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

29 May 2003 [shall come into force on 20 June 2003];

11 November 2004 [shall come into force on 9 December 2004];

15 June 2006 [shall come into force on 1 October 2006];

17 December 2014 [shall come into force on 1 January 2015];

28 May 2015 [shall come into force on 1 November 2015];

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

6 May 2021 [shall come into force on 4 June 2021].

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:

**Prison Administration Law**

**Chapter I**

**General Provisions**

**Section 1. Purpose of the Law**

The purpose of the Law is to ensure the operation of the Prison Administration in accordance with the principles of legality and human rights.

**Section 2. Prison Administration**

(1) The Prison Administration (hereinafter – the Administration) is a State administration institution subordinate to the Ministry of Justice which implements the State policy in the field of execution of the arrest as a security measure and the deprivation of liberty as a criminal punishment.

(2) A director shall manage the Administration; the Cabinet shall approve the candidate for the position of director but the Minister for Justice shall appoint and remove the director from office.

(3) The Administration shall consist of the Central Office, the Training Centre as well as prisons and remand prisons (hereinafter – the prisons).

(4) The Administration has the rights of a body performing operational activities in order to prevent, deter, and detect criminal offences, to determine the persons who have committed the criminal offence and the sources of evidence.

(5) The Administration shall compile information on the arrested and convicted persons who are located or have been located in prisons.

(6) The Cabinet shall approve the by-laws of the Administration.

[*11 November 2004; 15 June 2006*]

**Section 3. Symbols of the Administration**

(1) The Administration has a seal with the supplemented lesser State coat of arms and full name of the institution and also a flag.

(2) The Training Centre and prisons have the right to use a seal with the lesser State coat of arms and the full name of the institution.

**Section 4. Staff of the Administration**

(1) The Administration staff shall be comprised of officials with special service ranks (hereinafter – the official), civil servants of the general State civil service, and employees.

(2) The official is a person with an appropriate professional education, qualification, and special service rank who has taken the oath and serves in the Administration. The rights and duties of the official shall be determined by this Law.

(3) The legal status, rights, duties, and social guarantees of the civil servant of the general State civil service shall be determined by the State Civil Service Law.

(4) The employment relationship of employees shall be governed by the Labour Law.

[*15 June 2006*]

**Section 5. Supervision of the Operation of the Administration**

[11 November 2004]

**Chapter II**

**Operation of Prisons and the Training Centre**

**Section 6. Prisons**

(1) Prisons shall carry out the execution of the arrest as a security measure and the deprivation of liberty as a criminal punishment, ensure resocialisation and mental care as well as health care of the convicted persons.

(2) There are the following prisons:

1) remand prisons;

2) closed prisons;

3) semi-closed prisons;

4) open prisons;

5) juvenile correctional institutions.

(3) A prison is a structural unit of the Administration.

(4) A prison governor has:

1) the rights of a manager of an operational activities institution specified in the Operational Activities Law;

2) [15 June 2006].

[*15 June 2006; 17 December 2014*]

**Section 7. Security Regime**

(1) Adult males to whom arrest is applied as a security measure or who are serving their sentence in closed or semi-closed prisons shall be guarded by the officials of prisons armed with a service weapon.

(2) Other arrested or convicted persons shall be guarded in prisons by the officials of prisons without weapons.

[*15 June 2006*]

**Section 8. Visiting Prisons**

(1) The following persons have the right to visit prisons without a special permit:

1) the President;

2) the Chairperson of the *Saeima*;

3) the Prime Minister;

4) the Minister for Justice and the State Secretary of the Ministry of Justice;

5) the Prosecutor General and the prosecutors subordinate to him or her who perform supervision at prisons as well as the chief prosecutors of the court districts in the territory of which the relevant prisons are located;

6) [11 November 2004];

7) the Ombudsman;

8) officials of the Internal Security Bureau;

9) officials of State security institutions;

10) officials of the Corruption Prevention and Combating Bureau.

(2) The Cabinet shall determine the procedures by which the persons referred to in Paragraph one of this Section and also other persons shall visit prisons.

[*11 November 2004; 15 June 2006; 28 May 2015; 6 May 2021*]

**Section 9. Operation of the Training Centre**

The Training Centre shall be managed by a director. The Training Centre shall ensure the professional training of such employees of the Administration who do not have a special service rank as well as the further education of officials.

