

BUILDING PROBATION SERVICE CAPACITY: WHAT WORKS?

Annex F3 - Country Case Study

LATVIA

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This country study is an annex to the report "Building Probation Capacity, What Works: Learning from the European Experience of Probation Service Development in the 21st Century."

Any opinions, findings, conclusions, or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of interviewees, of individuals that gave advice or feedback on drafts, or of the institutions that are mentioned in the materials. Any errors are the fault of the authors.

The field studies were carried out before the main report was written. The data - with some exceptions- were updated as far as possible up to and including 2022. Recent developments may shed new light on the described situation.

We are immensely grateful to everyone who has helped to make this study possible.

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Introduction

Establishing Probation in Latvia has been a real success story. This country case study summarises the development of the Probation Service in Latvia over approximately the first two decades of this century and describes capacity building processes including examples of good practice. The study concludes with brief observations on the current state of play in relation to the service.

Executive Summary

In this Executive Summary we provide a snapshot of the “stand out” findings of the Latvia country study. We focus in particular on observations on capacity building including potentially transferable lessons or “success factors” in relation to effective capacity building. This summary also draws on the capacity building model to summarise, in brief form, probation in Latvia today.

Context

At the time of independence Latvia inherited a Soviet prison tradition including high rates of custody and few community disposals. Approximately 10,000 prisoners (early 1990s) lived in poor conditions. In 1994, three years after independence, Latvia became a member of the European Council, later joining the EU and NATO in 2004. During the EU pre-access period, considerable attention was given to improvement of the prison conditions and establishing a probation organisation, thereby creating the possibility of implementing alternatives to prison sentences.

Nowadays the probation service works in all probation “domains”, is well-established in terms of infrastructure and other enablers, and plays an important and professional role in the justice chain having acquired a trustworthy position. The service overcame a critical period of loss of budget and staff due to the economic crisis that began in 2009.

Observations on Capacity Building and “Success Factors”

The capacity building model has without doubt been helpful in discussing and understanding the process of probation service development in Latvia, including the early and subsequent rationale for development, key actors, and the domains in which the service works. The model has also helped to explore the enablers which have supported the service’s development, including identification of threats which have been overcome.

The Service describes several significant development steps during the early years. The institutional framework was established, a cooperation network was established and strengthened, a system for client work was created (including assessment, planning and intervention), group work programmes were introduced, and volunteer mentors recruited and trained. Community supervision models were based on RNR principles, victim-offender mediation work was based on restorative principles, the third main activity being community service. During the second decade the service introduced and developed new initiatives for joint work and community engagement, including MAAPA and "Circles4EU" COSA arrangements. These reflected increasing recognition of "Cooperation as a resource ... community engagement became one of the priority directions of development in the Service."¹ Recent years have also seen a strong focus on research and communications.

The Latvian country study has ably demonstrated several important factors and qualities that appear to have supported successful capacity building (many of which we consider transferable good practice lessons), including in relation to the international dimensions of capacity building (or "policy transfer"). Numerous individual factors and influences appear to have been brought together and/or coincided. These have been captured and built on, reflecting and utilising the prevailing evident zeitgeist or "spirit of the time".

Amongst the positive qualities identified, several "stand-out" success factors are summarised here. These are grouped as drivers for change, involving the right people, strong service planning and staged implementation, fruitful international cooperation, and several observations on what may be termed "soft" or relational factors in capacity building and development that also contributed significantly to success.

Five "stand-out" points, together with supporting characteristics:

- 1 Drivers for change;** Several noteworthy and urgent drivers for change contributed to the introduction and development of the Probation Service. Drivers included a desire to reduce prison overcrowding - which was linked to the creation of a probation service, to support vulnerable groups, and increase the "human" aspects of justice system delivery. External motivation came via increasing awareness of probation work in the region, in the shape of Council of Europe support, desired EU accession, and regular attention to probation in EU monitoring reports. This was supplemented by early membership of the CEP - followed by very active ongoing involvement.

¹ Source: Zavackis, A.; Presentation to the World Congress on Probation and Parole (September 2022, Ottawa).

- 2 Involving the right people;** This appears to have been a critical factor. Relatively long and continuous periods of committed probation leadership were backed by increasing political will. A strong “kernel” of “political – professional” actors was formed who provided a central lead coupled with community partner engagement including statutory partners and NGOs, contributing to strong stakeholder involvement, including the emergence of probation “champions”. Stakeholder involvement began early, at the stage of drafting of legislation, and supported pilot learning and responsiveness to situations on the ground. Also, of note was a frequently young, enthusiastic, committed staff - who also often wanted to make a distinct “break with the past”, and the cooperation of the prison service in probation service developments.
- 3 Robust forward-looking planning** and well controlled project management and delivery were other strong points. Planning involved a “whole picture” coupled with staged implementation over several years. Room was also allowed for flexibility in the light of pilot and other experience. “Whole picture” planning embraced all probation “domains” and attention from the outset to “enablers” (such as adequate financial resource, infrastructure development, evidence-informed methods, staff, training, partnerships and communications).
- 4 Strong and fruitful international cooperation** was important; Early leaders nurtured development of contact and cooperation with countries with leading reputations in probation (and prisons). This in turn helped secure funds for continued international projects, helping to sustain a focus on progressive development over time. Benefits of international cooperation were further strengthened by the extended time duration of involvement of experts, both international and local.
- 5** Finally, it was abundantly clear that the “**style**” of the international dimensions **of capacity building**, as well **as the relational qualities of individuals and the relationships** that developed, were a significant support to success. Observations include that capacity building was supported by:
 - Very good relationships, and strong levels of mutual respect, between international and Latvian colleagues (which sometimes built on contacts and/or extended into friendships), and the added value and impact of northern “kinship” and strong willingness of the “diaspora” to assist.
 - Capacity building included knowledge transfer, but also involved provision of practical models and tools for 1:1 work such as assessment systems and templates which could be adapted, then later, models of community and stakeholder engagement (for example MAPPA and COSA²). There was also attention to the supply of practical resources (for example equipment).

² MAPPA: Multi-Agency Public Protection Arrangements involving the Probation Service, Prisons and Police. COSA: Circles of Support and Accountability involving Probation staff and volunteers.

- Training events were participatory. Experts were described as “passionate”; importantly they “entered the Latvian space” and provided knowledge, aiming to understand the Latvian context, whilst building capacity and hence sustainability without an expectation of “doing it this way”. It was also noted that “without relationships no knowledge transfer was possible”. The approach and relational qualities of those involved in capacity building clearly matter!

Probation in Latvia; The Current Situation

Whilst the primary focus of this research has been capacity building, commentary may also be made on the current situation based on the domains and enablers model (although the limited scale, particularly in-country, of this research must be noted).

Probation in Latvia is organised into a Central office and 7 regions comprising a total of 31 local offices. Latvia service now works in all four domains – a testament to the strong and sustained development of the new service over the last two decades. Further development is however of course possible. In Domain 1 (pre-trial / pre-sentence) the service delivers (mainly during the pre-trial phase), depending on severity of felony, victim-offender mediation including conferencing; this process halts criminal proceedings, and the person does not receive a sentence. Also, in Domain 1, the service already prepares reports to inform sentencing on specific groups of offenders (including children and sex offenders), and on others when specifically requested. There does appear to be an opportunity to extend the number and range of reports. A firmer information position early in the penal procedure and an extension of pre-sentence reports (for example regular provision of reports to include other vulnerable or specific groups such as adult female offenders) might contribute to exploration of an increased number of alternatives to pre-trial detention and custodial options. In time report provision might extend to adult males, although the resource implications (and need for agreement in other parts of the justice system) are of course evident. Alternatives to pre-trial detention could impact on the overall use of custody which remains high by international standards, as do total numbers managed in custody or the community. Consideration could perhaps be given to options such as electronic monitoring, for which the infrastructure already exists, as a condition of bail.

