

## JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES

ISSN 2029-7017 print/ISSN 2029-7025 online

2016 September Volume 6 Number 1

[http://dx.doi.org/10.9770/jssi.2016.6.1\(5\)](http://dx.doi.org/10.9770/jssi.2016.6.1(5))

### SECURITY AND SAFETY ENFORCMENT: EXECUTION PECULIARITIES

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*Received 30 January 2016; accepted 10 May 2016*

**Abstract.** From the very beginning of existence of society, there also existed crime, in one or another its ways of manifestation. Historically the punishment tool and the goal of the punishment was greatly dependent on the existing authority, political system, traditions and scale of values in society.

The authors of the article, continuing with scientific publication cycle, which is dedicated to execution of sentence of imprisonment in Latvia and security aspects of the places of confinement, the authors offer to become familiar with the study about peculiarities of execution of the sentence of imprisonment and security aspects in the places of confinement with respect to the persons sentenced with deprivation of liberty for life (life imprisonment).

Undeniable is the fact that imprisonment for life (life imprisonment) is the severest type of criminal punishment in Latvia, and its execution requires a special approach. The requirements regarding the regime of execution of the punishment and security with relation to the persons sentenced with deprivation of liberty for life (life imprisonment) are much stricter than with relation to the other convicts, thus the study obtains the status of vitally important topicality.

This article reflects the results of the conducted study on peculiarities of execution of the sentence of imprisonment in respect to the persons sentenced with deprivation of liberty for life (life imprisonment) in Latvia. The article identifies issues and suggests possible solutions.

The aim of this study is to conduct the analysis of the existing norms of The Sentence Execution Code of Latvia regarding the persons sentenced with deprivation of liberty for life (life imprisonment) and their implementation in practice, as well as their compliance with generally accepted human rights, international norms and standards and the norms and standards of the Council of Europe. Based on the study there has been developed a series of recommendations for the staff of places of confinement working with the persons sentenced with deprivation of liberty for life (life imprisonment), as well as pointed out the necessity to make amendments to the norms of The Sentence Execution Code of Latvia.

The authors suggest that the drawbacks and issues discovered within the framework of this study, as well as proposed solutions will make a significant contribution to the development of the punishment execution rights theory in Latvia. It will be possible to improve the sentence of imprisonment execution legal framework and practice by using new scientific cognitions stated in this study.

**Keywords:** imprisonment, execution of the sentence, the persons sentenced with deprivation of liberty for life, life imprisonment, regime, resocialization, human rights.

**Reference** to this paper should be made as follows: Zahars, V.; Maris Stivrenieks, M. 2016. Towards cost-benefit analysis in military: methods for evaluation routes in open terrain, *Journal of Security and Sustainability Issues* 6(1): 71–83.

DOI: [http://dx.doi.org/10.9770/jssi.2016.6.1\(5\)](http://dx.doi.org/10.9770/jssi.2016.6.1(5))

**JEL Classifications:** K1, K14, N43

## 1. Introduction

From the very beginning of existence of society, there also existed crime, in one or another its ways of manifestation. During the human evolution the types of punishments have changed and in different centuries in and in various parts of the world they have been different. They changed from the different types of corporal punishment, torture and the death penalty, in their various forms, to a variety of alternative punishments, which are not related to violence against the guilty person. *Over the course of many thousands of years the humanity has been relentlessly “followed” by crime and by motive of the punishment. The different aspects of the punishment have been analyzed by many representatives of their day, creating new theories and ideas that have transformed also within society of the beginning of 21<sup>st</sup> century. Psychological process of the crime creates a moral requirement for the punishment. The crime, in its turn, is a protest against “abnormalities” of the social order* (Banga 2005). Historically the punishment tool and the goal of the punishment was greatly dependent on the existing authority, political system, traditions and scale of values in society. *The punishment was and still is considered to be the most effective means of protection of one’s rights and interests. However, the society’s conception about the nature, tasks and importance of punishment have significantly changed over the time* (Shkavronska 2010).

The authors of the article, continuing with scientific publication cycle, which is dedicated to execution of sentence of imprisonment in Latvia and security aspects of the places of confinement, the authors offer to become familiar with the study of peculiarities of execution of the sentence of imprisonment and security aspects in the places of confinement with respect to the persons sentenced with deprivation of liberty for life (life imprisonment). The readers can familiarize themselves with authors’ previous scientific publications, which are dedicated to peculiarities of execution of the sentence of imprisonment and security aspects in the places of confinement with respect to convicted women and with respect to convicted minors, in 2014 issue of “*Journal of Security and Sustainability Issues* No.3 (3)”, and in 2015 issue of “*Journal of Security and Sustainability Issues* No.4 (3)”, as well as about that problematic issues in this area were studied by researchers Teivans-Treinovskis J. and Lavrinenko O (2016), Avdeev V., Avdeeva O.; Gribunov O.; Sergevnin V. (2016).

