Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

26 April 2007 [shall come into force on 25 May 2007];

18 December 2008 [shall come into force on 31 December 2008];

20 December 2010 (Constitutional Court Judgment) [shall come into force on 22 December 2010];

13 October 2011 [shall come into force on 4 November 2011];

15 December 2011 [shall come into force on 30 December 2011];

28 April 2016 [shall come into force on 26 May 2016];

19 April 2018 [shall come into force on 23 May 2018];

7 February 2019 [shall come into force on 6 March 2019];

17 February 2022 [shall come into force on 16 March 2022];

8 June 2022 (Constitutional Court Judgment) [shall come into force on 13 June 2022].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1has adopted and

the President has proclaimed the following law:

**Law on the Procedures for Holding the Detained Persons**

**Section 1. Scope of Application of this Law**

(1) This Law prescribes the procedures for holding the persons detained in accordance with the Criminal Procedure Law (hereinafter – the detained person) at specially equipped police premises – at a temporary place of detention.

(2) Taking into account the procedures prescribed by this Law and the restrictions prescribed by other laws, if it is necessary, the administratively detained persons as well as the arrested persons and the convicted persons may be placed in a temporary place of detention for the performance of procedural actions. Wanted arrested persons and persons convicted with deprivation of liberty after detention thereof may be placed at a temporary place of detention until relocation thereof to an investigation prison or a deprivation of liberty institution, but not longer than for seven working days. In the cases provided for in the Law, the persons who have been detained in accordance with the procedures laid down in the Immigration Law, except vulnerable persons, may be placed at a temporary place of detention.

[*28 April 2016; 17 February 2022*]

**Section 2. Temporary Place of Detention**

(1) A temporary place of detention consists of specially equipped premises established at the State Police where, in accordance with the procedures prescribed by this Law, the detained persons are placed and held.

(2) A temporary place of detention shall be arranged in the following way:

1) locked rooms for holding the detained persons (hereinafter – the cell);

2) a room (rooms) for the performance of procedural actions;

3) a washroom;

4) a lavatory;

5) an enclosed territory with total area of not less than 15 square metres for the detained persons for taking walks in the fresh air;

6) a storeroom for bedding;

7) a room for inspection of the detained persons;

8) an administration room (rooms);

9) a room (rooms) for persons who perform twenty-four-hour security guarding at the temporary place of detention;

10) a room for the acquisition of biometric data and inclusion thereof in the Biometric Data Processing System, and also for taking photographs of the detained person and his or her special features and for preparing criminalistic characterisation.

(3) Video surveillance at a temporary place of detention shall be conducted in accordance with the procedures laid down in laws and regulations.

(4) The Cabinet shall determine the hygiene requirements at a temporary place of detention.

[*28 April 2016; 7 February 2019*]

**Section 3. Placing of the Detained Person in the Temporary Place of Detention**

(1) The police official shall place the detained person in the temporary place of detention on the basis of the detention protocol drawn up according to the procedures prescribed by the Criminal Procedure Law.

(2) Placing of the detained person in the temporary place of detention shall be registered, indicating the following:

1) given name (names) and surname of the detained person;

2) personal identity number or year and date of birth of the detained person (if a personal identity number has not been assigned to the detained person in the Republic of Latvia);

3) date and time when the detained person was placed in the temporary place of detention.

(3) The detained person shall be informed about the internal procedures of the temporary place of detention laid down in this Law and the list of items that may be kept in the cell in the language he or she understands (if necessary, inviting a translator) in return for a signature, as well as shall be invited to hand over the items which are not included in the referred to list. An opportunity to acquaint oneself with the internal procedures of the temporary place of detention shall be provided to the detained person placed in the cell at any time.

(4) The detained person shall be warned that special means may be used against him or her, if he or she does not obey or resists the legal requests of the police official or there is a reason to believe that the detained person may escape or inflict harm to other persons or himself or herself.

