penalty policy in Latvia has developed rapidly going through particularly significant changes and it is not possible to explain it fully in one publication. The aim of this article is to demonstrate the reader how the criminal penalty policy has developed in Latvia over the last 25 years, analysing one criminal penalty which is not connected to the person's isolation from the society – community service. For the publication, the author's personal experience of many years in the field of criminal penalty implementation and application is used, as well as the results of the project "Reducing prison population: advanced tools of justice in Europe."

Key words: community service; Latvia; criminal penalty policy; prison overcrowding.

1. Introduction.

Criminal penalty or criminal sanctions policy as the set of measures and tools for protecting the society is different in every country despite common international standards (1). Criminal penalty policy in each particular country is determined by a range of factors including historical and geographical factors, system of social values, as well as the system and doctrine of justice. Regarding the development of criminal penalty policy in Latvia and its results all these aspects have to be taken into account. During the last decades, criminal penalty policy in Latvia

has developed rapidly going through particularly significant changes and it is not possible to explain it fully in one publication (2). The aim of this publication is to demonstrate the reader how the criminal penalty policy has developed in Latvia over the last 25 years, analysing one criminal penalty which is not connected to the person's isolation from the society – community service. For the publication, the author's (3) personal experience of many years in the field of criminal penalty

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implementation and application is used, as well as the results of the project (4) “Reducing prison population: advanced tools of justice in Europe”.

2. The beginning and tendencies of criminal penalty policy development in Latvia.

The Republic of Latvia (5) regained its independence *de facto* in 1991 (6). After the restoration of the independence, legal enactments issued by Soviet institutions were into force for some time until the newly elected Parliament and Government of Latvia made alterations in them or issued new laws and Regulations of the Cabinet of Ministers. The reform of legal system was comprehensive, long and complicated and, actually, it finished only at the end of 1990s. From 1991 till 1995, the main objective of the state was to secure the independence and withdraw the Russian army that occurred only in 1994. At this time, long-term criminal sanction policy was not stipulated in a separate enactment, the process of development for a new Criminal Law and Criminal Procedure Law was carried out instead. It was conceded that after these laws also a new law on the Enforcement of Criminal Sanctions would be developed.

Unlike the quick development of the legal thought, the practice of the application of legal provisions developed much slower. In the Soviet Union, the number of sanctions without social isolation was very low and they were applied only for petty offences. Social judgement on what effective criminal sanctions look like were restricted to a wish for very long imprisonments and preferably at conditions as rough as possible. However, the modest financial situation in the country and the progression of Latvia towards the European Union and NATO all-in-all stimulated the society to consider such penalties that are not connected to

isolation from the society. Inherited from the Soviet times, Latvia obtained 15 huge places of imprisonment, all built as patterned penal colonies – in fact, they are as labour barracks because the only means of prisoners for re-socialisation was hard work. The prison premises were in very poor technical condition and it was not possible even to ensure the safety of prisoners and specialists, not to mention any content improvements of criminal penalties implementation. Overall, there were more than 10 thousand prisoners in Latvia in 1991; besides a part of Latvian citizens were imprisoned in Russia where they had been sent to serve their prison sanctions according to the legal enactments of that time. This was the starting point of the Latvian criminal penalties policy.

Now, in 2016, there are 4409 prisoners in Latvia and 11 different places of imprisonment, the majority of them being renovated. Deprivation of liberty is one of the two criminal sanctions which are connected to the convicted person's isolation from the society (deprivation of liberty and arrest), whereas the other penalties are not connected to personal isolation (7). The term “sanctions alternative to deprivation of liberty” is not being used in Latvia at the moment because by doing that it is, in fact, emphasised that deprivation of liberty is the dominant type of criminal penalties however it may have alternative solutions in some cases. Therefore, the system of criminal sanctions in Latvia includes two types of penalties, namely, connected to isolation from the society (a) and to be served in the society (community measures) (b). Thus, for instance, it is possible to consider conditional sentence with deprivation of liberty as an alternative sanction to isolation from the society; however, this publication analyses the criminal sanction – community service which is a penalty

without isolating the person from the society. Applying the penalty, the judge evaluates the type, severity and conditions of the committed offence, as well as the offender's personality and only then decides on the appropriate sanction choosing from the ones stipulated in the law. The only case when the judge may decide to apply conditional deprivation of liberty (without enforcement) is the case when the responsibility about the committed offence includes the possibility to apply real deprivation of liberty but the judge is of conviction, based on facts, that the person (if staying in the society) will not re-offend. If the person who is conditionally sentenced commits a new offence during the probation time or breaks probation supervision rules, the judge may decide on enforcing the penalty containing deprivation of liberty in the place of imprisonment. In such cases, it is considered that the judge has initially applied an alternative sanction to deprivation of liberty which is (or is not) later commuted with real implementation of penalty at prison.

