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3 March 2016 [shall come into force on 29 March 2016];

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

7 December 2017 [shall come into force on 3 January 2018];

28 June 2019 (Constitutional Court Judgment) [shall come into force on 2 July 2019];

28 May 2020 [shall come into force on 23 June 2020];

16 June 2022 [shall come into force on 20 July 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*1 has adopted and

the President has proclaimed the following law:

**Law on the Procedures for Holding under Arrest**

**Chapter I**

**General Provisions**

**Section 1. Purpose of this Law**

The purpose of this Law is to ensure commensurate conformity with the human rights and the interests of criminal proceedings in applying the security measure – arrest.

**Section 2. Grounds for Executing Arrest**

A decision of an investigating judge or a court ruling on the imposition of arrest shall be the grounds for executing arrest.

**Section 2.1 Grounds for Executing Temporary Arrest**

A decision of an investigating judge on the imposition of temporary arrest shall be the grounds for execution of temporary arrest of a person convicted abroad.

[*15 December 2011*]

**Section 3. Arrested Person**

(1) An arrested person is a person on whom the security measure – arrest – has been applied by the investigating judge or a court.

(2) The norms of this Law shall also be applied to a person who has been taken over for serving the sentence from a foreign country or on whom temporary arrest has been imposed and who has been placed in a remand prison.

(3) If a convicted person, on the basis of a decision of a court, a prosecutor or the Prosecutor General of the Republic of Latvia, has been transferred to a remand prison or a division of a remand prison created in another prison (hereinafter – the remand prison) due to examination of a case in a court or investigatory activities in a case, the extent of the rights of the abovementioned person shall be determined by the Sentence Execution Code of Latvia.

[*14 July 2011; 15 December 2011*]

**Section 4. Arrest Execution Institutions**

(1) Arrest shall be executed in the remand prison. In the Republic of Latvia remand prisons shall be established and liquidated by the Ministry of Justice.

(2) The internal rules of procedure of remand prisons shall be governed by the Cabinet.

(3) Upon request of the person directing the proceedings, an arrested person may be placed in a place of temporary detention for the time period necessary for the performance of procedural activities and court proceedings. After detention a wanted arrested person may be placed in a place of temporary detention until his or her transfer to a remand prison. The internal rules of procedure of a place of temporary detention shall be applicable to the arrested person at the place of temporary detention, and he or she shall be provided with the living conditions of a place of temporary detention.

(4) The Cabinet shall determine the technical requirements for the construction of remand prisons.

(5) The execution of arrest shall be organised in conformity with the restrictions on meetings and communication imposed on the arrested person by the person directing the proceedings.

[*14 July 2011; 3 March 2016; 28 April 2016; 16 July 2022*]

**Section 5. Supervision of Execution of Arrest**

[14 July 2011]

**Section 5.1 Visitation of a Remand Prison**

(1) Persons who come to a remand prison to visit arrested persons or to perform professional duties may not be under the influence or intoxication of alcohol, narcotic, or other intoxicating substances.

(2) A person who comes to a remand prison to perform professional duties shall present the permission of the person directing the proceedings to meet the arrested person, except for cases where the person is involved in ensuring the procedures for the execution of arrest provided for in this Law or the law does not require the person to obtain the permission of the person directing the proceedings.

(3) An official of a remand prison shall check whether the arrested person is not subject to restrictions on meetings and communication with the person with whom he or she meets or who visits him or her during the performance of professional duties.

(4) The head of a remand prison may prohibit meetings or visits which may endanger the security of the prison or the public, the rights of other persons or may contribute to the commission of a criminal offence. The decision of the head of a remand prison to prohibit a meeting or visit may be contested to the head of the Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Prison Administration may be appealed to the District Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law. A decision of the District Administrative Court may not be appealed. Submitting of a complaint shall not suspend the enforcement of the decision.

[*16 June 2022*]

**Section 5.2 Issuance of Documents and Correspondence Addressed to the Arrested Person**

(1) If a document is received electronically from the person directing the proceedings in a remand prison for the issuance thereof to the arrested person, an employee designated by the head of the remand prison shall, not later than the next working day, print out the document without registering it or subjecting it to inspection and, ensuring confidentiality, place it in an envelope which shall be sealed. The envelope shall bear the given name and surname of the person directing the proceedings from whom the document was received, the given name and surname, the year of birth of the arrested person to whom it is to be issued and shall be handed over to an official of the remand prison for the issuance thereof to the arrested person. The official of the remand prison who issued the document to the arrested person shall complete a form indicating the name or number of the document, the date and time of issuing the document, or the fact that the arrested person refused to accept the document and shall send it to the person directing the proceedings not later than two working days after completion of the form.

(2) Correspondence received by post in the remand prison and addressed to the arrested person shall be issued not later than within three working days from the date of receipt or delivery thereof.

[*16 June 2022*]

**Chapter II**

**Placing of Arrested Persons in the Remand Prison**

**Section 6. Personal File of an Arrested Person**

(1) The employees of a remand prison shall create a personal file for each arrested person or shall continue the personal file of the arrested person if the arrested person has been transferred from a prison for the execution of arrest. The following documents shall be mandatorily included in the personal file:

1) a decision of an investigatory judge or a court ruling on the imposition of arrest;

2) the dactyloscopic card of the arrested person;

3) a copy of the detention protocol if the person has been detained;

4) a questionnaire of the arrested person;

5) photographs of the arrested person and his or her special features, and also criminalistic characterisation of the arrested person.

6) information on the course of the social rehabilitation of the arrested person;

7) information on the punishments imposed on the arrested person for the violation of the internal rules of procedure of the remand prison and also information on the incentives applied.

(2) The personal file of an arrested person shall include documents that provide information on the course of execution of arrest, and also the administrative acts taken in relation to the arrested person.

(3) The following shall be appended to the personal file of the arrested person:

1) a passport or an identity card;

2) a temporary certificate, a return certificate, or an emergency travel document;

3) information at the disposal of the remand prison on the education received by the arrested person.

(4) In transferring an arrested person to the remand prison from the place of temporary arrest, the documents referred to in Paragraph one, Clauses 1–3 of this Section and the documents removed from the person shall be sent with him or her.

(5) In transferring an arrested person to the place of temporary arrest from the remand prison or vice versa, the personal file of the arrested person shall be sent with him or her. In transferring an arrested person to the prison from the remand prison or vice versa, the personal file of the arrested person shall be sent with him or her.

(6) The content of the questionnaire of an arrested person and the procedures for drawing up thereof, and also the procedures for drawing up of a personal file shall be determined in the internal rules of procedure of remand prisons.

(7) Information on arrested persons, photographs of arrested persons and their special features, and also criminalistic characterisations of arrested persons shall be registered in the Integration Information System of the Interior. The photographs to be obtained and the mandatory technical requirements laid down for them, and also the scope of information to be included in the Integrated Information System of the Interior, the procedures for inclusion and deletion, storage term thereof and the institutions which should be granted access to the information stored in the referred-to information system shall be determined by the Cabinet.