The service already works extensively in Domain 2 (community sentences and measures) and in Domains 3 and 4 (pre-prison release and post-prison release work). It has a well-developed early release / parole system (supported by electronic monitoring) informed by advisory reports in relation to conditional release. The service is developing a stronger integration of restorative practices into community supervision.

Regarding service enablers, the service appears generally well-developed. Partnerships have been a long-standing strength of the service, from the early days of service development to recognising, in more recent years, the “important role of community engagement in the *client change* process,”³ and “cooperation as a resource”⁴ as a service priority.⁵ The service has increased the number of volunteers in its work and also (in a development which may be related) delivered increasingly strong and visible stakeholder/ public communications.

It is understood that further evidence-informed practice development is planned to include:

- Work with young offenders;
- Addicts;
- Persons with mental health issues;
- Development of risk and needs assessment tools inventory and linked changes in community supervision protocols (moving towards a more strength-based approach; involving also more motivational interviewing and developmental psychology);
- Development of volunteer programmes (COSA + mentoring of young offenders);
- Further development of group-work treatment programs;

One other area that may be considered for development is attention to diversity and responsivity-sensitive work, extending beyond the current strong focus on young adults up to 25 years of age and persons on trial or convicted for sexual offences. The service is already considering additional attention (as noted above) to other groups including persons with addictions or with mental health needs. Gender-specific work provides a group for whom the service could further develop its approach, including in assessment, to ensure that female clients receive appropriately gender-sensitive assessments and interventions.

Compared to other European countries Latvia has a high probation rate and a fairly high prison population rate (although the prison population has gone down enormously since 2003). According to the Council of Europe (Aebi et al, 2019), there are indications of net-widening (the total number of people either in prison or under probation supervision has grown). This phenomenon can be observed in several countries in Middle and Eastern Europe and the Balkans

³ Source: Zavackis, A.; Presentation to the World Congress on Probation and Parole (September 2022, Ottawa).

⁴ Ibid

⁵ Whilst community engagement and involvement has increased as its value in the client change process has come to be more widely recognised, including through development in Latvia of “international” models such as MAPPA and COSA (see footnote 3), we speculate whether these developments are also assisted by increased capacity to focus on partners and communities once fundamental aspects of the service (such as legislation, staff, training, and client management processes) are sufficiently well established. The same may be true of communications.

although there are exceptions (for example Croatia). It is supposed that this phenomenon is related to wider cultural, societal and historic factors, so changing this may pose a significant challenge, requiring attention from the leadership in for instance the ministry of justice and the probation management.

Overall, the service radiates energy and commitment to further develop probation, is open to play its part in improving the functioning of the justice chain, wants to learn from other jurisdictions and changing scientific insights, and continues to contribute substantially to the European family of probation and increasingly on the global stage.

Section 1. Facts and Figures

Country Population on 1.1.2019: 1,919,968

Prison Rate and Population

| Indicator | Pre/early -Probation Service (2003) | Recent/Current (2020/2021) |
|---|-------------------------------------|----------------------------|
| Prison population total (including pre-trial detainees /remand prisoners) | 8,231 | 3,414 (2020); 3,124 (2021) |
| Prison population rate (per 100,000 of national population) | 348.9 | 179 (2020); 165 (2021) |
| Pre-trial detainees / remand prisoners (percentage of prison population) | 40% | 28% (2020); 24% (2021) |

Probation Rate and Population: 333 (31-1-2020); 295 (31-1-2020)

SPACE STATISTICS (SPACE II - 2021)⁶

STOCK 31-1-2021

Total number of persons under the supervision of probation agencies: 5,594

FLOW 2019

Total number of persons placed on Probation during 2020: 8,499.

⁶ A presentation to the World Congress on Probation and Parole (A. Zavackis) provided updated figures: Persons on Probation 31st January 2021: - 5594; Persons entering probation during the year 2020: - 8499.

Forms of supervision before the sentence:

Victim-offender mediation: Stock 111; Flow 1240

| | Stock | Flow |
|---|-------|------|
| Forms of supervision after the sentence: | | |
| 1.2. Total | 5483 | 7259 |
| 1.2.0. Mixed sanctions or measures | 587 | 595 |
| 1.2.1. Fully suspended custodial sentence with probation | 1879 | 1026 |
| 1.2.2. Partially suspended custodial sentence with probation | NAP | NAP |
| 1.2.3. Conditional pardon or conditional discharge (with probation) | 178 | 357 |
| 1.2.4. Community Service | 2321 | 4786 |
| 1.2.5. Electronic Monitoring | NAP | 59 |
| 1.2.6. Home arrest (curfew orders) | NAP | NAP |
| 1.2.7. Semi-liberty | NAP | NAP |
| 1.2.8. Treatment | NAP | NAP |
| 1.2.9. Conditional release | 101 | 107 |
| 1.2.11. Others | 417 | 388 |

Note 1: Under mixed sanctions are also: parole combined with electronic monitoring (31 cases, stock); Community Service with Probation supervision (410, stock); fully suspended sentence with probation supervision 146 (stock); parole and Electronic Monitoring: 31 (stock). From these data it can be inferred that Community Service is relatively often applied as is Suspended Sentence with probation supervision.

“Other” is: Probation supervision: 417 (stock)

Note 2: It is suggested that the prison rate per 100,000 of population would be lower except that there has been significant emigration, so reducing the overall national population. The probation caseload rate of 293 per 100,000 of population compares with a European mean rate of 218.

Latvia is categorized as a country with a high probation population rate (≥ 200 per 100 000 inhabitants) and a relative high prison population rate (>100 to <200 per 100 000 inhabitants) (Marcelo F. Aebi et al, 2022).

Number of staff:⁷ 410 (Probation Officers 280, Volunteers 96); Ration of probationers per (one) probation officer staff member: 13,7, compared to the European mean of 48,5. (Source: SPACEII 2021)

Reports in 2020:

- Presentence reports 756
- Advisory reports with respect to conditional release 394

(Source: SPACEII, 2021)

⁷ A presentation to the World Congress on Probation (Ibid 7) provided updated figures: Probation Staff 410 (326 in direct contact with the probation client); 128 Volunteers.

Section 2. The current situation (Domains and Enablers)

The Four “Domains” of Probation

Domain 1 - Pre-Trial and Pre-Sentence

Pre-Sentence Reports (2004) may be requested by judges or prosecutors – the Probation Service provides reports in response to all requests. It is obligatory to request assessment report from the Probation Service in cases of sex-offences or where offenders are children.

In 2020 756 pre-sentence reports were made, that is 1,8 per staff member (European mean is 6). Source: SPACEII 2021

- Alternatives to pre-trial detention – set out Criminal Procedure code 2006 – (procedural compulsory measures not linked with deprivation of liberty) are delivered (no Probation Service role).
- Victim Offender mediation is delivered (in 2021, 111 cases in stock, and 1240 cases as flow). Mediations, based on the concept of restorative justice, are delivered in all stages of criminal proceedings although primarily Domain 1).

Domain 2 - Community Sentence

“Basic Punishments” Include

- Deprivation of Liberty
- Probationary Supervision (from 1st January 2022)
- Fine
- Community Service

“Additional Punishments” Include

- Probationary Supervision
- Community Service
- Fine
- Restriction of Rights
- Confiscation of Property
- Deportation from Republic of Latvia

Note - Community Service (since 1999 - fully from 2005) may be from 40 to 280 hours for one offence (may be cumulative to a maximum of 420 hours). Community Service is, in comparison with other countries “newer” to probation, frequently applied (as a separate sanction but also in combination with supervision).