Section 94 of the Constitution of the Republic of Latvia provides that *everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law*, and Section 95 of the Constitution provides that *the State shall protect human honor and dignity. Torture or other cruel or degrading treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment*.

*Imprisonment is not the state’s or society’s revenge on a convicted person for the offense. Its aim is to restore justice, to prevent potential future recurrence of the offenses and to deter others from following this example. However, the most important task in this whole complex is not to isolate the guilty person from the society, but to do everything possible so that during the time of imprisonment this person would receive education, profession, change his/her way of thinking, and, coming out through the prison gate, would start a full life* (Luksa 2013).

Recommendation Rec (2006) 2 of the Committee of Ministers to member states on the European Prison Rules particularly stresses that *the enforcement of custodial sentences and the treatment of prisoners necessitate taking account of the requirements of safety, security and discipline while also ensuring prison conditions which do not infringe human dignity and which offer meaningful occupational activities and treatment programmes to inmates, thus preparing them for their reintegration into society*.

This article reflects and analyzes the results of the conducted study on peculiarities of execution of the sentence of imprisonment in respect to the persons sentenced with deprivation of liberty for life (life imprisonment) in Latvia. This article studies the peculiarities of execution of the sentence of imprisonment in respect to the persons sentenced with deprivation of liberty for life (life imprisonment), identifies issues and suggests possible solutions. Undeniable is the fact that imprisonment for life (life imprisonment) is the severest type of criminal

punishment in Latvia, and its execution requires a special approach, thus the study obtains the status of vitally important topicality.

Significant changes in criminal policy of the Republic of Latvia started with The Concept of Criminal Punishment Policy approved by the Ministry of Justice of the Republic of Latvia as of January 9, 2009, where it was recognized *that the stricter punishments are enforceable only in cases where, if, pursuant to the circumstances of the case, the personality of the guilty person and mitigating and aggravating circumstances, there has been concluded and motivated that other alternatives to the imprisonment are unsuitable. Whereas, by enforcing the punishment, which does not provide an actual serving of sentence of deprivation of liberty, it is important to indicate the facts, due to which it has been decided not to enforce a actual punishment of deprivation of liberty* (Saulite 2008). According to amendments to The Criminal Law, as of December 1, 2011, from the first part of the Section 36 has been removed the death penalty, *in respect to which there has been set a moratorium since 2006, because the right to life is one of the main values of democratic society* (Luse 2011). In addition to the above, in recent years the significant amendments have been made also to norms of The Sentence Execution Code of Latvia, which affect execution of sentence of imprisonment in places of confinement with respect to the persons sentenced with deprivation of liberty for life (life imprisonment).

The aim of the authors of this study is to conduct the analysis of the existing Sentence Execution Code of Latvia, and its binding Cabinet of Ministers regulations norms analysis with respect to the persons sentenced with deprivation of liberty for life (life imprisonment), as well as their compliance with generally accepted human rights standards. Based on the study there has been developed a series of recommendations for the staff of places of confinement working with the persons sentenced with deprivation of liberty for life (life imprisonment), as well as pointed out the necessity to make amendments to the norms of The Sentence Execution Code of Latvia.

The authors suggest that the drawbacks and issues discovered within the framework of this study, as well as proposed solutions will make a significant contribution to the development of the punishment execution rights theory in Latvia. It will be possible to improve the sentence of imprisonment execution legal framework by using new scientific cognitions stated in this study.

The authors of the article completely agree with the statement of former Minister of Justice J. Bordans that *in recent years the punishment execution policy has played a secondary role in the state administration priority list. Politicians have been paying a lot more attention to the form of punishment execution, for example, construction of new prison facilities, by putting into second place the punishment execution content issues, namely, resocialization of offenders. At the same time, it must be recognized that as the result of qualitative punishment execution process it is possible to create a safer society preventing offense relapse. The reduction of relapse into crime in punishment execution is essential, because as a result of this process the work of the police, prosecution and judicial work is concluded. It is important so that the person, who has committed an offense, would not commit it repeatedly* (Bordans 2014).