[*15 December 2011; 16 June 2022*]

**Section 6.1 Sending of Information to the State Border Guard**

If a court judgment in another criminal case has entered into effect in respect of an arrested person according to which the arrested person is to be removed from the Republic of Latvia after serving the basic punishment, the administration of the remand prison shall, within 30 days after the placement of the arrested person in the remand prison, inform the State Border Guard thereof in writing in accordance with a law or regulation regarding forced removal of a foreigner, a travel document and the issuing thereof. The arrested person is removed in accordance with the procedures laid down in the Immigration Law.

[*16 June 2022*]

**Section 7. Placing of an Arrested Person in the Remand Prison**

When placing in the remand prison, an arrested person shall be:

1) registered, indicating his or her given name, surname, personal identity number or year and date of birth (if the arrested person has not been assigned a personal identity number in the Republic of Latvia), the court or investigation judge who took the decision to impose the security measure and the time period when the arrested person is placed in the remand prison;

2) searched by a prison employee of the same sex. The results of the search shall be recorded in a protocol.

**Section 8. Accepting of the Belongings of an Arrested Person for Storage**

(1) The internal rules of procedure of remand prisons shall determine the list and quantity of belongings allowed in remand prisons for individual use. The arrested person shall hand over the belongings which are not included in the abovementioned list or exceed the quantity indicated therein for storage at the remand prison.

(2) In transferring an arrested person to the remand prison from the place of temporary arrest, he or she shall be able to keep the quantity of belongings specified in the list of articles allowed in the cell of the place of temporary arrest, but the remaining belongings shall be handed over by the arrested person for storage at the remand prison.

(3) The belongings accepted for storage at the remand prison shall be recorded and indicated in an act on acceptance. The act shall be signed by the arrested person and a prison employee who accepts the belongings. The arrested person shall be issued a signed copy of the act on acceptance.

**Section 9. Alienation of Unauthorised Belongings and Money**

(1) The money which has not been voluntarily handed over by an arrested person shall be alienated and, after coordination with the person directing the proceedings, transferred to the basic budget account of the remand prison for the improvement of the public and household conditions.

(2) Precious metals, precious stones and their articles which have not been voluntarily handed over by an arrested person shall be alienated and, after coordination with the person directing the proceedings, transferred for sale to the State Revenue Service. The resources obtained shall be transferred into the State basic budget.

(3) Money, precious metals, precious stones and their articles which have not been voluntarily handed over by a minor arrested person shall be issued to his or her parents or guardian.

[*14 July 2011*]

**Section 10. Health Examination of an Arrested Person**

(1) Upon placement in the remand prison an arrested person shall undergone health examination and decontamination in accordance with the procedures stipulated by the Cabinet.

(2) Results of health examination of an arrested person shall be recorded in the outpatient’s card of the patient.

**Section 11. Accommodation of Arrested Persons in the Remand Prison**

(1) An arrested person and a convicted person who have been placed in a remand prison in the cases specified in the laws and regulations governing execution of criminal sentences shall be accommodated in the remand prison in a closed room (cell).

(2) Arrested men and women, and also minors and adult arrested persons shall be accommodated separately.

(3) Persons arrested in the same criminal proceedings shall be held separately for 10 days. After expiry of the abovementioned period, such arrested persons shall be held separately if the decision of the person directing the proceedings to restrict meetings and communication with such arrested persons has been received.

(4) Arrested persons shall be accommodated separately from convicted persons, except for when convicted persons are placed in the remand prison due to commission of another criminal offence.

(5) If the arrested person is a judge, a person belonging to the judicial system, an employee, a former employee of an investigation institution, an institution for execution of criminal sentences, a State authority performing operational activities, municipal police, or another State authority involved in ensuring national and public safety, his or her spouse or a first-degree relative, he or she shall be accommodated separately from other arrested persons. An arrested person who has helped uncover a crime committed by another person and for whom a court, in accordance with the procedures laid down in the Criminal Law, has reduced the sentence specified in the judgement shall be accommodated separately from other arrested persons if he or she has requested it.

(6) The arrested persons who have not served the sentence in prisons before arrest shall be placed separately from other arrested persons. The arrested persons shall be placed in cells taking into account internal security, and also (as much as possible) individual characteristics and psychological compatibility.

(7) The decision of the head of a remand prison to accommodate an arrested person in a remand prison shall not be subject to contesting or appeal.

[*20 November 2008; 14 July 2011; 18 June 2015; 16 June 2022*]

**Section 11.1 Transfer of Arrested Persons to Another Remand Prison**

(1) The head of the Prison Administration may transfer an arrested person to another remand prison, taking into account medical, security, and crime prevention criteria. The decision of the head of the Prison Administration to transfer an arrested person to another remand prison shall not be subject to contesting or appeal.

(2) The administration of such remand prison to which the arrested person has been transferred shall inform the person directing the proceedings of the transfer of the arrested person to the specific remand prison.

[*7 December 2017*]

**Chapter III**

**Rights and Obligations of an Arrested Person**

**Section 12. Familiarisation with the Rights of an Arrested Person**

After placement in the remand prison, the administration shall familiarise an arrested person without delay with his or her rights and obligations in the language understood by him or her (if necessary, inviting an interpreter), and also inform of officials whom he or she may address with complaints and requests. The arrested person shall certify with his or her signature that he or she has been familiarised with the abovementioned information.

**Section 13. Rights of an Arrested Person**

(1) An arrested person has the right:

1) to inform his or her parents, guardian, trustee, children, brothers, sisters, grandparents, grandchildren (hereinafter – the relatives), spouse, or another person of his or her location. The relevant expenditures shall be covered from the resources of the remand prison;

2) to receive money transfers;

3) to purchase food products and basic necessity goods at the permanent location of sale established by a merchant in the territory of the remand prison;

4) to have a daily walk lasting not less than one hour (if there is a corresponding instruction from a physician – not less than one and a half hours long);

5) to communicate with persons outside the remand prison by means of correspondence, thee use of the remand prison telephone (payphone) or video communication, except for the case if the arrested person is subject to the restrictions imposed by the person directing the proceedings on meetings and communication with the abovementioned persons;

6) to meet his or her relatives, spouse, or other persons for at least an hour once a month in order to maintain relationships with family members and relatives and to maintain and promote socially useful contacts, except for the case if the arrested person is subject to the restrictions imposed by the person directing the proceedings on meetings and communication with the abovementioned persons;

7) to meet with a defence counsel with whom an agreement in the particular criminal proceedings has been entered into in which the arrest has been applied or who is providing State-ensured legal aid in the particular criminal proceedings in which the arrest has been applied, to meet with a defence counsel in other criminal proceedings if the defence counsel has obtained a permission from the person directing the proceedings, an advocate who has obtained a permission from the person directing the proceedings, and for a foreigner to meet alone with a representative of the diplomatic or consular mission of the country of the foreigner without a limitation on the number of meetings and in conformity with the daily procedures of the remand prison;

8) to subscribe to publications, and also to use the library stock of the remand prison;

9) to wear personal underwear, clothing, and footwear;

10) to use personal small-scale household appliances – TV set (the size of the screen up to 50 cm cornerwise) and the video games to be connected thereto, and also a refrigerator, water heating appliances, transistor radio (without the possibility of voice recording). The total weight of the household appliances to be used in individual use shall not exceed 30 kilograms;

11) to keep with themselves the belongings allowed for individual use, the food products purchased at the permanent location of sale established by a merchant in the territory of the remand prison, to receive non-food products with consignments and parcels in accordance with the procedures and in the quantity provided for in the internal rules of procedure of remand prisons;

12) to say goodbye to a deceased relative in accordance with the procedures laid down in Section 13.2 of this Law.