[*15 June 2006*]

**Chapter III**

**Course of Service of Officials**

[15 June 2006]

**Chapter IV**

**Rights and Duties of the Official**

[*15 June 2006*]

**Section 22. Rights and Duties of the Official**

(1) In performing service tasks, the official has the following rights and duties:

1) in accordance with the procedures laid down in laws and other regulations, to request that persons cease actions that interfere with the performance of the duties of the official, cease violations of the law, and also to use the provided for compulsory measures against offenders;

2) in accordance with the procedures specified in laws and regulations, to check personal identification documents as well as other documents;

3) in accordance with the procedures stipulated by the Cabinet, to survey persons in a prison in order to determine whether such persons have used alcohol, narcotic or other intoxicating substances;

4) in accordance with the procedures laid down in the law, to perform an inspection of persons, an examination of premises, belongings, and clothing, also using technical means, to remove objects, articles, and substances that are prohibited from being brought into, used, and kept in a prison;

5) to perform pre-trial investigation in conformity with the competence specified in the Criminal Procedure Law;

6) in accordance with the competence thereof and the procedures specified in the Operational Activities Law, to perform operational activities in full extent in order to disclose, interrupt, and prevent criminal offences in prisons;

7) to carry, possess, use, and apply the weapon issued;

8) to ensure transportation of prisoners to a medical treatment institution outside the prison for the receipt of health care services and security guard of prisoners during receipt of such services;

9) according to the competence, to process personal data in the State information systems for execution of the arrest as a security measure and the deprivation of liberty as a criminal punishment;

10) to detain a person who commits or who is suspected of having committed an administrative offence and to remove such person from the territory of the prison;

11) to record a flight of an unmanned aircraft and other such type of airship which is not classified as aircraft (hereinafter – the unmanned aircraft) and to discontinue it if the flight has been performed in violation of the requirements of laws and regulations.

(2) [15 June 2006]

(3) [17 December 2014]

(4) The official is prohibited from organising strikes and participating therein.

(5) Transportation of a prisoner to a medical treatment institution shall be carried out by an emergency vehicle if it is necessary for ensuring public safety or due to the health condition of the prisoner.

(6) The management of the prevention of hostage taking, rioting, arson, mass disorders, or mass resistance to officials at a prison shall be ensured by an official specified by the director of the Administration.

[*11 November 2004; 15 June 2006; 17 December 2014; 28 May 2020; 6 May 2021*]

**Section 23. Right of the Official to Use Physical Force, Special Fighting Techniques, Special Means, Technical Devices and to Use Police Dogs**

(1) In performing service tasks, the official has the right to use physical force, special fighting techniques, and special means in order to:

1) repel an attack on oneself or other persons;

2) repel an attack on buildings, premises, structures, and vehicles or to free forcibly occupied facilities;

3) free hostages;

4) prevent mass disorders;

5) detain a person who does not submit to or resists the official, may run away or inflict harm on himself or herself and other persons (if there are grounds to believe so);

6) stop an escape attempt of arrested or convicted persons;

7) discontinue a violation of the law, to detain a person who commits or who is suspected of having committed an administrative offence or to remove such person from the territory of the prison.

(2) Before using physical force, special fighting techniques, or special means, the person against whom such use is directed shall be warned orally of the intention to use it if the circumstances and situation allow it.

(3) The official is prohibited from using physical force, special fighting techniques, and special means (except for handcuffs) against women, minors, and persons with disabilities with obvious signs of disability, except for the cases when such persons participate in a group attack, show armed resistance, or endanger the health or lives of the official or other persons.

(4) If a person has been injured during the use of physical force, special fighting techniques, special means, or technical devices or the use of a police dog, the official has an obligation, without delay, to provide first aid to such person and to organise emergency medical assistance. The director of the prison shall, not later than within 24 hours, notify the director of the Administration of all cases of the use of physical force, special fighting techniques, special means (except for handcuffs), or technical devices, but if death of a person has set in due to the use and application thereof (also the use of a police dog) shall also notify the Office of the Prosecutor and the State Secretary of the Ministry of Justice.

(5) The types of special means and the procedures by which they are used by officials of prisons shall be determined by the Cabinet.

(6) In performing service duties, the official has the right to use technical devices to record a flight of the unmanned aircraft and to discontinue it if the flight has been performed in violation of the requirements of laws and regulations.

(7) In performing service duties, the official may use a police dog at a prison in order to:

1) inspect a vehicle entering or leaving the territory of the prison;

2) inspect the belongings and clothing of the prisoner, visitor of the prison, or official;

3) inspect the premises or territory of the prison;

4) inspect the parcels and dispatches;

5) prevent hostage taking, rioting, arson, mass disorders, or mass resistance to officials.

[*11 November 2004; 15 June 2006; 17 December 2014; 28 May 2020; 6 May 2021*]

**Section 24. Right of the Official to Apply a Weapon**

(1) In performing service duties, the official is entitled to apply a weapon as a means of last resort in order to:

1) defend against persons who pose immediate danger to his or her life or health, or life or health of other persons;

2) prevent an attempt to forcibly obtain a weapon;

3) prevent an escape of the arrested or convicted person, to detain the escaped arrested or convicted person;

4) detain a person who shows armed resistance or who refuses to comply with the lawful request of the official to hand over a weapon or explosives;

5) detain a person at the time of committing a serious or especially serious crime, or immediately after committing such crime;

6) stop an illegal and forcible entry of persons into a prison;

7) discontinue a flight of the unmanned aircraft if it has been performed in violation of the requirements of laws and regulations.