## **2. The persons sentenced with deprivation of liberty for life (life imprisonment) in places of confinement of Latvia**

The third part of the Section 38 of the Criminal Law provides *that in cases specifically provided for in this Law, deprivation of liberty may be determined for life (life imprisonment)*. The punishment provided by the Criminal Law on the basis of the first part of the Section 35 of the Criminal Law *is a compulsory measure which a court, within the limits of this Law, adjudges on behalf of the State against persons guilty of the commission of a criminal offence or in the cases provided for by law, determined by a public prosecutor by drawing up a penal order, with the objective, which is laid down in the second part of the Section 35 of the Criminal Law, i.e. to protect the public safety, to restore justice, to punish the offender for a committed criminal offence, to resocialize the punished person and to achieve that the convicted person and other persons comply with the law and refrain from committing criminal offences*. In addition to the above, Section 8 of The

Sentence Execution Code of Latvia provides that *the purpose of the execution of punishment is to apply all the provisions of the execution of a punishment laid down in this Code to the convicted person, thereby ensuring the resocialization of the person and his or her lawful behavior after execution of the punishment. Currently, it is clear that the idea of dying-off of crime is utopian, but the crime itself is the accompanying element of any industrial society. These contradictions, in course of evolution of society, are ineradicable; that is why this entails only restriction of crime, stopping it at the acceptable level rather than completely eradicating it* (Teivans–Treinovskis 2009).

Undeniable is the fact that imprisonment for life (life imprisonment) is the severest type of criminal punishment, and its execution requires a special approach. *Both within society and within penitentiary systems of many countries it is believed that all life-sentence persons, also after being sentenced and being placed into place of confinement, continue to be extremely dangerous, because the offenses committed by these persons are more grave and more cruel than other types of offenses. From this viewpoint there follows the approach that the punishment regime for the persons serving life sentences has to be particularly strict, maximally limiting the sentenced persons' communication rights both with prison staff and with other inmates, as well as their relatives, without providing the opportunity to engage in activities that would facilitate the resolution of problems, which led to commitment of offenses, their possible return into society and the ability to live a law-abiding life. These considerations might also be based on practical considerations: why should we invest resources into sentenced persons, who will probably never return into society* (Shileikiste 2013).

The 1<sup>st</sup> paragraph of the Recommendation CM/Rec (2014) 3 of the Committee of Ministers to member States concerning dangerous offenders provides that *a dangerous offender is a person who has been convicted of a very serious sexual or very serious violent crime against persons and who presents a high likelihood of re-offending with further very serious sexual or very serious violent crimes against persons*, but the 3<sup>rd</sup> paragraph of these Recommendation provides that *dangerous offenders, like all offenders, should be treated with respect for their human rights and fundamental freedoms, and with due regard for their particular situation and individual needs while at the same time protecting society effectively from them. Imprisonment itself, by isolating the offender from the outside world, causes him suffering with the fact that, depriving him of freedom, he is also deprived of the right to self-determination. For this reason, the prison system must not intensify these sufferings, unless segregation is justifiable, and if it is not required by discipline securing considerations* (Kruminsh, Pokshans 1996).

According to the data provided by the administration of places of confinement, as of March 1, 2016, there are 57 persons sentenced with deprivation of liberty for life (life imprisonment) in places of confinement of Latvia serving custodial sentence, 56 of which are men and 1 woman. The persons sentenced with deprivation of liberty for life, men, (life imprisonment) are serving custodial sentence in Jelgava and Daugavgriva prisons, and women are serving custodial sentence in Ilguciems prison. *A woman being in prison is an anomaly, but it is well known fact that the amount of female prisoners around the world is increasing* (Zahars, Stivrenieks 2014). According to the data provided by the administration of places of confinement, out of the total number of the persons sentenced with deprivation of liberty for life (life imprisonment), 55 are the citizens of the Republic of Latvia, 1 is the citizen of the Russian Federation and 1 is the citizen of the Republic of Armenia.

In addition to the above, it is expedient to note the fact that there are also 8 imprisoned persons (men) in places of confinement of Latvia, who have been sentenced with deprivation of liberty for life (life imprisonment) by the judgment of the Court of First Instance. The imprisoned men, who have been sentenced with deprivation of liberty for life (life imprisonment), are placed in Investigation department of Jelgava prison, and imprisoned women are placed in Investigation department of Ilguciems prison. According to the statistics data provided by the administration of places of confinement, out of the total number of imprisoned persons, who have been sentenced with deprivation of liberty for life (life imprisonment) by the judgment of the Court of First Instance, 6 are the citizens of the Republic of Latvia, and 2 are the citizens of the Republic of Lithuania.