(2) [14 July 2011]

(3) In deciding on the length and frequency of the meeting stipulated in Paragraph one, Clause 6 of this Section, the administration of the remand prison shall assess the necessity to ensure equal possibilities of meeting for all arrested persons.

(4) An arrested person placed in the Prison Hospital of Latvia shall be ensured with the possibility, according to the instructions of a physician, to communicate with relatives, spouse, or other persons by using a video communication possibility at the place for a short-duration visit in the presence of a representative of the administration of the remand prison. The number and duration of such video communication possibilities shall be determined according to the number and duration of meetings specified in this Law.

(5) In addition to the rights referred to in this Section, an arrested foreigner and an arrested person whose permanent place of residence is other than Latvia have the right to use the video communication possibility twice per month for up to 15 minutes for communication with relatives, spouse, or other persons in the presence of a representative of the remand prison.

(6) In addition to the rights referred to in this Section, arrested persons with hearing impairment and deaf arrested persons have the right to use the video communication possibility twice per month for up to 30 minutes for communication with relatives, spouse, or other persons in the presence of a representative of the remand prison.

[*Judgment of the Constitutional Court of 23 April 2009; 14 July 2011; 18 June 2015; 3 March 2016; 7 December 2017; 28 May 2020; 16 June 2022*]

**Section 13.1 Provisions for the Course of a Meeting**

(1) The head of a remand prison shall issue a meeting permit on the basis of a submission of an arrested person and taking into account the restrictions imposed by the person directing the proceedings on meetings and communication. The submission to allow a meeting shall be submitted at least 10 working days prior to the planned meeting.

(2) An arrested person shall be allowed to meet his or her relatives and spouse. Prior to the first meeting the visitor shall present documents confirming kinship or marriage.

(3) It shall be allowed for an arrested person to meet a person who is not his or her relative or spouse if prior to the application of arrest the arrested person has had a common household with this person or they have a common child. Prior to the first meeting the visitor shall present documents confirming a common household or birth of the child.

(4) The head of a remand prison may allow an arrested person to meet a person who is not his or her relative, spouse or with whom he or she has not had a common household or does not have a common child if such meeting is to promote the maintenance of socially useful contacts and if the arrested person has not been visited by anyone for a long time, and if the arrested person is not subject to the restrictions imposed by the person directing the proceedings on meetings and communication with the abovementioned person insofar as such meeting does not endanger the security of the prison or the public, the rights of other persons or does not contribute to the commission of a criminal offence.

(5) A meeting shall take place without the presence of a representative of the administration of the remand prison but under conditions of visual control. Visual control may also be performed by using engineering appliances.

(6) In an exceptional case, if it is necessary for security reasons or it is requested by a visitor or an arrested person, the head of a remand prison may, upon assessing each individual case, take a reasoned decision on the course of the meeting referred to in this Section in the presence of a representative of the administration of the remand prison or under conditions of a physical barrier.

(7) The decisions of the head of the remand prison referred to in this Section may be contested to the head of the Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Prison Administration may be appealed to the District Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law. A decision of the District Administrative Court may not be appealed. Submitting of a complaint shall not suspend the enforcement of the decision.

[*7 December 2017; 16 June 2022*]

**Section 13.2 Right of an Arrested Person to Say Goodbye to a Deceased Relative**

(1) An arrested person may submit a written submission to the head of a remand prison asking to allow him or her to say goodbye to a deceased relative or spouse within the territory of the remand prison and in the presence of a representative of the administration of the remand prison (under conditions of visual control).

(2) An arrested person shall indicate in the submission referred to in Paragraph one of this Section the preferred date and time for saying goodbye. The submission of the arrested person shall be accompanied by a copy of the death certificate and copies of the documents confirming the kinship or marriage.

[*28 May 2020; 16 June 2022*]

**Section 13.3 Provisions for Telephone and Video Communication**

(1) An arrested person may communicate with persons outside the remand prison by telephone at least once a week and the permitted duration of the conversation shall be at least five minutes. Expenditures for telephone conversations shall be covered by the arrested person or by the person with whom he or she communicates.

(2) Video communication of an arrested person with persons outside the remand prison shall take place in the cases and to the extent provided for in this Law.

[*16 June 2022*]

**Section 14. Obligations of an Arrested Person**

An arrested person has an obligation to:

1) hand over such belongings to the prison administration which are not included in the list of belongings allowed for individual use provided for in the internal rules of procedure of remand prisons or exceed the quantity stipulated therein;

2) abide the health examinations and search determined in this Law and other laws and regulations;

3) fulfil the lawful requirements of the administration of the remand prison and the internal rules of procedure of remand prisons;

4) conform to the daily order determined in the remand prison;

5) clean the premises at the time determined in the daily order of the remand prison;

6) treat the property of the remand prison with care;

7 maintain order in the premises of the remand prison and maintain personal hygiene;

8) use the medicinal products prescribed by the medical practitioner of the prison in the presence of the medical practitioner;

9) abide the procedures for acquiring photographs of the arrested person and his or her special features specified in this Law and other laws and regulations;

10) pay for the paid services provided by the Prison Administration.

11) cover expenditures for correspondence, except for the cases provided for in this Law.

[*15 December 2011; 18 June 2015; 16 June 2022*]

**Section 15. Submissions of Arrested Persons**

(1) An arrested person has the right to write submissions to State and local government authorities.

(2) Submissions of an arrested person regarding matters which are related to the circumstances of the implementation of the safety measure – arrest – shall be examined by the head of the remand prison in accordance with the procedures laid down in the Law on Submissions. Submissions of an arrested person regarding contesting an administrative act issued by the administration of the remand prison and an actual action thereof shall be examined by the head of the Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law.

(3) The correspondence of an arrested person with State and local government authorities, the Ombudsman’s Office, the human rights authorities of the United Nations Organisation or the Council of Europe, the Human Rights and Public Affairs Committee of the *Saeima*, the Office of the Prosecutor, court, defence counsel, person directing the proceedings, medical treatment institution, and also the correspondence of an arrested foreigner with the diplomatic or consular mission of his or her country or the diplomatic or consular mission of the country which is authorised to represent his or her interests shall not be subject to examination.

(4) The correspondence of an arrested person with the Ombudsman’s Office, the human rights authorities of the United Nations Organisation or the Council of Europe, the Human Rights and Public Affairs Committee of the *Saeima*, the Office of the Prosecutor, court, person directing the proceedings, medical treatment institution, and also the correspondence of an arrested foreigner with the diplomatic or consular mission of his or her country or the diplomatic or consular mission of the country which is authorised to represent his or her interests shall be covered from the funds of a remand prison. The correspondence of an arrested person with other State and local government authorities is covered from the resources of the remand prison if there are insufficient funds in the personal money accounting card of the arrested person to send a letter. Correspondence of the arrested person the expenditures of which are covered by the remand prison shall be sent as an ordinary postal item.