(5) Prior to being placed in the cell the detained person shall be searched by the police official of the same gender, inspecting the items retained by the detained person and visually examining the detained person in order:

1) to remove the items which could be utilised to attack the police officials or with which it would be possible to inflict bodily injuries to other persons or himself or herself, or which could possibly be utilised to commit suicide;

2) to remove items which are not included in the list of items that may be kept in the cell;

3) to detect visible bodily injuries.

(6) The police official shall record the results of the search in the search deed. The detained person shall sign the aforementioned deed and shall receive a copy thereof. The items that were handed over and removed shall be stored at the temporary place of detention.

(7) Prior to being placed in the cell the detained person shall be asked about his or her state of health and requested to inform about the presence of such diseases, as a result of which the life of the detained person may be threatened or which could be dangerous to other persons, or as a result of which special measures have to be put in place for the detained person. The complaints of the detained person regarding his or her state of health shall be recorded in a separate journal.

(8) Prior to placement in the cell, the police official shall take photographs of the detained person and his or her special features and shall prepare a criminalistic characterisation.

(9) Information on the detained persons, photographs of the detained persons and their special features, and also criminalistic characterisations of the detained persons shall be registered by the police official in the Integrated Information System of the Interior. Photographs to be taken and mandatory technical requirements defined for them, and also the extent of information to be included in the Integrated Information System of the Interior, procedures for the inclusion and deleting, the time periods for storage and institutions which shall be granted access to the information included in the abovementioned information system shall be determined by the Cabinet.

[*15 December 2011*]

**Section 4. Accommodation of the Detained Person at the Temporary Place of Detention**

(1) The detained person shall be placed in the cell at the temporary place of detention.

(2) The detained men and women shall be placed separately.

(3) The detained minors and the detained persons of legal age shall be placed separately.

(4) The detained persons shall be placed separately from the arrested persons and the convicted persons.

(5) The administratively detained persons shall be placed separately from the detained persons, the arrested persons and the convicted persons.

(51) Persons who have been detained in accordance with the procedures laid down in the Immigration Law shall be accommodated separately from the persons detained, arrested and convicted in accordance with the procedures of criminal proceedings.

(6) The detained and convicted persons for committing one and the same criminal offence shall be placed separately in accordance with the instructions of the person directing the proceedings.

(7) The detained State officials and employees of law enforcement institutions shall be placed separately.

[*28 April 2016; 17 February 2022*]

**Section 5. Internal Procedures of the Temporary Place of Detention**

(1) The following shall be ensured at the temporary place of detention:

1) permanent supervision, surveillance and guarding of the persons placed in the temporary place of detention;

2) registration and examination of the persons visiting the temporary place of detention;

3) examination of the items brought for the detained person.

(2) The following shall be prohibited at the temporary place of detention:

1) to bring in and utilise means of communication, any type of audio, photo, video and computer equipment, weapons and other items with which it is possible to inflict bodily injuries. The exception is the equipment necessary for fulfilment of the professional duties of the emergency medical care and emergency response personnel;

2) to bring in and use medicines (except for medicinal products prescribed by the health care practitioner);

3) to bring in and use alcoholic beverages, toxic, narcotic, psychotropic or other intoxicating substances.

(3) The detained person may not:

1) communicate with the persons placed in other cells;

2) make noise, avoid fulfilment of the legal requests of the police officials or to refuse to fulfil them;

3) perform activities which hinder observation of the persons held in the cells;

4) damage the rooms and equipment of the temporary place of detention;

5) retain items which are not included in the list of items that may be kept in the cell;

6) use alcoholic beverages, toxic, narcotic, psychotropic or other intoxicating substances;

7) change the sleeping berth without the permission of the employee of the temporary place of detention;

8) smoke;

9) refuse from taking photographs laid down in Section 3, Paragraph eight.