Conditional release from criminal liability - In conditionally releasing from criminal liability, the public prosecutor, with the consent of the person, may (with effect from 4th May 2022) impose as a duty:

- 1** to apologise to the victim;
- 2** to rectify the harm caused within a specific time period;
- 3** to appear periodically at the State Probation Service and participate in probation programmes following the instructions of the State Probation Service;
- 4** to refrain from specific types of actions or activities;
- 5** to appear periodically in a State Probation Service and to visit a specialist designated by the State Probation Service to perform diagnosis of addiction and to follow the instructions of a specialist, including treatment for alcohol, narcotic, psychotropic, toxic substances or other addiction;

The court may also order treatment of health care issues.

From 2015 responsibility for imposing several other conditions rests with probation service. Further options include:

- Mentoring for Young Offenders
- Circles of Support and Accountability - for sex offenders (in process of planning/ establishment)
- Victim-Offender Mediation (any stages of proceedings)
- Restorative Conferencing - for victims and young offenders
- Group work programmes
- Community Supervision
- Community Work
- Community Supervision and Work may be combined may be combined (2013)

However, in the case of conditional release from criminal liability, the State Probation Service supervise the fulfilment of the duties imposed by the public prosecutor. The State Probation Service does not impose any other obligations on this category.

Conditional Conviction - may be applied if the person is sentenced to deprivation of liberty for a period not longer than five years, or to a short-term deprivation of liberty from 15 days to 3 months which can be suspended for at least 6 months and supervised by the probation service.

There are 7 obligatory conditions for all offenders, stipulated in the Penal Code:

- 1 register at the territorial unit of the State Probation Service in accordance with his or her declared place of residence within a specified period (depends on category) after entry into force of the court ruling;
- 2 fulfil the obligations and lawful requirements determined by officials of the State Probation Service;
- 3 appear at the State Probation Service at the time specified by an official of the State Probation Service;
- 4 inform the official of the State Probation Service of his or her place of residence, workplace or educational institution, as well as without delay (as soon as it has become known) notify of changes therein;
- 5 request permission from the State Probation Service for departure outside of his or her place of residence for a period which is longer than fifteen days;
- 6 submit information to an official of the State Probation Service regarding the fulfilment of the imposed obligations and means of support.
- 7 when appearing at the State Probation Service during the probation period probationer may not be under the influence of alcohol, toxic narcotic or psychotropic substances.

The probation officer may order up to 12 additional conditions of Community Supervision (according to risk and needs assessment) which may be varied at any time. Note that conditions are the same for supervision under suspended sentence (conditional conviction), parole or additional punishment probationary supervision framework. (However, persons under parole community supervision with electronic monitoring have some more conditions - see post-release section).

From 1st February 2015 the State Probation Service can impose 12 duties (except to probation clients who are conditionally released from criminal liability). The 12 additional conditions are:

- 1 to observe a prohibition to leave his or her place of residence during a

- certain time of the day;
- 2 to observe a prohibition to change the place of residence without the consent of the State Probation Service;
 - 3 to observe a prohibition to stay in specific public places;
 - 4 to observe a prohibition to contact certain people;
 - 5 to observe a prohibition to depart from certain administrative territory without permission of the State Probation Service;
 - 6 to observe a prohibition to use alcohol or other intoxicating substances;
 - 7 to co-ordinate the movement route with the official of the State Probation Service;
 - 8 to participate in one or several probation programmes;
 - 9 to comply with a prohibition to purchase, carry or store specific objects;
 - 10 to comply with a prohibition to approach certain objects, locations or institutions;
 - 11 for the purpose of solving the problems of criminogenic nature, to visit the specialist indicated by the State Probation Service, if the probationer agrees to pay additional costs associated with such visit or the probationer does not incur additional expenditures therewith, and to fulfil the instructions of that specialist;
 - 12 to fulfil the instructions of the State Probation Service, aimed at getting legal means of subsistence or solving domestic issues in a socially acceptable way

Note also - a compulsory measure of a correctional nature - community service is not a criminal sanction, but it can be applied to a child from 11 to 18 years of age if they have committed an offence or violation for which criminal liability is provided.

Domain 3 - Custodial Pre-Release

Conditional Release Assessment Report (from 2004) prepared by probation service to inform decisions on early release (in 2021 - 440 times).

Domain 4 - Post-Release

Conditional (Early) Release Prior to Completion of Sentence (Parole) (in 2020 101 cases in stock)- From 2006 (prior to this was responsibility of Police) - from serving the sentence prior to its completion of a person who has been sentenced to deprivation of liberty.

Number of advisory reports with respect to conditional release in 2020: 394.

Possible release point is at from half to three-quarters of total sentence depending on the severity of the offence / sentence length. Probation contributes to the decision.

Conditions (obligations/duties) for early release are similar to those for the conditionally convicted, although not identical: There is a difference in terms of the period in which the person conditionally sentenced or conditionally released from prison is obligated to register in the State Probation Service (those conditionally sentenced have to register in 10 working days after entry into force of the court ruling; those early released have to register in 3 working days after release from prison).

Further, (from 2015) upon conditional (early) release prior to completion of a sentence of imprisonment, a convicted person may also be applied **electronic monitoring** in conformity with the following conditions:

- 1 the convicted person agrees to electronic monitoring;
- 2 implementation of electronic monitoring is possible at the place of residence of the convicted person;
- 3 application of electronic monitoring will promote inclusion of the convicted person in the society.
- 4 This combination was applied in 2020 59 times.

As with early release (parole) without electronic monitoring described above, the possible earliest release point is determined by the severity of the offence / sentence length, brought forward by electronic monitoring to between one third and two thirds of sentence.

In the case of electronic monitoring, clients must comply with -

- 1 conditions set in law and obligatory for all community supervision clients;
- 2 conditions that could be put upon the client by the probation officer;
- 3 additional EM specific conditions

Note: In addition to the obligations for Conditionally Released from prison, a conditionally released person for whom electronic monitoring is determined during the electronic monitoring has 8 additional obligations (prescribed by law as mandatory and not determined by the service).

The additional conditions are -

- 1 not to change his or her place of residence without the consent of the State Probation Service;
- 2 not to use alcohol, narcotic, toxic or psychotropic substances;
- 3 not to damage electronic devices through which intensive monitoring

is ensured for his or her compliance with the restrictions on his or her freedom of movement, and to ensure continuous operation thereof;

- 4 immediately to inform an official of the State Probation Service, if the electronic devices are damaged through which intensive monitoring is ensured for his or her compliance with the restrictions on his or her freedom of movement;
- 5 to comply with the electronic monitoring schedule prepared by an official of the State Probation Service;
- 6 to notify an official of the State Probation Service regarding persons permanently staying in his or her place of residence, immediately to notify about the persons who intend to reside permanently in his or her place of residence after installation of the electronic devices;
- 7 to eliminate the potential obstacles, which could interfere with an official of the State Probation Service at any time of day or night having access to his or her residence.
- 8 to perform a measurement to determine the concentration of alcohol in the exhaled air if an electronic device is installed which additionally allows to control the possible use of substances containing alcohol.