(5) A submission to the head of the Prison Administration regarding a decision of the head of the remand prison shall be sent using the funds of the remand prison.

[*27 November 2008; 3 March 2016; 7 December 2017; 16 June 2022*]

**Chapter IV**

**Holding of Arrested Women and Their Children, Minor Arrested Persons in the Remand Prison**

**Section 16. Peculiarities of Holding of Arrested Women in the Remand Prison**

Upon request of the arrested woman and with a consent of the Orphan’s and Custody Court, her children who are not more than three years old may also be accommodated at the remand prison. During the time period when the Orphan’s and Custody Court takes the relevant decision, the child shall reside together with his or her mother in the remand prison but not longer than one month from the day when the child has been admitted to the remand prison.

[*27 November 2008; 16 June 2022*]

**Section 17. Imprisonment of an Arrested Woman in the Remand Prison Together with a Child**

(1) If the arrested woman is in the remand prison together with her child (children), her daily regimen shall be coordinated with the needs of the child (children) and a walk of not less than one and a half hours long together with the child shall be provided for therein.

(2) Children may stay with their mother in the remand prison up to four years of age under full State support. The administration of the remand prison shall, not later than three months before the day when a child reaches four years of age, notify the Orphan’s and Custody Court according to the place of residence of parents of the child that the time period during which the child is allowed to stay with his or her mother at the place of imprisonment is expiring. The Orphan’s and Custody Court shall check the conditions at the place of residence of the father of the child and transfer the child into the care of the father. If the child cannot be transferred to the father, the Orphan’s and Custody Court shall decide on the child care. In choosing the future place of residence for the child, the Orphan’s and Custody Court shall take into account the point of view of the mother of the child.

(3) If an arrested woman gives birth, the administration of the remand prison has a duty to notify the General Registry office, in the territory of operation of which the remand prison is located, regarding such fact in writing in order to register the birth of the child.

(4) The norms for the nourishment, hygiene articles, clothing and equipment necessary for care of a child in the remand prison shall be stipulated by the Cabinet.

[*27 November 2008*]

**Section 18. Imprisonment of Minor Arrested Persons in the Remand Prison**

(1) In addition to the rights stipulated in Section 13 of this Law a minor arrested person has the right to:

1) a meeting with his or her relatives, spouse, or other persons once a week in accordance with the procedures referred to in Section 13.1 of this Law;

2) at least a two-hour daily walk. Walking areas for minors shall be equipped with an inventory for active physical exercises;

3) telephone conversations with his or her relatives, spouse, or other persons without a limitation of the number thereof if the permission of the person directing the proceedings has been obtained;

4) the video communication possibility twice per month for up to 15 minutes for communication with relatives, spouse, or other persons in the presence of a representative of the remand prison.

(2) A minor arrested person shall participate in the social rehabilitation, behavioural correction, educational, and also cultural and sports events organised at the remand prison within the scope of the daily regime.

(3) If an arrested minor has been placed in a punishment isolation cell, it shall be allowed for him or her to take at least a one-and-a-half hour daily walk.

(4) The head of the remand prison may permit a minor arrested person to leave the territory of the remand prison for a time period which is necessary for taking of examinations in a general or vocational education institution. During such period the remand prison shall ensure supervision of the minor arrested person.

(5) Arrested persons who have reached 18 years of age shall, under a decision of the head of the Prison Administration, be transferred to a remand prison where arrested adults are accommodated. In order to reinforce the results of social rehabilitation and to provide the possibility to acquire general or vocational education, arrested persons who have reached 18 years of age may, under a decision of the head of the Prison Administration, be left in the remand prison where arrested minors are accommodated until the day of entry into effect of a court ruling but not longer than until reaching 21 years of age. In an exceptional case, under a decision of the head of the Prison Administration, an arrested person who has reached 21 years of age may be left in the remand prison where arrested minors are accommodated until the end of the academic year. The decisions of the head of the Prison Administration referred to in this Paragraph shall not be subject to contesting or appeal.

(6) The regime, working conditions, standards for food, financial and living conditions determined for arrested minors shall apply to the arrested persons who have reached 18 years of age and have been left in a remand prison where arrested minors are accommodated in accordance with Paragraph five of this Section.

(7) In addition to the rights referred to in this Section, the minor arrested persons with hearing impairment and deaf arrested persons have the right to use the video communication possibility without a limitation on the number thereof for up to 30 minutes for the communication with relatives, spouse, or other persons in the presence of a representative of the remand prison if the permission of the person directing the proceedings has been received.

[*14 July 2011; 7 December 2017; 16 June 2022*]

**Chapter V**

**Care for and Provision of Arrested Persons in the Remand Prison**

**Section 19. Material Provision of Arrested Persons**

(1) The norms regarding nourishment and material provision of everyday needs shall be determined by the Cabinet.

(2) The arrested person shall receive a warm meal three times a day, ensuring normal course of the life functions of the body, and also drinking water at any time.

(3) A minor arrested person shall receive food ensuring his or her wholesome physical development.

(4) [18 June 2015]

(5) Cells in which arrested persons are staying shall be provided with natural light but during the night – with artificial lighting, and also air temperature which is not less than 18°C and ventilation. Cells shall be equipped with a table, stools (benches) and beds, and also places where arrested persons may store their personal belongings and sanitary facilities marked off the from the remaining room shall be arranged. The norm for living space for one arrested person may not be smaller than four square metres.

(6) An individual bed space, bedding, and a towel shall be ensured for an arrested person in a remand prison. Not less than once in seven days the arrested person shall wash in a bathhouse or shower, and he or she shall be ensured with clean bed linen. The arrested person shall be ensured with the possibilities of taking care of personal hygiene, and also with a possibility of washing his or her underwear and clothes.

(7) In order to ensure that an arrested person held in the remand prison is able to make the telephone calls provided for in this Law at the expense of the arrested person or of the person with whom he or she communicates, telephone equipment shall be installed in the remand prison. The administration of the prison shall select the merchant which ensures the phone conversation devices, their servicing, and phone conversation service in accordance with the laws and regulations regarding the procedures for the lease of the property of a public person.

(8) For an arrested person held in the remand prison, the right to purchase specified in this Law shall be ensured at the permanent location of sale established by a merchant in the territory of the remand prison where it is possible to purchase food and basic necessity goods. The merchant shall coordinate the assortment of such goods with the Prison Administration. The Prison Administration shall select the merchant who ensures sales services of goods for arrested persons in the remand prison in accordance with the laws and regulations regarding the procedures for the lease of the property of a public person.

(9) If an arrested person does not have personal clothing or footwear that is appropriate for the season and suitable for wearing, the administration of the remand prison shall ensure him or her with clothing and footwear.

[*18 June 2015; 16 June 2022*]

**Section 20. Money of Arrested Persons**

(1) The money which is received by an arrested person in the form of a transfer or which is paid in the cashier’s office of the remand prison shall not be issued to him or her but transferred into the account opened for the prisons of the Prison Administration in the Treasury or in the cash department of the remand prison.