The statistics of deprivation of liberty differs in various countries. The values mentioned in statistical summaries have to be analysed also with the help of content analysis not only quantitative analysis in order to gain an overall notion about the current tendencies in European countries (8). Let us address several aspects in particular. First, prison occupancy level (9) (to draw conclusions whether the prisons of the particular country are or are not overcrowded) is calculated from the number of places in prisons that are envisaged by the country and the number of occupied prison places. If we look at the Baltic States, Estonia is in the closest position to prison overcrowding with 96,3% occupied prison places of all the available; Lithuania has 79,1% occupied prison places, whereas Latvian

prisons are half-empty – 59,5% (10). Looking at the reasons, not only at the numbers, it is possible to conclude that this number is the result of prison reforms in Estonia over the last 10 years when the number of prisons was reduced by half. When building new prisons, Estonia has made precise estimations how many places are necessary in order to ensure deprivation of liberty for a particular number of people in the country. In Latvia, however, the new prisons are not built yet which would comply with the real needs of the country (regarding the number of prisoners) but the majority of places in the old prisons are not usable without breaking the regulations of Latvian criminal penalty policy and international principles of penalty enforcement. Thus, looking only at the numbers the viewpoint may be formed that Estonian prisons could soon be overcrowded although it does not correspond to the real-life situation.

Based on *Eurostat* data (11), the ratio of imprisoned people per 100 thousand population is calculated, however the number of population altogether is also taken into account. Thus, the prison population rate based on an estimated national population is similar in all three Baltic States, respectively, in Latvia there are 4409 prisoners per 1,97 million population in total which makes the ratio 217; in Lithuania – 7355 prisoners per 2,9 million population and the ratio of 254; in Estonia there are 2868 prisoners per 1,32 million population and the ratio is 217. Of course, evaluating the prison population rate in the Baltic States in comparison to other European countries, the ratio is rather high, thus, for instance, in Bulgaria there are 9028 prisoners per 7,2 million population and the penitentiary ratio correspondingly is 125, in France – 69375 prisoners per 67,4 million population and the penitentiary ratio 103, in Germany –

64397 prisoners per 82,5 million population and the ratio of 78, in Italy – 54195 prisoners per 60,82 million and the rate of imprisoned people makes 89, in Romania – 27774 prisoners per 19,69 million residents and the rate 141, whereas in Scotland – 7672 prisoners per 5,4 million population and the penitentiary rate is 142.

Several factors have to be taken into consideration when making analysis of this information and drawing conclusions. For instance, although the number of prisoners in Latvia in 2016 makes half as much as in 2000 (respectively, 8815 prisoners in 2000 and 4409 in 2016), the penitentiary ratio remains rather high in comparison to other countries because the number of prisoners in Latvia is high in relation to the number of population, the latter being decreased in the last seven years by approximately 300 thousand. Similarly rapid decrease of population related both to emigration caused by the economic crisis and the decline of demographic situation rate is observed also in Lithuania and Estonia. Therefore, paying attention only to the statistics an impression may appear that criminal policy in the Baltic States is oriented on the application of penalties connected with deprivation of liberty instead of alternative solutions or measures without isolation from the society which is not true. Quite the contrary, all three Baltic States have faced significant reforms in criminal penalty systems in the last seven years which have had good results – significantly reduced numbers of prison population, developed modern and sustainable system of re-socialisation in the institutions of imprisonment, as well as developed national probation institutions which are responsible for the implementation of penalties to be served in the community. Thus, for instance, community service

is one of the most applied sanctions in criminal cases in Latvia.