### **3. The requirements of regime of execution of sentence of imprisonment with respect to the persons sentenced with deprivation of liberty for life (life imprisonment)**

The first part of Section 41 of The Sentence Execution Code of Latvia provides that *basic provisions of the regime in deprivation of liberty institutions shall be: mandatory isolation and supervision of the convicted persons in order that they do not have an opportunity to commit new criminal offences; precise and unconditional fulfilment of the duties set out for them; and various conditions of the regime depending on the nature of the criminal offence committed by the convicted person, his or her personality and behavior, and the fourth part of this section provides that according to an order by the head of the institution, a strictly regulated daily schedule shall be determined in deprivation of liberty institutions. In practice, a special place occupies the regime, which is usually defined as punishment execution order stipulated by law and standard acts. Although the regime has to ensure both the rights of convicted persons and the order established within institutions, it is a deeply-rooted view that the punishment execution regime reflects restriction of rights of convicted persons that make up the contents of the punishment, and this has only repressive nature. This kind of view in practice has far-reaching negative consequences* (Kruminsh, Pokshans 1996).

The persons sentenced to life imprisonment (life imprisonment), except women, according to the first part of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia, *are placed in a separate closed prison block with enhanced surveillance, not allowing contact with convicted persons, who have not been sentenced to life imprisonment. Women who have been sentenced to life imprisonment (life imprisonment), serve the sentence of imprisonment in semi-closed prisons.*

In addition to the above, the fourth part of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia provides that *the rules of internal order of penitentiary institution determine custody and supervision order of the persons sentenced with deprivation of liberty for life (life imprisonment).* The rules of internal order of penitentiary institutions are stipulated in Regulations No.423 “The Rules of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006.

The authors of the article by executing the analysis of legal provisions of Regulations No.423 “The Rules of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006, have found that these rules do not specify a particular custody and supervision order of the persons sentenced with deprivation of liberty for life (life imprisonment).

The first part of the Section 50.<sup>3</sup> of The Sentence Execution Code of Latvia provides that the *convicted persons in closed prisons shall serve their sentence at three regime levels – the lowest, medium and the highest level, but in partly-closed prisons – at two regime levels – the lowest and the highest.* According to the fifth part of the Section 50.<sup>4</sup> of The Sentence Execution Code of Latvia *persons sentenced with deprivation of liberty for life (life imprisonment) shall commence serving their sentence at the lowest level. After imprisonment they must serve not less than seven years in this level. If a convicted person has served at least seven years of the adjudged sentence in a pre-trial arrest and a sentence execution place and complies with conditions, he or she may be transferred from the lowest to the medium level of the sentence serving regime according to a decision of the administrative committee of the deprivation of liberty institution. He or she shall serve not less than 10 years of the adjudged sentence at the medium level of the sentence serving regime and the remaining part – at the highest level of the sentence serving regime. A convicted person may be conditionally released prior to completion of his or her sentence term at the highest level of the sentence regime serving in accordance with the procedures laid down in the law. We have to take into consideration the fact that one day also the persons sentenced with deprivation of liberty for life will return to society from the places of confinement. This day is rapidly approaching* (Spure 2015). In addition to the above, the standard acts provide also a number of preconditions, in order for conditional release to be proposed and enforced, prior to completion of punishment, and all these preconditions are stipulated in provisions of The Sentence Execution Code of Latvia and the Criminal Law norms.

The paragraph 4. of the third part of the Section 61 of the Criminal Law provides that persons sentenced with

deprivation of liberty for life (life imprisonment) may be released from imprisonment, *if there is a reason to believe that he or she is able to adapt in the society without committing new criminal offences after being conditionally released prior to completion of his or her basic punishment, as well as if this person has already served twenty-five years of a punishment of deprivation of liberty*, and according to the paragraph 4. of the third part of this section, the person sentenced with deprivation of liberty for life (life imprisonment) may be conditionally released prior to completion of his or her basic punishment by applying electronic monitoring, *if this person has already served twenty-four years of a punishment of deprivation of liberty*. In addition to the above, the president of the Republic of Latvia, in accordance with the third part of the Section 5 of the Clemency Law can grant pardon to the person sentenced with deprivation of liberty for life (life imprisonment), by replacing criminal punishment of deprivation of liberty for life (life imprisonment) by another lighter criminal punishment, *if the person sentenced with deprivation of liberty for life (life imprisonment) has already served not less than twenty years of a punishment of deprivation of liberty*.

Unambiguous is the fact that the requirements of regime of execution of sentence of imprisonment with respect to persons sentenced with deprivation of liberty for life (life imprisonment) are much stricter than with respect to other convicts. According to the tenth part of the Section 50.<sup>4</sup> of The Sentence Execution Code of Latvia *The right referred to wear personal clothing, to independently visit the prison medical clinic, shop, dining facility and library, and to participate in events outside the separate prison block shall not apply to convicted persons sentenced with deprivation of liberty for life (life imprisonment) who serve their sentence in a separate block of the deprivation of liberty institution with increased security. The security of places of confinement is viewed in its many manifestations (material, organizational, technical, technological, etc.), however we cannot ignore the fact that at the same time it must also be assessed from the aspect of human right and punishment execution rights* (Zahars, Stivrenieks 2015).