(4) The following persons may visit the temporary place of detention:

1) the persons laid down in the Criminal Procedure Law for the performance of procedural actions;

11) the relatives of the detained minor laid down in the Criminal Procedure Law;

2) representatives of the State and international human rights protection institutions;

3) emergency medical assistance and emergency response personnel;

4) representatives of diplomatic and consular missions.

(5) The emergency medical care and emergency response personnel shall attend the temporary place of detention accompanied by the police officials.

(6) The representatives of the State and international human rights institutions, except for the Ombudsman and the person who represents the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment, shall inform the management of the relevant police unit of the visit to the temporary place of detention in advance.

(61) Foreigners placed in a temporary place of detention who have been detained, arrested or convicted in accordance with the procedures of criminal proceedings have the right to privately meet a representative of the diplomatic or consular mission of his or her country without any restrictions. The representative of diplomatic or consular mission shall inform in advance the management of the relevant police structural unit regarding the visit to the temporary place of detention.

(62) At the temporary place of detention, the detained minor has the right to have a one-hour-long private meeting with not more than two relatives if this does not prevent the achievement of the objective of criminal proceedings. The relatives shall coordinate such meeting with the person directing the proceedings in advance.

(7) The persons who come in contact with the detained persons in the short-term place of detention have a duty to hand over for keeping all the items referred to in Paragraph two of this Section (except for the items necessary for the performance of professional duties).

(8) In order to ensure the fulfilment of the requirements prescribed by this Law the police officer has the right to search the cell, the detained person or his or her personal belongings at the temporary place of detention at any time.

(9) The Cabinet shall determine the list of items that may be kept in the cell.

(10) The police officer shall control the correspondence of arrested and convicted persons at the temporary place of detention by accordingly ensuring compliance with the correspondence control conditions laid down in the Law on the Procedures for Holding under Arrest and The Sentence Execution Code of Latvia.

[*26 April 2007; 13 October 2011; 15 December 2011; 28 April 2016; 19 April 2018*]

**Section 6. Bringing out the Detained Person from the Temporary Place of Detention**

(1) The detained person may be brought out from the temporary place of detention escorted under security in order to:

1) perform procedural actions in accordance with the request of the person directing the proceedings;

2) provide medical care.

(2) While the detained person is outside the temporary place of detention the requirements of the internal procedures of the temporary place of detention provided for in Section 5, Paragraphs one, two and three of this Law shall be applied to him or her.

**Section 7. Living Conditions of the Detained Person**

(1) Nutritional provision norms and provision norms of washing products and personal hygiene products for the detained person shall be determined by the Cabinet.

(2) The detained person shall receive food three times a day (of those one – warm), as well as at any time – drinking water.

(3) Cell size may not be less than:

1) 4 square metres – one-man cell;

2) 7 square metres – two-man cell;

3) 10 square metres – three-man cell;

4) 12 square metres – four-man cell;

5) 15 square metres – five-man cell.

(4) Each detained person shall be provided with the following:

1) a separate sleeping berth;

2) a bed mattress;

3) a blanket and a cushion if the detention time includes also sleep;

4) a towel if the detained person does not have his or her own towel and it is necessary for use.

(5) The cell shall have the following installed:

1) sanitary facilities connected to a water pipe which shall be separated from the rest of the room by a construction ensuring that the detained person, while using sanitary premises, is concealed from the vision of other persons to the extent which guarantees the protection of his or her privacy;

2) a bench that shall be fixed to the floor;

3) a shelf that shall be fixed to the wall;

4) if it is located out of sight of the police official – a call-button for calling for the police official.

(6) The cell shall be provided with natural light but during the night – with artificial lighting, air temperature which is not less than 18°C and ventilation.

(7) If the detained person is located at the temporary place of detention for longer than 24 hours, he or she has the right to a walk in the fresh air for a period of at least one hour.