3. First searches for alternatives to deprivation of liberty.

Community service as a criminal sanction was first introduced in the legal provisions of Criminal Law in 1998 (12). Simultaneously with the new Criminal Law coming into force also the Sentence Execution Code of Latvia (13) was supplemented stipulating that a new Division 7 (14) “Execution of Criminal Punishments Unrelated to Deprivation of Liberty” has to be added to the Code. Thus, in fact, the division of penalties was introduced in the Sentence Execution Code of Latvia by the method of their execution – sanctions related to isolation from the society (deprivation of liberty, arrest and also death penalty) and sanctions without isolation from the society (a fine, property confiscation, deportation from the Republic of Latvia, and limitation of rights).

In the Sentence Execution Code of Latvia the execution procedure of community service was envisaged and it was stipulated that the executive institution of the new criminal sanction, community service, would be the Community Service Supervision Service (15) established by the city council, parish council or several parish councils together, also the conditions and procedure of community service execution were provided for. Recalling the development process of the Criminal Law, U.Krastiņš (16) wrote (17) that initially there was an idea that the new law would envisage a wide range of alternatives for the penalty related to deprivation of liberty. U.Krastiņš admits that it failed to succeed in full amount. He indicates that there was no success in finding types of sanctions other than related to deprivation of liberty; a fine

and community service were the only options for basic sentence, and the limitation of rights and later also police control (also together with a fine) were envisaged as additional punishment.

Around 2000, community service already existed as a sanction in criminal justice in European countries. The differences could be found in the status of this sanction and the procedures of its application. For instance, the German Criminal Code (18) stipulates that community service has to be applied to the convicted person as a condition in order to compensate the harm to the victim, whereas the Swedish Penal Code (19), where a great role has been devoted particularly to various combinations of sanctions, community service is possible as a condition in addition to conditional sentence or probation supervision or other construction of sanctions if the convicted person agrees with such conditions.

The development of the procedure for community service execution was a complicated task also because of the lack of such a sanction in previous historical legal provisions in Latvia, namely, Penal Code of 1833, Penal Code of Tsarist Russia of 1903, Criminal Code of former Russian Federation of 1926 which was in force also in the territory of Latvia, Penal Code of 1933, Criminal Code of the Latvian Soviet Socialistic Republic of 1961, and the Criminal Code of the Republic of Latvia. The Penal Code of 1933 envisaged forced labour sentenced for lifetime or for the period of time from four till fifteen years, however this forced labour was, in fact, deprivation of liberty sentenced for severe crimes. Therefore the authors of the Criminal Law not only had to elaborate the regulation for the new punishment (without isolation from the society) in material legal provisions but also develop and implement the execution procedure of this sanction

in the legal provisions for the execution of criminal sanctions, so that it would be operational and eligible in practice. It was no easy task.

The concept of penalty or punishment was not explained in the Criminal Code of Latvia therefore it got defined in the new Criminal Law stipulating that the aim of penalty is to punish the guilty person for the offence committed and to achieve that the convicted person as well as other people obeyed the law and refrained from committing offences. Thus, general (universal) and special prevention got included in the objective of the punishment. Explaining the need for such alterations, U.Krastiņš indicates that the previous law strongly emphasised the correctional nature of the sanction aiming to re-educate the convict during the execution, however it mostly appeared to be an impossible task to perform (20). Therefore, the objective of the sanction was changed and it obtained the inclusive nature. It was indeed this alteration that served as the basis for the further development of sanctions unrelated to isolation from the society in Latvia. Moreover, such alterations provided the possibility to further develop various forms for the execution of sanctions related to deprivation of liberty (for instance, its content and form), setting re-socialisation (including also the correction of social behaviour and rehabilitation) of the person as the main objective. These alterations served as the starting point for modern and efficient approaches in the system of criminal penalties including conditional sentencing with deprivation of liberty, conditional release or parole from the execution of the sanction at the place of deprivation of liberty, as well as electronic monitoring of the offenders.

4. Problems for specialists in Latvia implementing community service.

When the Criminal Law entered into force in 1999 and also later the calculations were not made to envisage the amount of financial resources necessary for local municipalities to execute the new function and establish the services for supervising community service. Simultaneously, there appeared also the problem of missing targeted methodology and management to implement the basis of community service execution, no resources were allocated from the national budget to organise the system in local municipalities. Being aware of the real situation, courts were reserved as to the application of the new criminal sanction.