The Probation Service role includes

- prepare time schedule together with client for up to 2 weeks
- perform installation of EM devices
- perform on-site control visits at home, workplace, or else-where
- reaction on EM alarm events, when information received from EM centre via e-mail

Note: Aftercare Services are integrated within the (compulsory) community supervision condition until the end of the period ordered for imprisonment (also with social assistance provided by Municipalities)

The Four “Enablers” of Probation

| Legislation and Leadership | The Organisation |
|--|--|
| <p>Legislation is developed in all 4 probation domains</p> <ul style="list-style-type: none"> • Pre-trial • Community - Probationary, CS, • Pre-release • Post-release <p>Furthermore, the Probation Service is itself established in law.</p> <p>The Probation Service has benefited from leadership that is both committed and consistent over considerable time. Leadership is also very well connected internationally to the exchange of practices.</p> | <ul style="list-style-type: none"> • Infrastructure - very well-developed • Total staff:8 410; Probation officers: 280; volunteers 96 • Average caseload (probation officers) 13,7, compared to European mean of 43 (so relatively low). • Staff Training - yes (approximately 1 month annually including peer review) Mainly on a voluntary basis following initial training. • Practice standards/methodological guidance (e.g., SOPs, practice manuals) • Information Technology - well developed • (fully digitalised probation service - case management system is highly developed; very high integration level with other national information systems, with continual on-going development). • Communications - judiciary, public Annual Reports, expanding communications strategy with media and public. • Research and Development - including published regular studies of recidivism. • Complaints Procedures |

⁸ Probation Staff 410 (326 in direct contact with the probation client); 128 Volunteers (Source: as footnote 8).

| Partnerships | Practice |
|---|--|
| <ul style="list-style-type: none"> ● Advisory Bodies (central and territorial, includes representatives from court, police, prosecutor's office, social service, municipality, prison) ● Direct relation with Prisons (regarding Conditional Release, assessment reports, multi-agency co-operation arrangements, group work treatment programmes including facilitation, joint training with prison staff, information events for staff and prisoners, victim-offender mediation. ● Currently considering further intensification of cooperation, for example, joint research and exchange of data, higher level integration of information systems. ● Relationships with Other Government Departments ● Partnerships with Municipalities who are largest providers of Community Service work placements, active members of multi-agency co-operation arrangements, and provide various forms of social assistance ● Partnerships with NGOs - includes CS work placements, centres for rehabilitation, and other forms of social assistance. | <p>Research informed (Internationally recognised practices, adapted where appropriate, and/or locally evaluated – - Training and Research Division</p> <p>-Practice includes -</p> <ul style="list-style-type: none"> ● RNR Assessment ● Restorative Justice - Victim Offender Mediation, Circles (Victims, COSA) ● Mentoring of Young Offenders ● Some specialised approaches e.g., with sex offenders. Juveniles in development, also family work, strengths-based work, electronic monitoring (alongside other approaches) <p>Victim input is considered in reports and within community supervision (regarding supervision plan for offender, conditions to be applied on offender, and under framework of multi-agency co-operation arrangements). Victim-offender mediation opportunities during community supervision.</p> <p>A development need has been identified, and approaches are under discussion, to address diversity including gender-responsive approaches.</p> |

| | |
|---|--|
| <p>Note: There has been, for five or more years, and is, concerted on-going work to strengthen partnerships with Government departments, Municipalities and NGOs, and to strengthen community volunteer involvement.</p> | |
|---|--|

Section 3. Characteristics of Capacity Building in Latvia

The following points were highlighted in reports and/or meetings. They are presented using the following structure.

- Why build Probation?
- Who was involved?
- What has been developed within the Probation “Domains”?
- How has the probation function been “enabled”?
- General Comments on capacity building including the international dimension

Why Build Probation?

- As a consequence of the Soviet legacy custody was (almost) the only option
- Prison numbers were high, conditions poor and overcrowded. These needed to be addressed; Linkage was made between a need to reduce prison population, and improve conditions, and probation development
- Particular concern re length of time to trial and young people in pre-trial detention
- Concern for vulnerable groups, and “humanising” system, as a whole
- Influence of international organisations/donors/providers including Canada, Scandinavian states, and Council of Europe
- Influence of anticipated EU and NATO membership (in particular on prisons and their overcrowding)
- EU Progress reports commented regularly on progress in probation building
- Accession to the EU was therefore a “good carrot”
- Influence of the CEP including membership at an early stage of service development
- Growing links with other countries and international organisations, including about a need for a more “humane” approach and to address reintegration of prisoners - and about probation service development

Who was involved?

Initial

- Inertia / passivity on part of the central Government (MoJ) and uncertain support of politicians in general
- Lack of tradition of networking (e.g. community leaders, police, health, education, business, corrections)

However

- New Justice Minister, committed to change (after first stages of development)
- Support of Prison Chief in probation concept
- Committed and long-term Probation Service leads and senior managers
- Committed, and long-term, early-stage international donors, projects and providers including Canadian experts (Canadian International Development Agency - CIDA). and "Nord-Balt" Cooperation (Council of Europe) which extended from prison focus to include the community
- Committed individuals and organisations (including e.g., Open Society/SOROS)
- Community (NGOs) - helped contribute local energy to support community-centric development pilots
- Identification of and investment in individuals and communities throughout the country, including from various communities and formal institutions - allowed a core group of individuals to develop "new skills" by designing and delivering pilot projects in their own communities.
- A result of this "community-up" model has been the clear identification of dedicated, committed, and enthusiastic community leaders. These leaders have been successful in generating greater community support among local governments, business and police and developing models for other communities throughout Latvia
- As the core group developed confidence and experience (so did) ownership and autonomy develop
- Pilots - at community level - allowed flexibility (acknowledging that communities of variant legal sensibilities generate inconsistent and contradictory understandings and expectations of law),⁹ whilst building on local ideas and developing experience.
- Ownership and direction from the centre ultimately important for change process, but included significant multi-agency involvement in project planning and delivery
- And specific activities - including a national inter-agency working group focussed on probation (which included police, prosecutors, health,

⁹ Chodosh, 2005:197.

interior, justice, others and NGOs) - to bring together different institutions to work together, creating drive and coordination.

- Communication, Connectivity, Context, Delivery (including community participants - who went on to become statutory POs)

What has been developed within the Probation Domains?

- It is notable that development embraced all four probation domains from the outset. Developments have included:
- Pre-sentence reports, and Victim Offender Mediation
- Alternative sentences (suspended sentences with supervision and community service) and programs
- Parole including pre-parole assessment and post-prison release plans, including focus on community reintegration (needs built into assessment) and use of electronic monitoring
- Community involvement, cooperation and coordination (schools, local businesses, etc.)

Development has been characterised by the commitment to a programme of work on the “whole picture” (addressing all domains), although with delivery staged over planned periods of time. Early focus embraced community service (including for reasons of “understandability”) and aftercare, and a focus on children/youth. The approach was also characterised by a “Human Services” and preventative approach.

Also noteworthy was contemporaneous reform and development work in related fields:

- reform of the criminal procedure to reduce court delays
- bail reforms
- prison reforms
- juvenile justice
- domestic violence

How has the Probation function been enabled?

- Development of probation work has been supported by extensive capacity building. This included a combination of knowledge/“inspiration”, practical assistance including in delivering practice methods, and some infrastructure/resource assistance. The latter took place especially during early stages of development and, although prison-focussed, helped to support wider focus on legacy improvement and a human rights approach).
- Together, these included Policy and Procedure Manuals; assessment tools (including at an early stage the Risk/Need Assessment tool utilized by the Ontario government which supported initial piloting), followed by extensive tools and materials developed based on, or adapted from, the

British Columbia provincial Correctional Service - in particular from 2003 to 2008. These addressed many aspects of probation work including legislation, assessment tools, assessment reports, community supervision, probation methodologies and programs, forms, training resources and courses, contacts for many Canadian service systems, and research literature.