(2) The person responsible for the accounting of personal money of an arrested person in the remand prison shall, on the basis of a submission of the arrested person, make money transfers from the funds present in the personal money accounting card of the arrested person and pay for the registered purchases of the arrested person at the permanent location of sale established by a merchant in the territory of the remand prison.

(3) An arrested person may make money transfers only with a permission of the person directing the proceedings.

(4) The money of an arrested person shall be kept in the account opened for the prisons of the Prison Administration in the Treasury or in the cash department of the remand prison and accounted in the personal money accounting card of the arrested person. Money transfers shall be performed and money shall be disbursed to the arrested person in euros. The money received in another currency shall be recalculated in euros according to the currency exchange rate used in accounting at the beginning of the day when the money was received in the account opened for the prisons of the Prison Administration in the Treasury or in the cash department of the remand prison.

(5) Accounting of the funds in the personal money accounting card of an arrested person, organising or control of the use thereof shall be ensured in electronic form by the Prison Administration.

(6) The Prison Administration shall provide the information at its disposal on the circulation of personal money of an arrested person and the funds present in the personal money accounting card upon request of a State authority or official.

[*16 June 2022*]

**Section 21. Possibility of Arrested Persons to Receive Consignments and Parcels**

(1) An arrested person shall be permitted to receive only non-food products in consignments and parcels. In order to prevent any threat to the security of prisons or public, and also the transfer of prohibited objects or substances to arrested persons, employees of a remand prison shall examine the content of consignments and parcels.

(2) The procedures for accepting and issuing of consignments or parcels, and also the list and quantity of such articles which may be received with consignments and parcels shall be determined by the internal rules of procedure of remand prisons.

(3) A decision of the head of a remand prison to refuse to accept any objects which are not permitted to be received at the remand prison via consignments and parcels shall not be subject to contesting or appeal.

[*18 June 2015; 7 December 2017*]

**Section 22. Health Care of Arrested Persons**

(1) Arrested persons shall receive health care services financed from the State budget in the amount and in accordance with the procedures laid down in the laws and regulations regarding the financing and organising of health care. Arrested persons shall receive health care services not financed from the State budget in accordance with the procedures laid down in the Medical Treatment Law.

(2) In addition to the amount of health care specified in the laws and regulations regarding the financing and organising of health care, arrested persons shall receive emergency stomatological assistance.

(3) The Cabinet shall determine the procedures for implementing health care of arrested persons.

[*17 December 2014*]

**Section 22.1 Organising of the Health Care of Arrested Persons**

(1) Health care of arrested persons shall be provided at the medical unit of a remand prison or the Prison Hospital of Latvia. If arrested persons require health care services which cannot be provided in the remand prison or the Prison Hospital of Latvia, arrested persons shall be moved to a medical treatment institution providing the relevant services outside the prison.

(2) If arrested persons require emergency medical assistance which cannot be provided in the prison, such assistance shall be provided to them in another medical treatment institution outside the prison.

(3) In the case referred to in the second sentence of Paragraph one of this Section, the administration of the remand prison shall ensure movement and security of an arrested person in the medical treatment institution, whereas in the case referred to in Paragraph two of this Section – security guard of an arrested person during receipt of the health care service.

(4) Expenditures for health care services provided to arrested persons in medical treatment institutions outside the prison shall be covered by the administration of the remand centre in the amount and in accordance with the procedures laid down in the laws and regulations regarding the financing and organising of health care.

(5) An arrested person who is located in a medical treatment institution outside the prison has an obligation to stay only on the premises indicated by a medical practitioner or an official of the prison.

(6) An arrested person shall only be allowed to keep personal hygiene items with himself or herself while staying in a medical treatment institution outside the prison. The rights specified in this Law to take a daily walk, to receive consignments and parcels, to receive, send, and use money transfers, to meet relatives, spouse, or other persons, to purchase literature and stationery, to send and receive letters, to use personal household appliances, to make telephone conversations, to make purchases at the permanent location of sale established by a merchant in the territory of the remand prison, to store food products, except for those provided by the medical treatment institution, shall not apply to an arrested person who is located in a medical treatment institution outside the prison.

[*17 December 2014; 18 June 2015; 7 December 2017; 16 June 2022*]

**Section 22.2 Procedures for the Movement and Security of Arrested Persons During the Receipt of Health Care Services**

The Cabinet shall determine the procedures for the movement and security of arrested persons during the receipt of health care services in a medical treatment institution outside the prison.

[*17 December 2014*]

**Section 22.3 Restrictions on the Rights of an Arrested Person in the Medical Clinic of the Remand Prison**

(1) An arrested person shall be placed in the medical clinic of the remand prison according to the instructions of a physician and medical indications.

(2) During a time period when an arrested person is in the medical clinic of the remand prison, he or she shall exercise the rights referred to in this Law according to the instructions of a physician and medical indications.

[*16 June 2022*]

**Section 22.4 Placement of Arrested Persons and Scope of the Rights in the Prison Hospital of Latvia**

(1) Arrested persons shall be placed in the Prison Hospital of Latvia by an order of the head of the Prison Administration according to the instructions of a physician and medical indications. Arrested persons held in the Olaine Prison shall be placed in the Prison Hospital of Latvia by a decision of the head of the Olaine Prison according to the instructions of a physician and medical indications.

(2) Security and permanent surveillance of arrested persons is ensured in the Prison Hospital of Latvia. Arrested persons in the Prison Hospital of Latvia shall be placed in closed wards according to medical indications, taking into account the requirements laid down in Section 11 of this Law. In certain cases, taking into account the safety criteria and the criteria for the prevention of crime and according to the instructions of a physician, arrested persons may be placed in the same ward as convicted persons if it is not in contradiction with the restrictions imposed by the person directing the proceedings on meetings and communication and if their medical indications allow it.

(3) Arrested persons in the Prison Hospital of Latvia have the following rights:

1) to have meetings to the extent and in accordance with the procedures laid down in this Law;

2) to shop, through employees of the remand prison, at the permanent location of sale established by a merchant in the territory of the remand prison;

3) to use telephone conversations in accordance with the procedures and to the extent laid down in this Law;

4) to use a personal TV set and a transistor radio (without voice recording functionalities), use a TV set issued by the administration of the Prison Hospital of Latvia at the time indicated by the administration, or watch television broadcasts at the time specified on the daily schedule with the permission of an attending physician in a room arranged outside a ward;

5) to wear personal clothing with the permission of the administration of the remand prison;

6) to receive (exchange) books through employees of the remand prison;

7) to have walks in the open air with the permission of an attending physician for at least one hour a day;

8) to meet with a clergyman in private and attend religious services with the permission of an attending physician;

9) to participate in sports, cultural, and religious events with the permission of an attending physician;

10) to smoke during walks;

11) to store tobacco products, lighters containing gas, and matches in a place outside a ward indicated by the administration of the Prison Hospital of Latvia.

(4) The meeting may be postponed or replaced for an arrested person by a video communication or telephone conversation according to the instructions of a physician. The number and duration of such video communication and telephone conversations shall be determined according to the number and duration of meetings specified in this Law.