The authors of the article believe that the amendments, as of July 14, 2015, to the eleventh part of the Section 50.<sup>4</sup> have a very positive assessment, where in addition to other rights with respect to the persons sentenced with deprivation of liberty for life (life imprisonment), it is provided that *the persons sentenced with deprivation of liberty for life (life imprisonment), who is serving a sentence in a separate closed prison block with enhanced surveillance, have the right to communicate with their relatives and with other persons via video call, without the presence of representative of the place of confinement*. Such rights are not provided for the other convicts who are serving their sentences in closed and partially closed prisons. The opportunity to use a video call, as well as the limited possibility to use telephone and to meet with one's relatives and other persons, during short or long visits, have gained great popularity among the prisoners; it also contributes to preservation and restoration of helpful kindred and familial connections. *The life organization in prison has to be as close as possible to life in society. It should not be filled with destructive limitations, on the contrary, the prison administration should create opportunities for the involvement of the convicted persons in meaningful activities that neutralize the negative impact of the prison environment, reduce so-called "prison stress" and deformation of personality* (Zahars 2015).

According to the tenth part of the Section 50.<sup>4</sup> of The Sentence Execution Code of Latvia, *the right to wear personal clothing does not apply to the persons sentenced with deprivation of liberty for life (life imprisonment)*. According to the paragraph 14. of Regulations No.423 "The Rules of Internal Order of Penitentiary Institutions" of the Cabinet of Ministers as of May 30, 2006, *the convicts wear certain type of clothing with attached visiting card. The convict's name, last name, year of birth, as well as the unit number are indicated on the visiting card*. The model and type clothing for convicts are stipulated in the appendix 7. of the Regulations No.423 "The Rules of Internal Order of Penitentiary Institutions" of the Cabinet of Ministers as of May 30, 2006. In addition to the above, the appendix 7. of Regulations No.1022 "The Rules on Norms of Material Support of Household Needs of Imprisoned Persons" of the Cabinet of Ministers provides that *the clothing and provision of footwear for one convict is determined in accordance with the appendix 4. of these regulations. After certain sanitation to convicts may be handed out used clothing and shoes*.

The authors of the article, after conducting the analysis of the appendix 7. of Regulations No.423 "The Rules

of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006, and of the appendix 4. of Regulations No.1022 “The Rules on Norms of Material Support of Household Needs of Imprisoned Persons ”, have established that in both appendixes, the certain examples of convicts’ clothing, its types and range are different and contradictory. We also have to admit the fact that the practice of places of confinement, providing the persons sentenced with deprivation of liberty for life (life imprisonment) with a certain type of clothing, and demanding them to wear it, is not the same. Thus, the principle of prohibition of unequal attitude towards the persons sentenced with deprivation of liberty for life (life imprisonment) is allowed, which in some cases may even be discriminatory, when at the same legal conditions, only because a prisoner is in another place of confinement, there is provided unequal approach and attitude.

#### **4. Safety aspects, when ensuring execution of the sentence of deprivation of liberty for life (life imprisonment) in places of confinement**

Recommendation Rec (2006) 2 of the Committee of Ministers to member states on the European Prison Rules particularly stresses that *every possible effort shall be made by prison administration to allow all prisoners to take a full part in daily activities in safety.*

*Assurance of security and internal order process is one of the main principles in places of confinement. From the human rights point of view the assurance of regime and the personal security is the state’s responsibility, in order to ensure the protection of these persons in places of confinement. By limiting the freedom of movement of convicts and their self-defense ability, the state takes the increased responsibility in ensuring the safety and security in places of confinement. (Bishops 2013).*

Recommendation Rec (2003) 23 of the Committee of Ministers to member states on the management by prison administrations of life sentence and other long-term prisoners stresses that, *the enforcement of custodial sentences requires striking a balance between the objectives of ensuring security, good order and discipline in penal institutions, on the one hand, and providing prisoners with decent living conditions, active regimes and constructive preparations for release. Legislation and practice concerning the management of life sentence and other long-term prisoners should comply with the requirements embodied in the European Convention on Human Rights and the case-law of the organs entrusted with its application.*

According to the second part of the Section 50.<sup>4</sup> of The Sentence Execution Code of Latvia provides that *increased security and maximum surveillance of convicted persons shall be ensured in closed prisons.* In addition to the above, from the tenth and the eleventh part of the Section 50.4 of The Sentence Execution Code of Latvia it follows that enhanced surveillance is also ensured with regard to persons sentenced with deprivation of liberty for life (life imprisonment).