However, there were several early challenges in the enabling of the service, for example:

- change management with respect to resistance, particularly from older segments of the population
- limited early public awareness
- other areas of judicial reform needed, without which probation development would be isolated
- lack of trust from partners (police, prison, prosecution, court, social services)
- lack of financial resources for training
- lack of resources for family counselling services
- almost non-existent multi-agency cooperation - "Your client = your problem"
- need for change to legislation and political engagement/approval.

Other challenges followed:

- Some stigmatisation of probation officers -
 - 'Offenders' lovers' (because of aftercare, support)
 - 'Impotent' (no guns, uniforms, 85% females)
- High level of staff turnover (12-34% per year)
- Rise of salaries in other institutions
- Increased demands on staff; greater complexity of professional responsibilities
- Insufficient training
- Staff "burnout"
- Too much paperwork (bureaucracy)
- Policies developed on a basis of professional judgement (not «What Works»)
- Implementation of probation programmes hindered by views that
 - Everybody should benefit from them (bad targeting)
 - Only psychologists are competent enough to facilitate them
- Cooperation difficulties with non-governmental centres for social rehabilitation
 - ("We were too bureaucratic and punitive" (their perspective) - "They were not fully competent in this work" (*our perspective*))

Nonetheless, despite identified early challenges, substantial progress was made in relation to the four enabler areas. Capacity development focussed especially on -

- New criminal procedure code
- Reforms and updates in probation legislation
- Communication with judges
 - Support to local offices in interpreting and implementing legislation: Local offices increasingly sought prescriptive policies (direction) from the centre-
 - Examples of supervision plans, assessment reports, etc.
 - Very detailed practice methodologies - tailored and updated as necessary
- Organisational development, for example -
 - Training
 - Infrastructure
 - Record keeping, statistics
 - Communications (judicial, and increasingly with other services and public)
 - Research and Development
- Seeing (and building on) links with other related parts of society (education, social services...) and communities including volunteers
- Practice developments have continued, informed by national and international practice and research. Examples include:
 - RNR Assessment
 - Restorative Justice - Victim Offender Mediation, Circles (Victims, COSA)
 - Mentoring of Young Offenders
 - Some specialised approaches e.g., with sex offenders. Juveniles in development, also family work, strengths-based work, electronic monitoring (alongside other approaches)
- Further evidence-informed practice development is underway or planned:
 - Work with young offenders; addicts; persons with mental health issues;
 - Development of risk and needs assessment tools inventory together with linked changes in community supervision protocols (moving towards more strength-based approach; more motivational interviewing and developmental psychology);
 - Development of community/volunteer programmes (COSA + mentoring of young offenders);
 - Further development of group-work treatment programs.

Section 4. Concluding observations on capacity building and probation in Latvia

(For a more detailed note on characteristics of, and success factors in, capacity building, threats and weaknesses, and an historical account of the service's development and of capacity building projects, together with further detail including sources of information, see Appendices 1-5 of this country study)

4.1 Capacity Building

The capacity building model has clarified the process of probation service development, for both the researchers and those who were interviewed, the structure facilitating focus on areas such as the rationale for probation development, key actors, the domains in which the service works, and the service's enablers.

The process of probation capacity building in Latvia highlights several important characteristics of capacity building and significant potential "success factors". **Five "stand-out" points are summarised here:**

Five "stand-out" points are identified:

- **Drivers for change;** There was an urgent need for change including a desire to reduce prison overcrowding (linked to the need to develop a probation service with alternative sentences), support vulnerable groups, and increase the "human" aspects of justice system delivery. Added motivation came in the shape of Council of Europe support, desired EU accession, and regular attention to probation in EU monitoring reports. This was supplemented by strong contacts with leaders in the region who encouraged change, and early membership of the CEP - followed by very active involvement.
- **Involving the right people;** Relatively long (compared with many countries) periods of continuity of probation leadership, which is also committed and backed by increasing political will; a strong "kernel" of political - professional" actors; a central lead coupled with community partner engagement including statutory partners and NGOs - contributing to strong stakeholder involvement, including the emergence of "champions", beginning at the stage of drafting of legislation and supporting pilot learning and responsiveness to situations on the ground. Added to this a frequently young, enthusiastic, committed staff - who also often wanted to make a distinct "break with

the past”, and prison service encouragement and cooperation in taking forward probation service developments.

- Strong **planning and project management** which involved a “whole picture” but with staged implementation over several years. Planning and delivery involved pilots which were also coupled with a willingness for flexibility in the light of pilot and other experience. The whole system approach included focus on all probation “domains” (informed by international exchange), coupled with attention to all “enabler” areas such as adequate financial resource, infrastructure, evidence-informed methods, staff, training, partnerships and communication.
- **Strong and fruitful international cooperation;** Development was very well assisted by growing contact and cooperation with countries with leading reputations in probation (and prisons). This contributed to, and was supported by, work to secure funds for continued international cooperation projects which helped to sustain a progressive focus on development over time. The benefits of international cooperation were further strengthened by the extended time duration of involvement of experts, both international and local.
- Finally, it was abundantly clear that the **“style”** of the international dimensions **of capacity building**, as well as **the relational qualities of individuals and the relationships** that developed, were a significant support to success. Observations included:
 - Very good relationships between international and Latvian colleagues (which sometimes built on contacts and/or extended into friendships) and
 - Strong levels of mutual respect
 - Added value and impact of northern “kinship” and strong willingness of the “diaspora” to assist
 - “Passionate” international experts
 - Training events that were participatory in style
 - Knowledge transfer which built capacity and sustainability, but also provision of practical models and tools such as assessment systems and templates which could be adapted. Then later, models of community and stakeholder engagement, which may include volunteers (for example MAPPa and COSA¹⁰).
 - Attention to supply of practical resources (for example equipment) as well as knowledge
 - Comments on the “style” of international capacity building included -
 - “Knowledge provision without an expectation of “doing it this way”, and
 - Contextualisation: “International experts “entered the Latvian space”

¹⁰ MAPPa: Multi-Agency Public Protection Arrangements involving the Probation Service, Prisons and Police. COSA: Circles of Support and Accountability involving Probation staff and volunteers.

- It was also noted that “without relationships no knowledge transfer was possible”.
- In conclusion, the approach and relational qualities of those involved in capacity building matter!

4.2 Probation in Latvia; The Current Situation

Whilst the primary focus of this research has been capacity building, commentary may also be made on the current situation based on the domains and enablers model (although as stated earlier, the limited scale, particularly in-country, of this research must be noted).

The probation service in Latvia now works in all four domains - a testament to the strong and sustained development of the new service over the last two decades. Further development is however of course possible. In the Domain 1 (pre-trial / pre-sentence) stage, the service already prepares reports to inform sentencing on specific groups of offenders (including children and sex offenders), and on others when specifically requested. There appears to be an opportunity to extend the number and range of reports to include other vulnerable or specific groups such as adult female offenders. In time the provision of reports might extend to adult males, although the resource implications (and need for agreement in other parts of the justice system) are of course evident.

A firmer information position early in the penal procedure and an extension of pre-sentence reports might contribute to exploration and development of an increasing number of alternatives to pre-trial detention and custodial options. Work in this area could impact on the overall use of custody which remains high by international standards. Consideration could perhaps also be given to options such as electronic monitoring, for which the infrastructure already exists, as a condition of bail.

The service already delivers restorative work in Domain 1, mainly in the pre-trial stage, work which may lead to the cessation of criminal proceedings. The service already works extensively in Domain 2 (community sentences and measures) and in Domains 3 and 4 (pre-prison release and post-prison release work) and has a well-developed early release / parole system (supported by electronic monitoring). The service is developing restorative practices in the community stages of its work (in addition to Domain 1), and restorative practices are an area the service strategically plans to strengthen in the period to 2027.