Despite that, the first statistical data appeared in 1999 showing that community service was applied to 183 offenders. This revealed another previously not detected problem. At that time, the Sentence Execution Code of Latvia envisaged that in cases when the convicted person did not follow the regulations and procedure of the penalty without plausible reasons he got warned but in the case of failing to obey the warning community service was replaced with arrest. However, such sanction as arrest was not implemented yet therefore it was not possible to apply the measure stipulated by law in practice. The situation managed to be changed only after the amendments in the Sentence Execution Code of Latvia on November 27, 2002 stipulating that until March 31, 2003 the conditions in which the person whose non-executed sanction (community service or fine) is replaced with arrest is kept have to be equal to those conditions in which the convicts are kept who serve their sentence in semi-open prisons, lowest prison regime level. Later the deadline of this condition was extended until March 1, 2007 and then more, until on April 1, 2013

amendments were made in the Criminal Law with which arrest was excluded from the list of sanctions and replaced with short-term detention, changing the legal provisions of the Sentence Execution Code of Latvia to comply with the amendments.

The practice of community service execution was developing slowly, all in all, the tendencies were positive, respectively: in 2003 community service was applied to already 1359 individuals, in 2004 – 1545, in 2005 – 1750, in 2006 – 1952. Nevertheless, the practice implemented in various municipalities thanks to particular projects was still different. The situation could not be considered and evaluated as a stable system. The lack of clear and planned system and financial resources led to the human factor become the dominant, it means that in those municipalities where there were individual enthusiasts the work went on, whereas in the municipalities where there were no such people the implementation did not get organised at all. Local municipalities organised community service supervision services according to their possibilities delegating this function to various institutions, for instance, social services or municipal police. This resulted in different practices, opinions, interpretation and implementation of legal provisions. Such situation failed to guarantee equal execution of criminal sanctions in the form of community service to all convicts.

Due to the aforementioned reasons, on April 28, 2005 amendments to the Sentence Execution Code of Latvia were issued as the result of which the conditions for community service execution were specified stipulating at the same time that the State Probation Service is the institution in charge of the execution of community service. The amendments provided transit period in which the State Probation Service would take over the supervision of

community service execution from the services established by individual municipalities. On June 14, 2005 the first “Procedure on the coordination of community service execution” was published. As the mechanisms for community service execution developed over time, the State Probation Service correspondingly improved its legal order.

5. The process of development for community service execution.

It has been 10 years now since the State Probation Service took over the implementation and execution of community service. At the moment, community service is the most often applied criminal sanction in Latvia: in 2010 it was applied to 2738 individuals, in 2013 – 3536, in 2014 – 4266, whereas in 2015 – to 4750 individuals (21). The Criminal Sentencing Policy Concept adapted in 2009 has had an important role in a wider application of community service. As the result of the Conception, the amendments to the Criminal Law were elaborated, submitted and approved in the parliament of Latvia, the Saeima, envisaging a wider possibility to apply community service. In the annotation of the draft legislation it was emphasised that it is necessary to develop a combined system of sanctions in the criminal law, at the same time envisaging that community service is applicable also independently of other basic sanctions. It is essential, though, to take into consideration that neither from the historic, nor legal perspective has community service become an alternative to deprivation of liberty, it is possible that it has reduced the number of conditional sentencing. This fact is indicated to by the correlation between the increased number of community service application cases and the reduced number of people punished conditionally. Thus, for instance, analysing the number of criminal

penalties applied by the judgement of court in 2012 against the data in 2015, it is possible to conclude that the number of conditional sentencing cases has a 44% reduction, whereas the number of cases of applied community service shows a 46% increase. This tendency was observed already in 2004 when it was first introduced; this fact is confirmed also by the analysis included in the Criminal Sentencing Policy Concept where the data show that community service rate among all criminal sanctions eligible in Latvia is 25,7% (in 2007). At the moment, the rate of community service among all other criminal sanctions is 54% (in 2015, including judgements of court and prosecutors' applied punishment orders; 47% without prosecutors' orders). It means that every other person in Latvia is sentenced to community service. The possible balance among the applicable penalties was planned in the Criminal Sentencing Policy Concept taking into account the crime dynamics and the system of the planned penalties and sanctions foreseeing that the rate of community service would not exceed 45% of all the applicable criminal penalties and sanctions (respectively, deprivation of liberty 21%, fine 13%, conditional sentencing 21%, and other penalties and sanctions 21%).