The authors of the article, after conducting the analysis of The Sentence Execution Code of Latvia, as well as of Regulations No.423 “The Rules of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006, have established that legal provisions do not define neither the concept of maximum surveillance nor the concept of enhanced surveillance, nor do they explain what is the difference between convict surveillance in partially closed prisons, and maximum surveillance or enhanced surveillance in closed prisons. In places of confinement, also in practice, the specific differences in the field of surveillance ensuring of convicted persons have not been found.

Looking back at the history of execution of sentence of imprisonment in Latvia, up until 2011, the sentenced men, who have been sentenced with deprivation of liberty for life (life imprisonment), on the internal prison territory were transferred escorted by at least three prison guards, handcuffed, and for transportation also were used service dogs. By the court judgment of certain authorities, the action of officials of these places of confinement has been found to be unlawful, it also did not derive from the norms of The Sentence Execution Code of Latvia, which were in force at that time, and this type of practice in places of confinement has been ceased. The authors of the article completely agree with the point of view expressed by the researcher I. Kronberga that

*security measures are divided into preventive and emergency operational actions. Preventive security actions are – provision of external prison security, organization of surveillance, as well as operational activities and measures in the territory of prison. Emergency operational actions are not planned in advance (it is a reaction to certain events), for example, search, detention, including attraction of special forces, the use of force techniques, special means and firearms. If preventive measures are well-designed and purposefully implemented, the number of emergency operational actions decreases to a minimum or is not needed at all (Kronberga 2013).*

Based on the above, with amendments made to The Sentence Execution Code of Latvia on December 20, 2012, the Code has been supplemented with a new Section 50.<sup>8</sup> - Application of Special Means to Persons Sentenced with Deprivation of Liberty for Life (Life Imprisonment) in the Territory of the Deprivation of Liberty Institution. The first part of the Section 50.8 of The Sentence Execution Code of Latvia provides that *special means – handcuffs – may be applied to persons sentenced with deprivation of liberty for life (life imprisonment) when being transferred in the territory of the deprivation of liberty institution, if such persons may threaten the staff transferring them or if there is reasonable suspicion of a possible escape of the convicted person, and the second part of this Section provides that the dangerousness of each person sentenced with deprivation of liberty for life (life imprisonment) and the need for the application of special means – handcuffs – when being transferred in the territory of the deprivation of liberty institution, shall be assessed by a committee established by the head of the deprivation of liberty institution. The committee consists of responsible officials of the place of confinement and employees who are responsible for resocialization, surveillance, security and healthcare of the persons sentenced with deprivation of liberty for life (life imprisonment); as well as psychologist of the place of confinement who works with a certain person sentenced with deprivation of liberty for life (life imprisonment). During the meeting of committee, also the opinion of the convict person may be heard out (in person). Good internal order and the highest level of security in the place of confinement can be achieved, when the officials responsible for security, surveillance and resocialization cooperate with each other instead of competing or dominating each other, and share the information instead of hiding it (Zahars, Stivrenieks 2015).*

In addition to the above, the paragraph 8. of the first part of the Section 22 of the Prisons Administration Law provides that *the officials of the places of confinement are responsible for transfer of the persons sentenced with deprivation of liberty for life (life imprisonment) to the healthcare facility outside the place of confinement to receive healthcare services, and for provision of guarding of the convicted persons at the time of receiving of such services. The persons sentenced with deprivation of liberty for life (life imprisonment) are also escorted to receive healthcare services at the private or the state medical institutions, outside the place of confinement, if such healthcare services can not be provided in the certain place of confinement or in Olaine prison (Prison Hospital of Latvia).*

After conducting the analysis of legal provisions of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia and of the Section 22 of the Prisons Administration Law, the authors of the article have come to the conclusion that even if the committee of the place of confinement decides to apply with respect to the person sentenced with deprivation of liberty for life (life imprisonment) the special means – handcuffs – when being transferred in the territory of the deprivation of liberty institution such a decision is not binding and legal in connection with the application of handcuffs with respect to the person sentenced with deprivation of liberty for life (life imprisonment) outside the places of confinement, or when providing healthcare services, or transferring the convict to the other place of confinement, for it does not follow from the name and wording of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia. In addition to the above, in practice, there is also a dispute regarding the issue whether, according to the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia, the decision made by committee of one place of confinement regarding the application/non-application of handcuffs with respect to the person sentenced with deprivation of liberty for life (life imprisonment), is binding to the head of the other place of confinement.