In relation to service enablers, the service appears generally well-developed. Partnerships have been a long-standing strength of the service, from the early days of development to recognising, in more recent years, the “important role

of community engagement in client change process,¹¹ and “cooperation as a resource”¹² as a service priority. The service has steadily increased the number of volunteers in its work and (in a development which may be related) delivered increasingly strong and visible stakeholder/public communications.

It is understood that further evidence-informed practice development is planned to include -

- Work with young offenders;
- Addicts;
- Persons with mental health issues;
- Development of risk and needs assessment tools inventory + linked changes in community supervision protocols (moving towards more strength-based approach; more motivational interviewing and developmental psychology);
- Development of volunteer programmes (COSA + mentoring of young offenders);
- Further development of group-work treatment programs;

One other area that may be considered for development is attention to diversity sensitive work, extending beyond the current focus on children. The service is already considering additional attention (as noted above) to young offenders, addicts, and persons with mental health needs. Gender-specific work provides a group for whom the service could further develop its approach to ensure that female clients receive appropriately gender-sensitive assessments and interventions.

Compared to many European countries Latvia has both a high probation rate and a fairly high prison population rate (although the prison population has gone down enormously since 2003). According to the Council of Europe (Aebi et al, 2019), there are indications of net-widening, a phenomenon which can be observed in several countries in Middle and Eastern Europe and the Balkans although with exceptions (for example Croatia). This may well be related to wider cultural, societal and historic factors. Change may therefore pose a significant challenge, requiring attention from the political and service leadership.

The service radiates energy and commitment to further develop probation, to learn from other jurisdictions and changing scientific insights, and to continue to contribute strongly to the European family of probation and on the global stage.

¹¹ Source: Zavackis, A.; Presentation to the World Congress on Probation and Parole (September 2022, Ottawa).

¹² Ibid 12

APPENDICES

Appendix 1. Historical Development of Probation in Latvia

At the time of independence Latvia inherited a Soviet prison tradition including high rates of custody and few community disposals. Approximately 10,000 prisoners (early 1990s) lived in poor conditions, labour being the main regime.

In **1994**, three years after independence, Latvia became a member of the European Council. European Union and NATO integration processes had begun in 1991, immediately after regaining independence, and in 1999 Latvia became a candidate for membership of both organisations, joining the EU and NATO in 2004.

EU Progress and Regular reports during this period noted some improvements in prison conditions and steps towards a probation service, for example in **EU Progress Report 1998** "The prison situation in Latvia improved during 1997 but still needs considerable attention". The **EU Regular report 1999** noted the adoption of the amended new Sentence Execution Code of Latvia. Amendment dated 30th October 1998 (in force from 1st April 1999) introduced alternative sanctions and the establishment of a national probation service, and amendment dated 23rd November 1999 (in force from 7th December.1999) defined a deadline for the establishment of the national service.

Although a Probation Service was foreseen, the **EU Regular report 2000 noted that** "sentencing to community service rather than detention is still uncommon. A probation service has not yet been established". And although the **EU Progress Report 2001** noted that a probation service has still not been established "Initial *improvements* can be reported as concerns *alternative penalties*, including for juveniles, instead of imprisonment, and further changes are planned with the revision of the Law on Criminal Procedures. In 2000, 596 cases of sentencing to *Community service* were registered, as compared to 183 in 1999.

The **EU Regular report 2002** notes "the length of pre-trial detention is not always in conformity with international standards, initial progress has been made in speeding up the review of juvenile cases... Decisive further measures are needed to further improve this situation. *More frequent use is being made of alternative penalties*. While in 2000 4.7% of convicted offenders were sentenced to community service, the figure rose to 8% in 2001. *The establishment of a probation service has, however, been postponed until 2003*, due to a lack of funding for implementing such a system.

The CEP Probation in Europe Latvia country report (2013) picks up the story at this point. To quote "State Probation Service (SPS) is a public organisation under the Ministry of Justice. SPS began its work in **2003** and creation of the service was begun from zero. At the beginning of the 21st century a law was elaborated and adopted - it defined State Probation Service's organizational principles, tasks and functions. All the employees of probation service were selected and hired in accordance with the new law, in order to regulate the implementation of service's functions necessary laws and regulations were elaborated and approved, trainings for probation workers were organized.

Before the creation of SPS a small part of its functions was carried out by the Ministry of the Interior and Ministry of Justice (by prison officers ... and ... police officers), however the majority of probation work was not being done. SPS was created as a completely new institution therefore it was possible to avoid the inheritance of the post-soviet penitentiary philosophy. The probation system is developed to deny using punitive instruments as the basic instruments for achieving the objectives of criminal justice - more attention is paid to clarifying the reasons of offending, the needs of offenders ... this system supports the offenders in a way that helps them to integrate in the society and to live without breaking the law".

The 2013 country report continues "Most of probation service's functions are carried out by probation workers; however, NGOs and volunteers are also actively involved in carrying out of certain functions (mediation and aftercare)".

As a result of the financial crisis of 2009, the aftercare function had been removed from the probation service as a separate function for persons released from prison without supervision, and the service stopped funding NGOs who provided accommodation and rehabilitation services including for those released from prison. However, the probation service continued to provide aftercare assistance to community supervision clients in need, cooperation continued with NGOs providing assistance including faith-based, and municipalities continued provision of social services to citizens in their geographical areas. In 2018 the service renewed funding to NGOs officially registered for provision of accommodation and rehabilitation services for probation clients.

Interviews and other written materials help to fill out details - including the importance of international cooperation, formal and informal, in capacity building - from the late 1980s and into the 1990s (and beyond). Especially important appear to be -

From the early **1990s**, senior Latvian figures visit Canada, Latvia host experts from abroad, and influential figures become aware of probation in other European countries - increasingly so from the late 1990s.

In **1994** the Soviet army left Latvia. Prison guarding was transferred from the Latvian army "Security-guard ornament" to the Prison Service itself. Around the same time understanding was developing of processes of re-socialisation and aftercare. A more human and less military approach grew, stimulated by lawyers' awareness of EU law and practice.

Community service as a criminal sanction was first introduced in the legal provisions of Criminal Law in **1998**, although without clarity about who and how would it be implemented (mechanism). Simultaneously with the new Criminal Law coming into force, the Sentence Execution Code of Latvia was supplemented stipulating that a new Division 7 "Execution of Criminal Punishments Unrelated to Deprivation of Liberty" has to be added to the Code.

A Latvian Criminal Justice Reform Program (LCJRP project) was introduced from **1999**. (A study visit to Canada and conference hosted in Latvia took place in the same year). A tender was offered to develop pilot probation services in several local areas, this early emphasis being on Community Service, drop-in Aftercare Centres, and Juveniles.

The project included a Probation Centre at Cesis, co-funded with the Soros Foundation Latvia and the Municipality of Cesis. The project and developments as a whole were funded by the Canadian Government, SOROS, and some local and private companies. Funding Included material provision (e.g., offices/equipment).

Whilst the early focus was on juveniles, and limited in geographical area, from **2000** onwards Community Service, then juveniles nationally, then the concept of probation more broadly, were addressed.

From **2001**, official interest in a probation agency grew, and a further major study visit to Canada took place.

From **2002 to 2004**, the Latvian Legal Reform Project (LLRP) was a 20-month initiative funded by the Canadian International Development Agency (CIDA). The project offered targeted legislative support, institutional capacity development and human resources training to the Latvian Ministry of Justice as it established the National Probation Service

Progressive engagement of the Ministry of Justice followed. With the new Criminal Procedure Code, the focus extended progressively from Juveniles to Adults.