The evaluation of the situation is ambiguous as it is not possible to distinguish whether such development of community service is simply positive or rather negative. First, it has to be admitted that this situation allows considering that there is still a great demand for various types of penalties and sanctions which are not related to isolation from the society but appear to be sufficiently efficient at the same time. Probably, it is not enough with what we have. Secondly, an evaluated is needed on how to further improve the institute of conditional sentencing or replace it fully

with probation supervision in the near future developing various sub-forms of supervision and their content. It is possible that probation supervision may become a basic punishment over time or combined with other penalties. The research conducted in 2013 (22) shows that the level of recidivism among people who have been sentenced conditionally is lower (10%) than among people who have been sentenced with community service (15%) (23). Therefore it may be considered that conditional sentencing can be efficient if it is organised and developed purposefully. K.Çipëna (24) indicates that community service does not envisage correctional measures for social behaviour therefore it does not change the mistakes in cognition or behaviour that have caused the commitment of the offence. As the result, the possibility to re-offend does not decrease after the execution of the penal sanction. Conditional sentencing, in its turn, ensures the possibility to provide long-term and efficient correction of social behaviour thus decreasing the risk of recidivism (25). Taking that into consideration, the content of community service has to be improved.

6. Evaluation of community service as a criminal sanction from today's perspective in 2016.

It has to be taken into account that community service in its nature is not “the cure for all diseases”. At the moment, Article 35, part 2 of the Criminal Law stipulates that the objective of any punishment is not only to punish the person who has committed an offence for which a punishment is provided for by law, but also *to protect the public safety, to restore justice, including to achieve that the convicted person wishes and is able to join the society and live in compliance with the rules for behaviour acceptable*

in the society. Every punishment provided for in the Criminal Law has to be formulated (included in the law), appropriate (in compliance with procedural legal norms), comprehended (applied in practice according to its objective) and executed (legal process of sanction execution) aimed at this objective provided for by law. Article 35, part 1 of the Criminal Law stipulates that punishment is a compulsory measure. In this case, the compulsory nature of punishment envisages that the sanction applied by court or prosecutor to the person who has failed to obey the law is mandatory. This is exactly the way how law enforcement institutions use legal measures to protect the society from illegal actions committed by particular people. Justice is restored not by punishing the person for the committed offence but when the offender has compensated the harm caused by the offence to the victim and the society. Compensation of harm and damage has to be regarded not only as financial remuneration of material nature (for the material or moral harm) but also as work or mediation between the victim and the offender. Therefore, special measures and tools (mediation (26), reconciliation with a mediator in criminal proceedings, conference) need to be envisaged for the restoration of justice damaged by the offence. In order to have the person wish and be able to reintegrate in the society, in their turn, each type of punishment (according to the form of the sanction) includes a particular amount of re-socialisation measures that eliminate those traits in the person which caused the commitment of the offence (correction of social behaviour) and provides motivation, knowledge and skills to the convict to live a legitimate life in the society (social rehabilitation). Taking that into consideration, each type of punishment will differ not only by its form (e.g. including isolation from

the society or sentence to be served in the society) but also by its content (possible set of re-socialisation measures during the execution of penal sanction).

Thus, also community service as a criminal sanction is efficient to a particular target group and in particular cases, respectively, to such convicts and for such offences where it is possible to compensate the harm made to the society working without remuneration. It means that community service will be efficient in the cases when the objectives of the punishment are reached, the convict stays in the society and does not endanger public safety (a), participates in restorative justice activities (b), joins re-socialisation activities (c) to prevent re-offending. If the answer is “no” to one of these statements in the particular case, there is a risk that community service will not be the most appropriate type of punishment for the particular person in the particular situation. A. Reigase (27) emphasises that the Recommendation No. R(92)16 of the Committee of Ministers of the Council of Europe to member states on the European rules on community sanctions and measures stipulate that the objective of community sanctions and measures is to do everything to make the offender assume his responsibilities regarding the society and the particular victim and enable him to cooperate and see the sanction as a just and reasonable reaction to the offence committed. Also the Recommendation No. R(2000)22 of the Committee of Ministers of the Council of Europe to member states on improving the implementation of the European rules on community sanctions and measures emphasise that a significant objective of the punishments without isolation from the society is social reintegration which is related to active

cooperation of sentence execution services with local community.