*Security greatly depends on alertness of the staff and its cooperation with the convicts, when the staff is aware of the prison events and the convicts are involved in positive activities. This model is often referred to as the dynamic safety. By preserving permanent contact with the prisoners the observant guard will be able to respond*



*to situation which is different from the acceptable, and which may become a threat to prison security. The positive aspect of the dynamic security is that it allows to identify the security risk at an early stage (Koil 2002).*

## **5. Resocialization peculiarities of the persons sentenced with deprivation of liberty for life (life imprisonment)**

The first part of the Section 61.<sup>1</sup> of The Sentence Execution Code of Latvia provides that *the process of resocialization of convicted persons sentenced with deprivation of liberty is an aggregate of social behaviour correction and social rehabilitation measures aimed at promoting lawful behaviour of the convicted person and forming his or her understanding of socially positive values*, and the fourth part of this Section provides that *the participation of convicted persons in resocialization shall be stimulated and positively assessed in accordance with the procedures laid down in this Code*. According to the first part of the Section 61.<sup>5</sup> of The Sentence Execution Code of Latvia, *within two months after placing a convicted person in a deprivation of liberty institution in order to commence the serving of the sentence the head of the institution shall ensure an assessment of the risks and needs of the convicted person, determining:*

- 1) the resocialization needs of the convicted person, the degree of risk of anti-social behaviour and committing a repeated criminal offence in the deprivation of liberty institution;
- 2) *the most appropriate social behaviour correction or social rehabilitation measures and other measures to be implemented during execution of the sentence and to be included in the resocialization plan of the convicted person.*

The repeated assessment of the risks and needs of the convicted person is carried out at least once a year during the whole sentence period. The resocialization plan of the convicted person is also specified and supplemented according to the risk and needs assessment results.

The third part of the Section 61.<sup>5</sup> of The Sentence Execution Code of Latvia provides that *the Cabinet shall lay down the procedures for the implementation of resocialization of convicted persons*, and the fourth part of this Section provides that *resocialization of convicted persons shall be organised by the head of the deprivation of liberty institution, and all the staff of the deprivation of liberty institution and representatives of other institutions determined in the laws and regulations shall participate in the implementation thereof. It is worth to remind about the basic truth that only staffed in accordance with the highest requirements and professionally trained prison staff can transform consciousness and behavior of the offender. The staff is also a good key resource of prison management. Namely, the investment to the prison staff can bring greater benefits than multi-million investment into prison walls, bars and technology (Zahars 2015).*

The order of implementation of resocialization process of convicts is stipulated by the Regulations No. 191 “The Procedure for the Implementation of Resocialization of Convicted Persons” of the Cabinet of Ministers as of April 9, 2013.

According to the first part of the Section 61.<sup>60</sup> of The Sentence Execution Code of Latvia, the resocialization plan of a convicted person shall *provide for the course of resocialization of the convicted person and reflect the results of resocialization of the convicted person. The resocialization plan shall be formed as a section in the personal file of the convicted person.*

The Section 61.<sup>7</sup> of The Sentence Execution Code of Latvia provides *peculiarities of resocialization of persons sentenced with deprivation of liberty for life (life imprisonment)*. The first part of this Section provides that *joint resocialization measures may be organised for persons sentenced with deprivation of liberty for life (life imprisonment) within the scope of one level of the sentence serving regime or, after assessing security considerations – together with persons sentenced with deprivation of liberty for life (life imprisonment) serving their sentence in other levels of the sentence serving regime*, and the second part of this Section provides that *joint resocialization measures shall be organised for women sentenced with deprivation of liberty for life (life imprisonment) and other convicted women serving their sentence in the relevant level of the sentence serving regime.*

In addition to the above, the authors also point out that the tenth part of the Section 50.<sup>4</sup> of The Sentence Execution Code of Latvia, among other, provides that *the right mentioned in this section to participate in activities outside the particular prison block do not apply to the persons sentenced with deprivation of liberty for life (life imprisonment), who are serving their sentence in separate, closed prison blocks with enhanced surveillance*, as well as the first part of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia provides that *the persons sentenced with deprivation of liberty for life (life imprisonment), except women, are placed in a separate closed prison block with enhanced surveillance, not allowing contact with convicted persons, who have not been sentenced to life imprisonment. Historically, in Latvia, in execution of sentence of imprisonment greater emphasis has been placed on isolation of convicted persons and severity of regime rather than provision of the content of punishment – resocialization. Therefore, there has not been developed a systematic approach regarding the issue of resocialization of convicted persons in general, because the basic concepts of deprivation of liberty in existing standard acts are either not mentioned at all, or are mentioned without revealing their content. Instead of this, the standard acts about the leading-motive of the execution of sentence of imprisonment still propose out-of-date, impracticable objectives, but do not talk about their achieving mechanism and measures to be taken (Teivāns–Treinovskis 2009).*

The authors of the article by conducting the analysis of provisions of the tenth part of the Section 50.<sup>4</sup>, the first part of the Section 50.<sup>8</sup> and the first part of the 61.<sup>7</sup> of The Sentence Execution Code of Latvia, have established that due to strict requirements of the regime of execution of sentence of imprisonment, the possibility of implementation of resocialization in places of confinement in relation to the persons sentenced with deprivation of liberty for life (life imprisonment) are rather limited, if not impossible. In addition to the above, the authors of the article point out the fact that the above-mentioned sections of The Sentence Execution Code of Latvia contradict one another, and there are apparent conflicting characteristics between the the regime of execution of sentence of imprisonment and resocialization of the convicted persons; as a result it is necessary to make amendment in the relevant sections of The Sentence Execution Code of Latvia.