(5) Duration of the telephone conversation referred to in this Section shall be at least five minutes, whereas duration of the video communication – up to 15 minutes.

(6) The head of the remand prison may restrict the rights referred to in this Section according to the instructions of a physician and medical indications.

[*16 June 2022*]

**Chapter VI**

**Social Rehabilitation, Spiritual Care, Training, and Employment of Arrested Persons**

**Section 23. Main Means for Social Rehabilitation of Arrested Persons**

The main means for social rehabilitation of arrested persons shall consist of socially useful activities such as acquisition of general, vocational, and interest-related education, educational measures and employment, and also psychological assistance.

[*3 March 2016; 16 June 2022*]

**Section 24. Education of Arrested Persons**

The administration of the remand prison shall ensure as much as possible that arrested persons acquire general, vocational, and interest-related education.

**Section 25. Organising of Educating Measures**

(1) Registered foundations and associations, and also religious organisations after coordination with the Prison Administration shall be permitted to implement educating measures in remand prisons within the scope of social rehabilitation of arrested persons.

(2) The procedures by which an arrested person shall be permitted to participate in educating measures shall be determined by the Cabinet.

**Section 26. Employment of Arrested Persons**

(1) The administration of the remand prison shall employ an arrested person within the scope of social rehabilitation, if he or she has submitted a submission addressed to the head of the remand prison and there is such an opportunity at the remand prison.

(2) An arrested person may be involved without remuneration only in upkeep and improvement of the remand prison and the surrounding territory, and also in improvement of the cultural and everyday conditions of arrested persons. Such activities according to the daily regimen may last two hours a day. Upon a wish of the arrested person he or she may be employed in the abovementioned work for a longer period of time.

(3) An arrested person shall be employed in a cell or in a specially equipped room at the remand prison.

(4) An arrested person shall be employed only in such work where determination of a piecework salary is possible.

(5) An arrested person shall be employed by entering into a contract for work performance for a definite time period. Entering into such a contract shall be possible only with a consent of the head of the remand prison and the person directing the proceedings.

(51) A complaint may be submitted to the head of the Prison Administration regarding the decision of the head of the remand prison not to allow an arrested person to enter into a work performance contract. The decision of the head of the Prison Administration is not subject to appeal. A complaint may be submitted in accordance with the procedures laid down in Chapter 24 of the Criminal Procedure Law regarding the decision of the person directing the proceedings to not to allow an arrested person to enter into a work performance contract.

(6) The content of a contract for work performance and the procedures for entering into it, if an arrested person is employed, shall be determined by the Cabinet.

(7) The payment determined for an arrested person may not be less than payment for equivalent work outside the remand prison.

[*18 June 2015*]

**Section 27. Spiritual Care of Arrested Persons**

(1) Spiritual care of an arrested person shall be carried out by the chaplain service of the Prison Administration.

(2) The chaplain service of the Prison Administration shall organise and coordinate religious activities of religious organisations at the remand prison.

(3) An arrested person has the right to request a chaplain that he invites a minister representing the faith of the arrested person.

(4) The procedures by which an arrested person is allowed to meet a minister and to participate in religious activities of religious organisations shall be stipulated by the internal rules of procedure of remand prisons.

**Section 27.1 Attending of Educational and Religious Events**

An arrested person has the right to attend educational and religious events or meet a minister individually. The head of a remand prison or an authorised official thereof may take the decision not to allow the arrested person to attend educational and religious events or meet a minister individually if such restrictions have been imposed on the arrested person by the person directing the proceedings or they are necessary to comply with the isolation requirements, instructions of a medical practitioner, or other considerations related to the security of the institution. A complaint may be submitted to the head of the Prison Administration regarding such decision of the head of the remand prison or authorised official thereof. The decision of the head of the Prison Administration is not subject to appeal.

[*18 June 2015*]

**Section 27.2 Psychological Assistance to Arrested Persons**

If arrested persons require psychological assistance, it shall be ensured in the remand prison by conducting psychological assessment, preparing a psychological assessment report, advising individually, in a group, or in a crisis situation. If an arrested person has attempted to commit suicide, psychological assistance shall be provided immediately but not later than on the working day following receipt of the relevant information or assignment of the head of the remand prison.

[*16 June 2022*]

**Chapter VII**

**Measures for the Provision of Regimen at the Remand Prison**

**Section 28. Safety Measures**

(1) An employee of the remand prison has the right to search an arrested person in the cases and in accordance with the procedures provided for in the internal rules of procedure of remand prisons. An arrested person shall be searched by an employee of the remand prison of the same sex.

(2) In order to prevent any threat to the security of prisons or public and to control compliance with the restrictions imposed by the person directing the proceedings on meetings and communication of the arrested person, and also to prevent the transfer of prohibited objects or substances to arrested persons, employees of the remand prison shall examine the correspondence of an arrested person, except for the correspondence with the addressees referred to in Section 15, Paragraph three of this Law. An official of the remand prison shall examine a letter addressed to the arrested person or to be sent to his or her addressee by opening it. If the official of the remand prison has reasonable suspicions that the content of correspondence may pose a threat to the security of the prison or public, the rights of other persons or facilitate committing of a criminal offence, a security officer of the remand prison shall examine the letter addressed to the arrested person or to be sent to his or her addressee also by reading it.

(3) Correspondence of an arrested person shall be seized if:

1) the content thereof poses a threat to the purpose of application of the arrest, the security of the remand prison, and the procedures specified therein;

2) forwarding of the content thereof might promote committing of an offence subject to a criminal punishment or administrative penalty;

3) the content thereof might pose a threat to the rights and interests of another person, protected by law;

4) the purpose of the correspondence is the exchange of information between prisoners who have jointly committed a criminal offence;

5) the correspondence is between the arrested person and a person in respect of whom the person directing the proceedings has imposed restrictions on meetings and communication.

(4) The seized letters shall be registered and kept by the security officer of the remand prison who has been instructed to censor the correspondence.

(5) In order to prevent any threat to the security of prisons or public and to control compliance with the restrictions imposed by the person directing the proceedings on meetings and communication of the arrested person, telephone conversations and video communication of the arrested person shall take place in the presence of a representative of the remand prison, except for telephone conversations or video communication with the addressees referred to in Section 15, Paragraph three of this Law. If the content of a telephone conversation or video communication poses a threat to the security of prison or public, the rights of other persons or may facilitate committing of a criminal offence, the telephone conversation or video communication shall be ended and the arrested person shall be given the reason for ending it, except for the case where this may pose a threat to achieving the objective of the control of telephone conversations or video communication of arrested persons specified in this Paragraph.

(6) The head of a remand prison or his or her authorised official has the right to request that the visitor presents a personal identification document, and also to inspect and search the person and his or her belongings.

[*14 July 2011; 7 December 2017; 16 June 2022*]

**Section 29. Incentives Given to an Arrested Person**

The head of the remand prison may give the following incentives to an arrested person for exemplary behaviour:

1) expression of gratitude;

2) [14 July 2011];

3) to grant additional time for walk;

4) to grant additional time for telephone conversations;

5) to grant additional meetings with his or her relatives, spouse, or other persons in the presence of a representative of the administration of the remand prison.