Analysing the practice of applying community service, K. Ķīpēna concludes that community service is frequently applied to people addicted to drugs who are not able to serve it due to their addiction, often community service is applied to them repeatedly, even in cases when community service has been replaced by other punishment more than once. Thus, in 2015, 22% of people serving community service applied by court or prosecutor were sentenced with community service for the second time, 54% had it applied for the first time, 12% – the third time, but 11% of convicts had community service for more than four times. It can be concluded thereof that the system of criminal sanctions has a strong necessity for other penal sanctions, combinations of penalties or compulsory measures unrelated to isolation from the society (a), that a repeated application of community measures proves not to be the most efficient measure in particular cases (b), and that there is a possibility that community service is not appropriate for this particular target group (c).

7. Final considerations.

In Latvia, community service is one of the most efficient and most often applied penal sanctions unrelated to personal isolation from the society. Considering the information mentioned in this publication, the content of community service has to be improved adding correctional measures for social behaviour to it. Possibly, the application of community measures should be limited defining particular target groups or types of offences which allow repeated application of this penal sanction. It is necessary to deliberate how it is possible to develop community service and/or probation

supervision together by creating mutual combinations of these sanctions. For instance, community service could be as one of the conditions together with conditional sentencing or in a combination with probation supervision.

Notes.

(1). Author's remark: International standards that are included in the UNO documents about the implementation of criminal penalties and the treatment of prisoners, as well as the Recommendations of the Committee of Ministers of the European Council in this field.

(2). Author's remark: Detailed information on the criminal penalty system in Latvia is available in the publication: Kronberga I., National Report on Latvia, from the project "Reducing prison population: advanced tools of justice in Europe" (JUST/2013/JPEN/AG/4489). Available: http://providus.lv/upload_file/Projekti/Kriminalitesibas/National%20Report%20on%20Latvia_final_07_31_2014.pdf (last visited 10.10.2016).

(3). About the author: Ilona Kronberga is a leading Latvian expert on Criminal sanctions, Penal systems and Crime prevention, Juvenile Justice and Children's Rights Protection; has long-standing experience in policy planning and legal drafting related to the enforcement of criminal sanctions, including policies on probation, community service and other alternative sanctions in Latvia. More information is available here: <http://providus.lv/en/ilona-kronberga> (last visited 10.10.2016).

(4). More information about the project "Reducing prison population: advanced tools of justice in Europe" is available here: <http://providus.lv/en/article/reducing-prison-population-advanced-tools-of-justice-in-europe> (last visited 10.10.2016).

(5). See more information on the history of Latvia here: https://en.wikipedia.org/wiki/History_of_Latvia#Restoration_of_independence (last visited 10.10.2016).

(6). Author's remark: After a brief period of independence between the two World Wars, Latvia was annexed by the USSR in 1940. It re-established its independence in 1991 following the breakup of the Soviet Union.

(7). More on criminal sanctions in Latvia see here: Kronberga I., National Report on Latvia, from the project "Reducing prison population: advanced tools of justice in Europe" (JUST/2013/JPEN/AG/4489). Available: http://providus.lv/upload_file/Projekti/Kriminalitesibas/National%20Report%20on%20Latvia_final_07_31_2014.pdf (last visited 10.10.2016).

(8). See also: Alternatives to detention in Europe: Promising practices and tools. A training package. Available: http://www.reducingprison.eu/downloads/files/TRAINING_PACKAGE.pdf (last visited 10.10.2016).

(9). Occupancy level, based on official capacity.

(10). See more: World Prison Brief. Home page of Institute of Criminal Policy Research: <http://www.prisonstudies.org/map/europe> (last visited 10.10.2016).

(11). *Ibidem*.

(12). Criminal Law. Accepted by the Parliament 17.06.1998. Available: http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc (last visited 10.10.2016).

(13). Amendments in the Sentence Execution Code of Latvia. Issued: 14.10.1998. Available: <http://likumi.lv/ta/id/51519-grozijumi-latvijas-sodu-izpildes-kodeksa> (last visited 10.10.2016).

(14). Author's remark: A special new chapter was introduced to the Sentence Execution Code of Latvia. It stipulated separately those criminal sanctions which were not related to personal isolation from the society, respectively, the fine, property confiscation, deportation from the Republic of Latvia, and the limitation of rights. Thus, the system was, in fact, secured that apart from deprivation of liberty and arrest there were also criminal sanctions unrelated to isolation from the society.