International cooperation encouraged further important developments within Latvia:

The "Nord-Balt" Prison Project (Council of Europe, from 1996) was also important in stimulating ideas and supporting development. The Project supported cooperation between Latvia, Estonia, and Lithuania and Denmark,

Norway, Sweden and Finland. The initial focus was on prisons, including human rights, staff training and approaches to rehabilitation and reintegration and included tiered security. Over time the focus extended to include the community.

Phases of Probation development

It is possible to conceptualise, informally, the trajectory of probation development in three broad phases.

Probation “Phase 1”

2003 - A Probation concept paper was accepted on 9th January 2003. A 1st Working Group included police, prosecutors, health, interior, justice, others and NGOs. The focus included Community Sanctions (mediation, community service, supervision included) and re-socialisation after prison.

A 2nd Working Group **from 2003** developed the probation law. This was accepted by Parliament December 2003. Money and professionals followed (**2004 - 2006**)

Implementation of the probation organisation took place in 3 phases. Clarity was developed regarding desired achievements over a three-year period (seeing the “Probation Project” as a whole), together with similar clarity on phases of implementation.

There were three broad periods of development in terms of responsibilities-

- 1 Aftercare and Community Service
- 2 Victim-Offender Mediation, risk-need assessment and group work treatment programmes (2005)
- 3 Community Supervision (2006)

In further detail -

- An initial focus on aftercare followed the influence of work with Norway which was primarily prison-focussed including progressively attention to reintegration and after-care.
- In **2005** the Latvian Probation Service completely took over from municipalities responsibility for the organization of criminal punishment - community work service (*unpaid work - for persons 14 years old and older*).
- Also, from 1st January 2005 the probation service became responsible nationally for the organisation of compulsory measure of educational nature for children (11-17 years old) - community work service (10-40 hours). Although not criminal punishment, both are types of community service, with different legal framework and consequences for breaches.

- In **2006** the probation service commenced community supervision (suspended sentence, release on parole, conditional release from criminal liability) and launched treatment programmes nationally. Police continued to supervise and execute court sentences which came into force until the end of 2005; Probation also supervised sentences/decisions which came into force starting from 1st January 2006. These two parallel systems of community supervision are still in place, but with progressive transfer of elements to the probation service.

In the community, starting with Community Service was seen as important as it was in general easier to communicate, explain and understand. (It was noted that clearer guidance on other activities would have helped implementation). Furthermore, local authorities focussed mainly on support and the State on control - municipalities didn't feel it was their job to deliver Community Service and interpreted the concept "liberally".

Resistances to the probation presence were also noted from some individuals; probation was associated mainly with aftercare - not all communities wanted a probation office, including fear of attracting offenders.

- **2003** - NGOs took on responsibilities - became early probation services. Heads of Units came from NGOs (and some NGOs absorbed)
- **2004** - 6 more offices were established initially, then 10 offices
- **2005** - 28 offices were put in place

Eight Pilot sites were funded by CIDA - Canadian International Development Agency.

From **2002 - 2005**, and then less formally until **2007**, the Canada-Latvia project sustained development. Cooperation included study tours, training missions, document sharing (handbooks, procedures, guidance, tools), technical assistance, strategic development and advice and assistance as required.

The project included a wide range of Canadian-Latvian focus points -

- Human services approach;
- Cooperation and coordination;
- Prevention, alternative programs;
- Post prison release plans;
- Community reintegration needs built into assessment;
- Pre-sentence reports;
- Community involvement (schools, local businesses, etc.);
- Strategic vision about probation mandate, goals and operation;
- Legislative reform to support probation activities.

Canada contributed models and practical tools which were developed by Latvians with Canadian consultation.

It was widely reported that one of the most important features of this cooperation was that relationships continued after project activities ceased (the strength of relationship being further benefited by involvement of Canada-based expert member of the Latvian diaspora, and general development of strong relationships). As Latvia strengthened, they brought in other partners.

Staff were recruited from 2003 onwards including social workers and teachers (not police and prison officers) and a civil service probation organisation was established.

Simultaneous culture change in prisons is noted, including in the nature of relationship with offenders, and the introduction of (parole) release reports. Although the Criminal Code allows also for court use, judges appeared less convinced, wanting Probation Officers to “ask” about a possible sentence, not “tell”.

In general, arguments of reduced cost and reducing prison population were important for political support and funding, and recognition that an offender being at home reduces negative impacts, and that they can contribute through work and pay taxes.

Informally, the period from 2003 until 2009 represents a first phase of probation development, the emphasis and influence extending from a previous focus on children and on prisons. This work grew into the idea of a probation service, extended to include aftercare and then to community measures. A “Probation identity” may be said to have formed.

It may also be noted that during this period, in 2004, the Latvia service became a member of the Confederation of European Probation (CEP). The service received visits by the CEP President and the Secretary General. Very active engagement with the CEP has since followed, with Latvia hosting in 2016 a conference on Electronic Monitoring and in 2018 the first CEP Conference on Sex Offender Management, a senior probation service official also assuming the key CEP role of Vice-President.

Probation “Phase 2”

A second period commenced with the economic crisis and lasted from 2009 until 2012.

2009 - Saw a critical period of loss of budget began due to the economic crisis. The service lost 40% (budget/staff), representing about 120 staff, many experienced, who left for better paid jobs. Staff worked four days per week.

The economic crisis and subsequent austerity measures led to the suspension

of probation-led prison-based rehabilitation and treatment programmes except those for sex offenders in some institutions.

The crisis helped promote a renewed and stronger emphasis on local (Latvian) need (although with continuing Canadian support) and a need to explain and “justify” probation to the public became ever more vital and contributed to the third (present) phase.

Probation “Phase 3”

A third period runs from 2012 until the present time. Subsequent rebuilding and further development have included –

2012 - 2015 Introduction of Electronic Monitoring (the first “tag” from August 2015).

2013 Commencement of pilots in Circles of Support and Accountability (COSA) (implementation continues).

2014 - Law amended to enhance the role of the state probation service; responsibility for imposing conditions on those sentenced to suspended imprisonment, supervision of those under probation and those released early from prison and probationary supervision was transferred from the courts to the probation service.

2013 - 2017 Norwegian Financial Mechanism programme LV08 “Reform of the Latvian Correctional Services and Police Detention Centres” State Probation Service (hereinafter – SPS) project No. LV08/1 “Increasing the Application of Alternatives to Imprisonment (Including Possible Pilot Project on Electronic Surveillance)” (hereinafter – the Project) was implemented from the 3rd of June 2013 till the 30th of April 2017, and included a strand on the implementation of Electronic Monitoring. The first tag on a probation client was attached on 28th August 2015.

During the pre-implementation phase for EM, several activities supported preparation, including-

- Consultations with Norway and Estonia on models including legislation, procurement and practice
- Study visits for MoJ task groups in legislations and model including to Norway, Estonia, Sweden, Denmark, Scotland, and England and Wales
- Regional information seminars involving judges, prosecutors, prisons, police and others
- Internal training for Probation Officers
- Hosting of an International Conference
- Social Campaign

Appendix 2 - International Capacity Building Projects

As noted at relevant points in the preceding Appendix 1 on the historical development of the Probation Service, the Latvian service has engaged in several international capacity building projects. The following, although not necessarily an exhaustive list, were those most frequently mentioned during in-country meetings in the context of discussions about capacity building and the influence and support of international partners.