[*14 July 2011; 7 December 2017*]

**Section 30. Punishments to be Imposed on an Arrested Person for the Violation of the Internal Rules of Procedure of Remand Prisons**

(1) The head of the remand prison may impose the following punishments to an arrested person for the violation of the internal rules of procedure of remand prisons:

1) give a warning;

11) take away personal TV set or transistor radio (without the possibility of voice recording) for a period of up to one month, and transfer it for storage in the warehouse of the remand prison or return to persons who have given it to the arrested person for use;

2) issue a reprimand;

3) prohibit to purchase food products and tobacco products at the permanent location of sale established by a merchant in the territory of the remand prison for a period of up to one month;

4) prohibit the current meeting with relatives, spouse, or other persons;

5) prohibit to have telephone conversations for a period of up to one month;

6) place an arrested person of legal age in a punishment cell for a period of up to 14 days;

7) place a minor arrested person in a punishment cell for a period of up to three days.

(2) The prohibition to meet with parents or a guardian, and also the prohibition to have telephone conversations with parents or a guardian may not be imposed as a punishment on minor arrested persons.

(3) An entry on the imposition of a punishment shall be made in the personal file of the arrested person.

(4) The punishment provided for in Paragraph one, Clause 1.1 of this Section shall be imposed only for the violation of the procedures for the use of a personal TV set or transistor radio (without the possibilities of voice recording) provided for in the internal regulations of the investigation prison.

(5) If the provisions of the procedures for walks provided for in the internal rules of procedure of the remand prison are violated during a walk, then the walk shall be discontinued and a punishment shall be imposed on the arrested person for the violation of the internal rules of procedure of the remand prison.

[*14 July 2011; 7 December 2017; 16 June 2022*]

**Section 31. Procedures for the Imposition of a Punishment for the Violation of the Internal Rules of Procedure of Remand Prisons**

(1) The punishment referred to in Section 30, Paragraph one of this Law shall be imposed not later than within 10 days from the day when the violation was established, but if an official authorised by the head of the remand prison has carried out an inspection due to a violation – within 10 days after it has been completed, however, not later than within six months from the day when the violation was committed.

(2) Inspection shall be carried out within the time periods indicated by the head of the remand prison, but not later than within 10 days from the day when the head of the remand prison became aware of the violation committed.

(3) Prior to taking the decision to impose a punishment, the arrested person shall be informed of the nature of the violation and given an opportunity to provide explanations for his or her defence. Information on the nature of the violation committed, the established circumstances of the violation and the explanation of the arrested person shall be included in the decision to impose a punishment.

(4) The punishments provided for in Section 30, Paragraph one of this Law shall be imposed according to a written decision of the head of the remand prison, except for warnings which may be notified orally. The arrested person has the right to request within a month that the warning is drawn up in writing. The warning shall be drafted and issued in accordance with the procedures laid down in the Administrative Procedure Law.

(5) The punishment imposed shall be executed immediately after the decision to impose the punishment enters into effect, but not later than one month from the date of its entry into effect. If the punishment has not been executed within a month from the day of taking the decision to impose the punishment, it shall not be executed, except for the case where after imposition of the punishment, i.e. placement in a punishment isolation cell, an arrested person has been transferred to the Prison Hospital of Latvia or moved to a medical treatment institution which is located outside the remand prison. In such case, the imposed punishment, i.e. placement in a punishment isolation cell, shall be executed after return of the arrested person to the remand prison.

[*16 June 2009; 14 July 2011; 16 June 2022*]

**Section 32. Placing of Arrested Persons in a Punishment Cell**

(1) An arrested person may be placed in a punishment cell for a gross or systematic violation of the internal rules of procedure of remand prisons.

(2) An arrested person may be placed in a punishment cell only if there is a physician’s opinion that the health condition of the arrested person allows serving of such punishment.

(3) Punishment – placement in a punishment cell – shall not be imposed on an arrested pregnant woman, and also a woman who is in a remand prison together with an infant.

[*14 July 2011*]

**Section 33. Arrangement and Equipment of a Punishment Cell**

The minimum requirements for the arrangement and equipment of a punishment cell, and also the procedures for holding in a punishment cell shall be determined by the internal rules of procedure of remand prisons.

**Section 34. Restrictions of the Rights of an Arrested Person in a Punishment Cell**

(1) An arrested person is allowed to take personal hygiene items, glasses, contact lenses, stationary, envelopes, notes, and documents related to the criminal case, and also – with a permission of the physician – technical assistance equipment and medicinal products to a punishment cell.

(2) An arrested person who is placed in a punishment cell for violations of the discipline shall not be allowed:

1) to use the right to a meeting;

2) to purchase food products and tobacco products;

3) to send letters to private individuals or to receive letters from them;

4) to exercise the right to telephone conversations or video communication;

5) to use table games;

6) to smoke.

(3) Arrested minors who have been placed in a punishment cell shall be allowed to maintain correspondence with their relatives and spouse.

[*14 July 2011; 7 December 2017; 16 June 2022*]

**Section 35. Gross Violations of the Internal Rules of Procedure of Remand Prisons**

The following activities of an arrested person shall be considered as gross violations of the internal rules of procedure of remand prisons:

1) physical resisting to an employee of the remand prison or defamation and injuring his or her dignity;

2) refusal to obey lawful requests of an employee of the remand prison;

3) physical influencing of other arrested persons or different infringement of their honour and dignity;

4) use, keeping, or distribution of alcohol, narcotic, or other intoxicating substances;

5) refusal to be inspected for the purpose of ascertaining whether the arrested person has used alcohol, narcotic, or other intoxicating substances;

51) refusal to go to a medical treatment institution for a medical examination, if the arrested person does not agree to undergo a breath alcohol test or its results;

6) storage and use of a mobile phone, its spare parts and SIM card;

7) taking part in a game of cards or other gambling in order to gain material or other benefits, extorting winnings;

8) intentional damaging of the property of the remand prison.

[*14 July 2011; 16 June 2022*]

**Section 36. Systematic Violations of the Internal Rules of Procedure of Remand Prisons**

Violations which have been committed two or more times during the last six months shall be considered as systematic violations of the internal rules of procedure of remand prisons.

**Section 37. Procedures for Contesting the Punishment Imposed for the Violation of the Internal Rules of Procedure of Remand Prisons**

(1) An arrested person may contest the imposed punishment to the head of the Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Prison Administration may be appealed in accordance with the procedures laid down in the Administrative Procedure Law. A judgement of the District Administrative Court which has been taken on the imposition of the punishments referred to in Section 30, Paragraph one, Clauses 1, 1.1, 2, 3, 4, and 5 of this Law on an arrested person shall not be subject to appeal. A judgement of the District Administrative Court which has been taken on the imposition of the punishments referred to in Section 30, Paragraph one, Clauses 6 and 7 of this Law on an arrested person may be appealed by submitting a cassation complaint to the Department of Administrative Cases of the Supreme Court.

(2) Submission of a complaint shall not suspend the execution of the punishment.