[*13 October 2011; 28 April 2016; 17 February 2022; Constitutional Court judgment of 8 June 2022* / *The new wording of Paragraph four, Clause 2 and Clauses 3 and 4 shall come into force on 1 January 2023. See Paragraph 5 of Transitional Provisions*]

**Section 8. Living Conditions for Minors**

(1) The detained minors have all the rights and obligations laid down in this Law and other laws and regulations.

(2) [28 April 2016]

[*28 April 2016*]

**Section 9. Health Care of the Detained Persons**

(1) The following health care shall be guaranteed to the detained person from the funds of the State budget:

1) emergency medical care, as well as assistance in cases of trauma, acute illness or exacerbation of chronic diseases and the products necessary for treatment thereof;

2) counter-epidemic measures, in order to prevent the spread of infection at the temporary place of detention.

(2) The health care referred to in Paragraph one of this Section shall be provided to the detained person at the time and place, when and where it is necessary and possible to provide it:

1) at the temporary place of detention;

2) at a medical treatment centre to which the detained person is delivered by the police officials or transported by an emergency medical care team escorted by the police officials (if the respective health care cannot be provided at the temporary place of detention).

(21) The health care referred to in Paragraph one of this Section shall be provided to a minor upon the initiative of the person directing the proceedings or police official, especially when it is required due to specific and health-related indications, or upon a request of the detained minor, his or her representative, defence counsel or any other person.

(3) Police officials shall provide guarding of the detained person and safety of the health care practitioners. For the achievement of the objective of criminal proceedings, a police official or the person directing the proceedings has the right to request a statement on the provision of the health care referred to in Paragraph one or 2.1 of this Section and the health condition of the detained person. The statement shall indicate whether the detained person may stay at the temporary place of detention and participate in further procedural actions or his or her treatment needs to be continued in a medical treatment institution. The statement shall be appended to materials of the criminal case. The statement shall be stored and it may be acquainted with in accordance with the procedures specified in the Criminal Procedure Law.

(4) In addition to the health care services referred to in Paragraph one of this Section, the detained person, with the permission of the person directing the proceedings, has the right to invite a certified medical specialist to provide a consultation. Expenses for the consultation provided by the aforementioned specialist at the temporary place of detention shall be compensated by the detained person or his or her relatives.

[*19 April 2018*]

**Section 10. Release of the Detained Person from the Temporary Place of Detention**

(1) The detained person shall be released without delay, if:

1) the decision on the release of the detained person from the temporary place of detention is received from the person directing the proceedings;

2) the time determined in the Criminal Procedure Law for the detention has ended and the security measure – placing under arrest, is not applied to the detained person.

(2) The person to be released shall be searched; the belongings which were removed from the person when he or she was placed in the temporary place of detention shall be given back in return for a signature, as well as a copy of the detention protocol where an official shall indicate the reason, the date and the time of the release.

**Transitional Provisions**

1. [1 January 2012]

2. The Cabinet shall issue the regulations referred to in Section 5, Paragraph nine and Section 7, Paragraph one of this Law by 31 December 2005.

3. Until the day of coming into force of the Cabinet Regulation referred to in Section 7, Paragraph one of this Law, but not later than until 31 December 2005, the Cabinet Regulation No. 339 of 6 August 2002 Regulations regarding Nutritional Norms, Norms of Washing Products and Personal Hygiene Products for Detained and Administratively Arrested Persons shall be applied in relation to detained persons.

4. The Cabinet shall issue the regulations referred to in Section 2, Paragraph four of this Law by 1 October 2016.

[*28 April 2016*]

5. Amendments to Section 7, Paragraph four of this Law shall come into force on 1 January 2023.

[*17 February 2022*]

**Informative Reference to European Union Directives**

[*19 April 2018*]

The Law contains legal norms arising from:

1) Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty;

2) Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

The Law shall come into force on the day following its proclamation.

The Law has been adopted by the *Saeima* on 13 October 2005.

President V. Vīķe-Freiberga

Rīga, 20 October 2005