



State Police
Republic of Latvia

TAKEOVER AND HANDOVER OF PERSONS SERVING A CUSTODIAL SENTENCE

Legislation, procedure and problematics

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ACTS ADOPTED UNDER THE EU TREATY

1. COUNCIL FRAMEWORK DECISION
2008/909/JHA (27 November 2008) - The application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union
2. COUNCIL FRAMEWORK DECISION
2008/947/JHA (27 November 2008) - The application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions



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NATIONAL LEGISLATION

- **Nationally**, the Council Framework Decisions have been implemented in Criminal Procedure Law.
- Criminal Procedure Law Division Sixteen:
Recognition of a Foreign Country and Execution of Punishments
- Criminal Procedure Law Division Seventeen:
Execution in a Foreign Country of a Punishment Imposed in Latvia



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EXECUTION IN LATVIA OF A PUNISHMENT IMPOSED IN A FOREIGN COUNTRY

1. General provisions of the given subject are foreseen in Criminal Procedure Law from article 749 to article 807.
2. Legal basis for International Cooperation Department to carry out a persons takeover:
 - **Article 759** - Recognition and Execution of a Punishment Imposed in a Foreign Country
 - **Article 768** - Takeover of a Person Convicted in a Foreign Country



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NATIONAL PROCEDURE

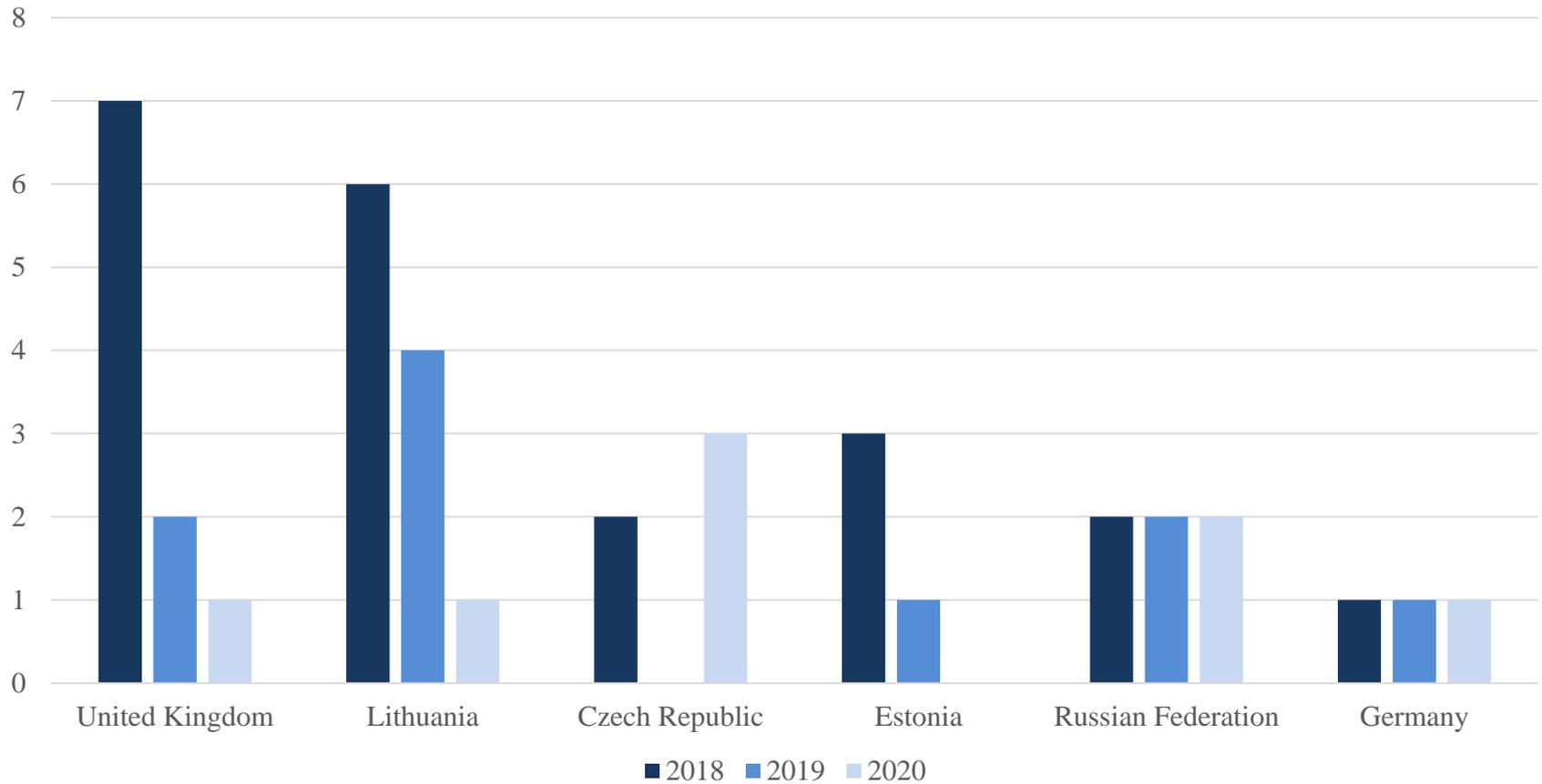
1. Ministry of Justice – tasks International Cooperation Department to execute a takeover of a person serving a custodial sentence in a foreign country.
2. Regional or District Court – decision issued by a judge is necessary for further proceedings. Decision contains a recognition and the outline of the imposed custodial sentence as well as an execution task.
3. SIRENE/INTERPOL Information exchange channels – The information exchange channels can vary, but in usual procedure – INTERPOL. A travel request is sent to the foreign country informing that we are ready to takeover the convicted person.
4. Confirmation from the foreign country via INTERPOL that we can proceed with the persons takeover.
5. Convoy details – either International Cooperation Department or Regional police departments participate in takeover of person(-s). Coordinators are always officers of International Cooperation Department.
6. Information to Department of Corrections and, if necessary, other competent authorities (Airport Security department, State Border Guard, Airport police department) about the takeover.
7. Takeover and convoy to prison/other institution.