(2) If mass disorders related to hostage taking, rioting, or arson or mass resistance to officials is occurring at a prison and if it is not possible to discontinue such activities with other means, it shall be permitted to apply weapons upon an oral order of the director of the Administration or his or her deputy with the official taking an independent decision on the application of the weapon.

(3) Before the application of the weapon, an oral warning of such intention shall be given. A warning shot shall also be made before the application of the firearm, if the circumstances allow it.

(4) A weapon may be applied without warning if:

1) a sudden armed attack on a prison takes place;

2) a sudden armed attack on the official or another person takes place, and also if a vehicle is used in the attack;

3) such use is necessary in order to free a hostage;

4) an escape from a prison takes place by applying a weapon or using a vehicle or unmanned aircraft, and also if an escape takes place at night or in the conditions of poor visibility, or an escape takes place from a vehicle while such vehicle is in motion, or an escape takes place in a group;

5) the arrested or convicted person who shows armed resistance is being detained.

(5) The official is prohibited from applying a weapon against women, minors, and persons with disability with obvious signs of disability, except for the cases when they participate in an armed attack, show armed resistance, or endanger the health or lives of the official or other persons in a group.

(6) In a case of application of a weapon, the official shall do all in his or her power to guarantee the safety of other persons as well as to provide the necessary medical assistance to victims. The director of the prison shall, not later than within 24 hours, notify the director of the Administration of all cases of the application of a weapon, but if death of a person has set in due to the application of a weapon shall also notify the Office of the Prosecutor and the State Secretary of the Ministry of Justice.

[*6 May 2021*]

**Section 24.1 Rights of Officials of the Institutions of the System of the Ministry of the Interior at a Prison**

(1) If hostage taking, rioting, arson, mass disorders, or mass resistance to officials occurs at a prison, officials of the institutions of the system of the Ministry of the Interior have the following rights with an oral permission of the director of the Administration or his or her deputy:

1) to enter the prison with weapons, special means, or technical devices;

2) to apply weapons, to use special fighting techniques, special means, or technical devices at the prison.

(2) After receipt of the permission referred to in Paragraph one of this Section, the official of the institution of the system of the Ministry of the Interior shall take an independent decision on the application of weapons, the use of special fighting techniques, special means, or technical devices.

[*6 May 2021*]

**Chapter V**

**Legal Protection and Operational Guarantees for the Official**

[*15 June 2006*]

**Section 25. Legal Protection of the Official**

(1) The official is a representative of State authority, and the lawful requirements put forth by him or her while performing service duties shall be complied with by all persons.

(2) The official is under State protection – his or her life, health, honour, and dignity shall be protected by the State.

(3) Defamation of the official, resistance to the official, threats to his or her health or life, and also actions that interfere with his or her performance of service duties shall be punishable in accordance with the procedures laid down in laws and regulations.

[*15 June 2006*]

**Section 26. General Operational Guarantees for Officials**

(1) Orders and decisions of political organisations (parties) and alliances or representatives thereof shall not be binding on the official.

(2) The actions of the official in a justified professional risk situation shall not be considered a violation of the law, even if elements of an offence for which disciplinary, administrative, civil or criminal liability has been specified can be determined in such actions. A professional risk shall be considered justified if the official has acted according to the information at his or her disposal on the facts and circumstances but the lawful objective was not attainable without actions involving risk, and if such official, by allowing the risk, has done everything possible to prevent potential harm.

(3) The official shall not be liable for the material and physical damage that has been caused within the scope of authority of service to an offender who does not submit to or resists the official, and also for the material and physical damage caused to a third person.

[*15 June 2006*]

**Chapter VI**

**Social Guarantees for the Civil Servant**

[15 June 2006]

**Transitional Provisions**

[*17 December 2014*]

1. A competition for the vacant civil servant positions referred to in Section 11, Paragraph three, Clause 1 of this Law shall not be announced until 2004.

[*17 December 2014*]

2. The Cabinet shall, by 1 June 2015, issue the Cabinet regulations provided for in Section 23, Paragraph five of this Law regarding the types of special means and the procedures by which they shall be used by officials of prisons.

[*17 December 2014*]

3. Section 22, Paragraph one, Clause 10 and Section 23, Paragraph one, Clause 7 of this Law shall come into force concurrently with the Law on Administrative Liability.

[*28 May 2020*]

4. The Cabinet shall, by 1 August 2021, issue the regulations provided for in Section 8, Paragraph two of this Law.

[*6 May 2021*]

5. Until the coming into force of new Cabinet regulations but not later than until 31 December 2021, Cabinet Regulation No. 918 of 6 December 2005, Procedures for Surveying Arrested and Convicted Persons at Prisons in Order to Detect whether They have Used Alcohol, Narcotic or Psychotropic Substances, shall be applicable insofar as it is not in contradiction to this Law.

[*6 May 2021*]

The Law shall come into force on 1 January 2003.

The Law has been adopted by the *Saeima* on 31 October 2002.

President V. Vīķe-Freiberga

Rīga, 19 November 2002