(3) [14 July 2011]

[*16 June 2009; 14 July 2011; 18 June 2015*]

**Section 38. Procedures for Revoking a Punishment Applicable for the Violation of the Internal Rules of Procedure of Remand Prisons**

(1) [14 July 2011]

(2) The punishment referred to in Section 30, Paragraph one of this Law shall be revoked if an administrative penalty has been imposed for the same violation.

[*14 July 2011*]

**Chapter VIII**

**Release of an Arrested Person from a Remand Prison or Sending to Serve a Custodial Sentence**

**Section 39. Grounds for the Release of an Arrested Person from a Remand Prison**

An arrested person shall be released from a remand prison in the following cases:

1) a ruling on revocation of arrest has been received;

2) a ruling on the change of the security measure has been received;

3) the maximum term of arrest provided for in the law has elapsed;

4) the term of arrest exceeds the maximum term of a custodial sentence stipulated in the Criminal Law which may be imposed by a court for a criminal offence of the committing of which the person has been accused;

5) the term of arrest exceeds the sentence imposed by a court;

6) the term of arrest has elapsed and the decision on extension of the term of arrest has not been received;

7) a request of a foreign country for the execution of the custodial sentence imposed in this country together with the necessary annexes has not been received within 18 days from the day of detention in accordance with Section 771, Paragraph four, Clause 1 of the Criminal Procedure Law.

[*15 December 2011; 18 June 2015; 14 July 2015*]

**Section 40. Procedures for Releasing an Arrested Person**

(1) If the term of arrest has expired and the decision on the extension of the term of arrest has not been received, the arrested person shall be released in accordance with Section 314, Paragraph four of the Criminal Procedure Law.

(2) An arrested person who is released from a remand prison shall be issued a statement on the release according to the sample provided for in the internal rules of procedure of remand prisons. The head of the remand prison shall sign the statement and certify with a seal of the remand prison with the State coat of arms.

(3) An arrested person who is released from the remand prison shall be settled in full by transferring the money in his or her personal money accounting card to his or her account opened in a credit institution or by disbursing it from the cash department of the remand prison, and also shall be given the belongings, jewellery, and documents belonging to him or her.

(4) An arrested person who is released from a remand prison shall be covered the minimum expenditures of the public transport for the purchase of a ticket to the place of residence in the territory of Latvia, but the place of residence of the person is outside Latvia – the minimum expenditures of the public transport for the purchase of a ticket to the State border crossing point or to the nearest railway station in the country with which Latvia has land border.

(5) For an arrested prisoner who is released from the remand prison and who does not have clothing or footwear that is appropriate for the season and suitable for wearing, the administration of the remand prison shall ensure him or her with clothing and footwear that is appropriate for the season and suitable for wearing.

[*27 November 2008; 14 July 2011; 16 June 2022*]

**Section 41. Information on Release of a Minor Arrested Person from a Remand Prison**

The relevant Orphan’s and Custody Court shall be informed of release of such minor arrested person from a remand prison who does not have parents or guardians so that it would settle the minor in a place of residence and solve his or her social security problems.

[*27 November 2008*]

**Section 42. Sending of an Arrested Person to Serve a Custodial Sentence**

(1) A person shall be sent to a prison for serving a sentence within 10 working days after receipt of the information regarding the commencement of the enforcement of a court ruling.

(2) A person who has been given a custodial sentence in a foreign country shall be sent from a remand prison to a prison for serving the sentence within 10 working days after receipt of the information on the commencement of the enforcement of the court decision.

[*14 July 2011; 15 December 2011; 7 December 2017*]

**Chapter IX**

**Administrative Offences in the Field of the Execution of Arrest and Competence in the Administrative Offence Proceedings**

[*28 May 2020*]

**Section 43. Illegal Transfer of Substances, Products, and Objects to an Arrested Person or Illegal Receipt of Substances, Products, and Objects from an Arrested Person**

(1) For the illegal transfer of money, correspondence, food products, alcohol, and other substances, products, and objects that have been hidden from an inspection or for the actions with the purpose of transferring them to an arrested person in any manner, a fine of up to fourteen units of fine shall be imposed.

(2) For the illegal receipt of substances, products, and objects from an arrested person, a fine of up to fourteen units of fine shall be imposed.

[*28 May 2020 / Section shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions*]

**Section 44. Competence in Administrative Offence Proceedings**

(1) The administrative offence proceedings for the offence referred to in Section 43 of this Law shall be carried out by the Prison Administration if the person to be held administratively liable is known at the moment of establishing the offence.

(2) In other cases, the administrative offence proceedings for the offence referred to in Section 43 of this Law shall be initiated and the immediate procedural actions in the remand prison shall be carried out by the Prison Administration, while further procedural actions and the examination of the case shall be carried out by the State Police.

[*28 May 2020 / Section shall come into force on 1 July 2022. See Paragraph 6 of Transitional Provisions*]

**Transitional Provisions**

1. With the coming into force of this Law, Cabinet Regulation No. 288 issued in accordance with Article 81 of the Constitution, Law on the Procedures for Holding under Arrest (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2006, No. 11), is repealed.

2. The condition provided for in Section 11, Paragraph five of this Law regarding placing of an arrested person separately from other imprisoned persons shall be applicable to a former employee of the *Saeima* and the security service of the President, his or her spouse and relative of first degree.

[*20 November 2008*]

3. Amendments to Section 37, Paragraph one of this Law in relation to appeal of the sentence imposed on arrested persons shall not apply to cases where the District Administrative Court has rendered the judgment until the day when such amendments came into force. A judgement in such matters shall be appealed in accordance with the procedures laid down in the Administrative Procedure Law.

[*16 June 2009*]

4. The Cabinet shall, by 1 June 2015, issue the regulations provided for in Section 22, Paragraph three and Section 22.2 of this Law regarding the procedures for implementing health care of arrested persons and the procedures for the movement and security of arrested persons during receipt of health care services in a medical treatment institution outside the prison. Cabinet Regulation No. 25 of 14 January 2014, Regulations Regarding Health Care of Arrested and Convicted Persons in Prisons, shall be applicable until the day of coming into force of the Cabinet regulations provided for in Section 22, Paragraph three of this Law, insofar as they are not in contradiction with this Law.

[*23 December 2014*]

5. Section 43 of this Law shall come into force concurrently with the Law on Administrative Liability.

[*28 May 2020*]

6. Section 44 of this Law shall come into force concurrently with the amendments to the Law on Administrative Liability which provide for the competence of the Prison Administration to conduct administrative offence proceedings, but not later than on 1 July 2022. Until then, the administrative offence proceedings regarding the offence referred to in Section 43 of this Law shall be conducted by the State Police. Within this period, an official of a remand prison has the right to bring an administrative offence to an end and detain a person who commits or is suspected of having committed an administrative offence until the moment when a statement on the administrative offence is drawn up.

[*28 May 2020*]

**Informative Reference to European Union Directives**

[*3 March 2016; 7 December 2017*]

The Law contains legal norms arising from:

1) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;

2) 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.

3) 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 has been adopted by the *Saeima* on 22 June 2006.

President V. Vīķe-Freiberga

Rīga, 4 July 2006