(15). Amendments in the Sentence Execution Code of Latvia. Issued: 14.10.1998. Article 134. Available: <http://likumi.lv/ta/id/51519-grozijumi-latvijas-sodu-izpildes-kodeksa> (last visited 10.10.2016).

(16). Author's remark: Dr.habil.iur. U.Krastiņš is the professor at the Chair of Criminal Law of the Faculty of Law of the University of Latvia.

(17). Krastiņš U., „Krimināllikumam 10 gadi: tapšana, attīstība un perspektīva” (*10 Years of the Criminal Law: Creation, Development and Perspective*), Magazine of the University of Latvia “Juridiskā zinātne” (*Legal Science*), No.1, 2010, p. 12. Available: http://www.lu.lv/fileadmin/user_upload/lu_portal/apgads/PDF/LU_Juridiska-Zin_Nr-1.pdf (last visited 10.10.2016).

(18). German Criminal Code. Criminal Code in the version promulgated on 13 November 1998, Federal Law Gazette [Bundesgesetzblatt] I p. 3322, last amended by Article 3 of the Law of 2 October 2009, Federal Law Gazette I p. 3214. Section 56b. Available: https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/criminal_code_germany_en_1.pdf (last visited 10.10.2016).

(19). The Swedish Penal Code was adopted in 1962 and entered into force on 1 January 1965. Chapter 27, Section 2 a. Available: <http://www.government.se/contentassets/5315d27076c942019828d6c36521696e/swedish-penal-code.pdf> (last visited 10.10.2016).

(20). Krastiņš U., „Krimināllikumam 10 gadi: tapšana, attīstība un perspektīva” (*10 Years of the Criminal Law: Creation, Development and Perspective*), Magazine of the University of Latvia “Juridiskā zinātne” (*Legal Science*), No.1, 2010, p. 12. Available: http://www.lu.lv/fileadmin/user_upload/lu_portal/apgads/PDF/LU_Juridiska-Zin_Nr-1.pdf (last visited 10.10.2016).

(21). Ķipēna K. Kriminālsodu politikas tendences Latvijā 20. - 21.gadsimtu mijā (*Tendencies of Criminal Sanction Policy*

in Latvia at the turn of 20th and 21st centuries). 2016. Presentation at the seminars “Valsts probācijas dienesta īstenojamā funkcija kriminālsoda – piespiedu darbs – 10 gadu šķērsgrizumā – izaicinājumi un iespējas” (*The role and function of the State Probation Service in the 10 year execution of community service as a criminal sanction: challenges and possibilities*). Unpublished material.

(22). Ķīpēna K., Zavackis A., Ņikišins J. Sodū izcietušo personu noziedzīgo nodarījumu recidīvs (*Crime Recidivism in Former Convicts*). Law magazine “Jurista Vārds”, 27.08.2013., No. 35 (786), pp.12.-17. Available also: <http://www.juristavards.lv/doc/259267-sodu-izcietuso-personu-noziedzigo-nodarijumu-recidivs/> (last visited 10.10.2016).

(23). Author's remark: The level of recidivism among people sentenced with deprivation of liberty and served all the sentence is 40-50%, whereas among people conditionally released from prison on parole – 15-25%.

(24). Mag.iur. K.Ķīpēna is the Head of Punishment Execution Policy Unit at the Ministry of Justice of the Republic of Latvia.

(25). Ķīpēna K., „Kriminālsodu politikas tendences Latvijā 20 - 21 gadsimtu mijā” (*Tendencies of Criminal Sanction Policy in Latvia at the turn of 20th and 21st centuries*), 2016. Presentation at the seminars “Valsts probācijas dienesta īstenojamā funkcija kriminālsoda – piespiedu darbs – 10 gadu šķērsgrizumā – izaicinājumi un iespējas” (*The role and function of the State Probation Service in the 10 year execution of community service as a criminal sanction: challenges and possibilities*). Unpublished material.

(26). See more: Mediation Law. In force from: 18.06.2014. Available: http://vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Mediation_Law.doc (last visited 10.10.2016).

(27). Mag.iur. A.Reigase is a long-standing lecturer at the Chair of Criminal Law of the Faculty of Law of the University of Latvia.

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