The significant changes in the execution of sentence of imprisonment in respect of the persons sentenced with deprivation of liberty for life (life imprisonment) have been achieved with amendments (as of June 18, 2016) made to the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia. The fifth part of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia provides that the committee established by the head of the deprivation of liberty institution shall assess the issue not only regarding application/non-application of special means – handcuffs – to persons sentenced with deprivation of liberty for life (life imprisonment) in place of confinement, but *committee is entitled to decide also the issue of transfer or relocation of the person sentenced with deprivation of liberty for life (life imprisonment) to the premises, where in closed prison are serving their sentence the convicted persons who have not been sentenced with deprivation of liberty for life.*

As of March 1, 2016, from the total number of the persons sentenced with deprivation of liberty for life (life imprisonment), there have been transferred 4 convicts to the other convicted persons, who have not been sentenced with deprivation of liberty for life (life imprisonment), and who have been sufficiently well integrated into society of other convicts, and who (to some extent) have already reached certain results of resocialization. The above-mentioned convicted persons are employed in enterprises, at the territory of institutions of deprivation of liberty, as well as actively participate both in leisure and religious events, they also attend resocialization programs of various content.

*Unfortunately, not all resocialization necessary resources and tools may be applied in isolation conditions. Although within the prison walls the offender's willingness to live in a society can be judged only on hypothetical level, prison potential is high enough to give the client a good support before the main test – freedom (Luste 2015).*

## Conclusions

In summary, the authors come to the following conclusions:

Regulations No.423 “The Rules of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006, according to requirements of the fourth part of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia do not specify a particular custody and supervision order of the persons sentenced with deprivation of liberty for life (life imprisonment);

Amendments, as of July 14, 2015, to the eleventh part of the Section 50.<sup>4</sup> have a very positive assessment, which provides that the persons sentenced with deprivation of liberty for life (life imprisonment) have the right to communicate with their relatives and with other persons via video call, without the presence of representative of the place of confinement;

The examples of convicts’ clothing, its types and range that is determined in the appendix 7. of Regulations No.423 “The Rules of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006, and in the appendix 4. of Regulations No.1022 “The Rules on Norms of Material Support of Household Needs of Imprisoned Persons” of the Cabinet of Ministers, are different and contradictory;

It is possible to see the signs of different treatment prohibiting principle in action of places of confinement, by failing to ensure uniform practice, handing out the convicted persons cloasing and demanding them to wear it, when at the same legal conditions there is provided unequal approach and attitude, only because a prisoner is in another place of confinement;

Neither legal provisions of The Sentence Execution Code of Latvia nor Regulations No.423 “The Rules of Internal Order of Penitentiary Institutions” of the Cabinet of Ministers as of May 30, 2006, define the concepts of maximum surveillance and enhanced surveillance;

According to decision adopted in the order of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia, the officials of the places of confinement do not have the right to apply special means – handcuffs – in regard the persons sentenced with deprivation of liberty for life (life imprisonment) outside the place of execution of punishment of deprivation of liberty;

In practice of places of confinement there is also a dispute regarding the issue whether, according to the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia, the decision made by committee of one place of confinement regarding the application/non-application of handcuffs with respect to the person sentenced with deprivation of liberty for life (life imprisonment), is binding to the head of other place of confinement;

According to the tenth part of the Section 50.<sup>4</sup>, the first part of the Section 50.<sup>8</sup> and the first part of the Section 61.<sup>7</sup> of The Sentence Execution Code of Latvia, the possibility of implementation of resocialization in places of confinement in relation to the persons sentenced with deprivation of liberty for life (life imprisonment) are rather limited, if not impossible. In addition to the above, the above-mentioned sections contradict one another, and there are apparent conflicting characteristics between the regimes of execution of sentence of imprisonment and resocialization of the convicted persons klajā pretrunā;

Amendments, as of June 18, 2015, to the fifth part of the Section 50.<sup>8</sup> of The Sentence Execution Code of Latvia have a very positive assessment, based on which, the persons sentenced with deprivation of liberty for life (life imprisonment) can be transferred to the total “flow,” to the other convicts, who have not been sentenced with deprivation of liberty for life (life imprisonment).

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