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STATISTICS

Takeovers from Foreign countries





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EXECUTION IN A FOREIGN COUNTRY OF A PUNISHMENT IMPOSED IN LATVIA

1. General provisions of the given subject are foreseen in Criminal Procedure Law from article 808 to article 844.
2. Legal basis for International Cooperation Department to carry out a handover:
 - **Article 821** - Transfer of a Convicted Person and Legal Consequences Thereof
 - **Article 829** - Transfer of a Convicted Person



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NATIONAL PROCEDURE

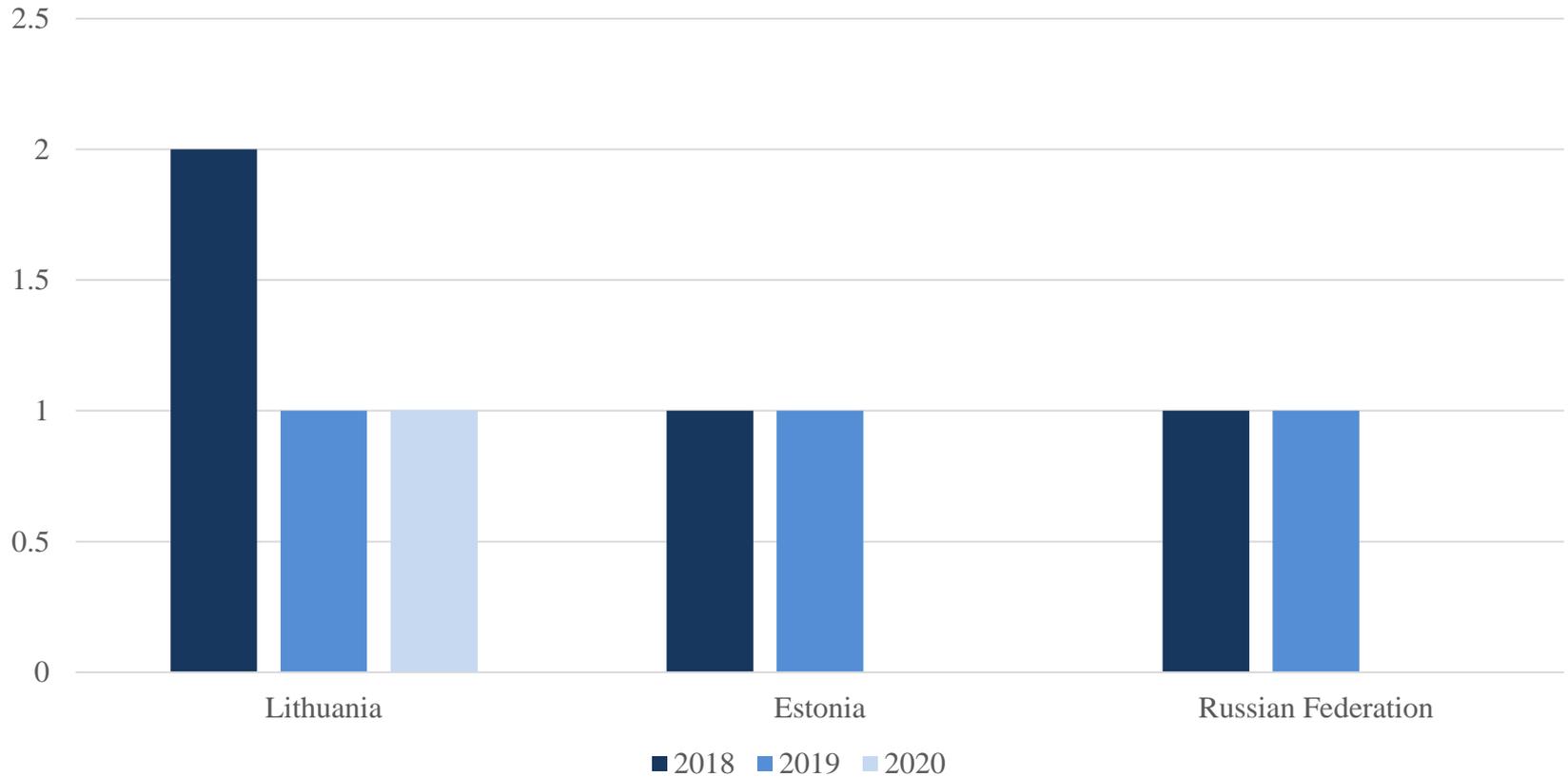
1. Ministry of Justice – tasks International Cooperation Department to execute a handover of a person to a foreign country serving a custodial sentence in Latvia.
2. INTERPOL Information exchange channel – a travel request is sent to the foreign country in which the convicted person shall continue to serve his/her sentence. If the foreign country has not received the necessary documents, the handover cannot take place.
3. Confirmation from the foreign country via INTERPOL that we can proceed with the persons handover.
4. Convoy details –either International Cooperation Department or, if necessary, Regional police departments participate in handover of person(-s). Coordinators are always officers of International Cooperation Department.
5. Information to Department of Corrections about the decision to convoy the prisoner and the convoy will pick him/her up at a pre-arranged time. Upon necessity, other competent authorities are informed and/or participate.
6. Handover.



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STATISTICS

Handovers to Foreign countries





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PROBLEMATICS

1. Persons handover/takeover takes a *substantial length of time*. For instance, there are cases which have been on standstill for about two to three years. Mostly, this is regarded to cooperation with third countries.
2. Some *miscommunication aspects* – usually communication between Ministry of Justice, Regional Courts and International Cooperation Department is impeccable, but there are some cases where some of the information does not reach one or another institution.
3. A *peculiar difference is* with takeover procedure from Russian Federation. Once the Department has established the travel date and time, at the exchange point, it is necessary for the Latvian convoy to pay 1000 rubles in cash for a Russian Federation exit visa for the prisoner.



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SUMMARY

1. International Cooperation Department works hand in hand with Ministry of Justice and Regional Courts which grant the takeovers/handovers.
2. International Cooperation Department has the role of an executor; therefore, it is vital to receive all the necessary documents from the mentioned institutions to carry out the persons handover/takeover.
3. Information exchange is carried out through SIRENE and INTERPOL information exchange channels.
4. International Cooperation Department oversees the procedure up until takeover/handover, at the time of it and afterwards when the Department sends confirmation to the competent authority. Department handles the necessities of arranging ticket purchase, dates, times and accommodation which would be the best suited for a clear and incident free convoy travel.



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THANK YOU FOR YOUR ATTENTION!

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