In **1996**, the Council of Europe initiated the Nord-Balt Prison Project to improve and promote the prison systems of the Baltic countries. The project entailed cooperation among Latvia, Estonia, and Lithuania on the one hand and among Denmark, Finland, Norway and Sweden on the other. Whilst the focus was primarily prisons, the project also extended attention to community-based provision, not least as a mechanism to address overcrowding. Simultaneously, a focus on rehabilitation and reintegration in relation to prisons encouraged wider attention on aspects of community provision (in particular after-care and juveniles) which in turn appears to have influenced thinking during the early stages of consideration of a probation service.

The Latvian Criminal Justice Reform Program (LCJRP project) introduced from **1999** included a tender invitation to develop pilot probation services in several local areas, this early emphasis being on Community Service, drop-in Aftercare Centres, and Juveniles. A Probation Centre at Cesis was co-funded with the Soros Foundation Latvia and the Municipality of Cesis. However, the project and developments as a whole, which included material provision including offices and equipment, were funded by the Canadian Government, SOROS, and some local and private companies.

As noted earlier, whilst the early focus was on juveniles, and limited in geographical area, from **2000** onwards Community Service, then juveniles nationally, then the concept of probation more broadly, were addressed. From **2001**, official interest in a probation agency grew, and a further major study visit to Canada took place.

From **2002 to 2004** a major project was delivered, funded by the Canadian International Development Agency (CIDA); the Latvian Legal Reform Project (LLRP) was a 20-month initiative which targeted legislative support, institutional capacity development and human resources training to the Latvian Ministry of Justice as it established the National Probation Service. Progressive engagement of the Ministry of Justice followed. With the new Criminal Procedure Code, the focus extended progressively from Juveniles to Adults.

Liaison with the United Kingdom (England and Wales) supported the introduction of evidence-informed programmes – specifically targeting work

with sex offenders to reduce the risk of reoffending. Also, in relation to more serious offenders, MAPPA and COSA arrangements were developed, both involving strengthened cooperation with communities.

From **2013 - 2017** the Norwegian Financial Mechanism programme LV08 "Reform of the Latvian Correctional Services and Police Detention Centres" State Probation Service (hereinafter - SPS) project No. LV08/1 "Increasing the Application of Alternatives to Imprisonment" included a strand on the implementation of Electronic Monitoring.

During the pre-implementation phase for EM, several activities supported preparation, including-

- Consultations with Norway and Estonia on models including legislation, procurement and practice
- Study visits for MoJ task groups in legislations and model including to Norway, Estonia, Sweden, Denmark, Scotland, and England and Wales
- Regional information seminars involving judges, prosecutors, prisons, police and others
- Internal training for Probation Officers
- A Social Campaign
- Hosting of an International Conference (under the auspices of the CEP)

Appendix 3 - Capacity Building and Probation in Latvia - Commentary and Findings

Commentary

Probation development in Latvia has been without doubt a success story. The Latvian country study has effectively demonstrated several important qualities that appear to support successful capacity building, including in relation to the international dimension. Many different individual factors appear to have been brought together and/or coincided, ranging from clearly identified need, inspiring contact with other countries, motivated local actors, strong project planning and management, engagement of stakeholders, and enthusiastic new staff. These have been harnessed and built on, reflecting and utilising the prevailing evident zeitgeist or "spirit of the time".

Why develop Probation?

Several pressing drivers for change can be identified, most notably a desire to reduce prison overcrowding. This was linked with the idea of developing alternatives delivered by a probation service, and further supplemented by a desire to support vulnerable groups and to increase the "human" aspects of justice system delivery. Early focus included especially juveniles (for whom custody was over-used post sentence and pre-trial - including for reasons of the

slow passage of justice). However other imperatives were soon identified such as a need for aftercare of adults, extending to increased attention to reintegration and rehabilitation more broadly. Motivation also came in the form of Council of Europe support (the early "Nord-Balt" project being an example, which, although focussed mainly on prisons had an impact on moves to establish a probation service. Other factors were a desire to accede to the European Union (monitoring reports paid regular attention to probation – albeit in the context of reducing use of custody). This drive for development was further encouraged and supported by early membership of the CEP - followed later by very active involvement including hosting of an international CEP conference and a senior probation leader holding the office of CEP Vice-President.

Who has been involved?

Noteworthy in Latvia are the relatively long (compared with many countries) periods of continuity of probation leadership and other persons with a long-term interest in the service's development. As researchers we were able to interview several people who had been involved, sometimes 20 years ago, in early thinking and development. Service development benefitted from the support of senior prison leaders who were keen to promote a "whole picture" of system development with probation playing a key role within the system and community. We were told that a strong "kernel" of political – professional" actors took things forward; furthermore, efforts were made (supported by a Council of Europe and SOROS funding and Canadian expertise) to establish community partner engagement and probation pilots including statutory partners and NGOs. This strong stakeholder involvement contributed to the emergence of more "champions" who with others worked together, including in multi-agency working groups, to support drafting of legislation, staged service development planning, and responsiveness to pilot experience.

As the service expanded it recruited new staff, primarily with social work or teaching background rather than security. The new staff were frequently young, enthusiastic, committed staff - who also often wanted to make a distinct "break with the past".

Development in the Domains and of the Enablers

Strong planning is evident in the development of work in the domains and of the enablers. As noted above, a multi-agency working group was tasked with developing a "whole picture" approach to development which took account of work in all probation domains but with staged implementation over several years (and flexibility in the light of experience). Planning paid attention to legislation across the domains and to enablers including practical infrastructure needs, staff, training, partnerships, and working processes.

International Cooperation

International Cooperation has been a strong thread during the development of the Probation Service in Latvia. This is especially so in the early years when contact with Scandinavian countries (the “Nord-Balt” project and then with Canada in particular) contributed both expertise and financial resource to support infrastructure. It was said that inspiration and beneficial impact was assisted by contact and cooperation being with countries having leading reputations in probation (and prisons) such as Scandinavian, Canada, and England and Wales.

International cooperation was strengthened by delivery over several years including considerable consistency in involvement of some leading experts and Latvian counterparts. As noted briefly above, the range of attention of international projects with the Latvian service was broad, including -

- A focus on all probation “domains”
- Attention from the outset to “enablers” including adequate financial resource, evidence-informed methods (involving, and harmonising over time, RNR, restorative and strength-based models), staff, training, a progressive development of community engagement and partnerships across sectors including volunteer recruitment, and communication
- A staged process of development
- Infrastructure development support
- Well controlled project management
- Securing of funds for continued international projects - helping to sustain a continuing and progressive focus on development over time
- Further strengthened by an extended time duration of involvement of experts (international, but also local)

International Cooperation - other considerations

A study of international cooperation in probation development in Latvia illustrates several interesting and apparently important aspects of this work which might together be termed “soft” dimensions or skills in capacity building cooperation.

It was abundantly clear that the **“style”** of the international dimensions **of capacity building**, as well as **the relational qualities of individuals and the relationships** that developed, were a significant support to success. Observations on the Latvian service’s process of development included -

- Very good relationships between international and Latvian colleagues (which sometimes extended into friendships)
- Supported, as noted above, by consistency in overseas and Latvian parties
- Strong levels of mutual respect

- Added value and impact of northern “kinship” (Scandinavian countries and Canada in particular)
- Added value also of a strong willingness of the “diaspora” (in this case resident in Canada) to assist
- “Passionate” international experts
- Participatory training events drawing on and building capacity and sustainability
- Knowledge transfer, but also provision of practical models and tools such as assessment systems and templates which could be adapted, and attention to supply of practical resources (for example equipment) as well as knowledge
- Comments on the style, qualities and “soft skills” of capacity building included -
- “Knowledge provision without an expectation of “doing it this way”
- International experts mindful of context and who “entered the Latvian space.”

It was also noted that “without relationships no knowledge transfer was possible”. In summary, the approach and relational qualities of those involved in capacity building matter!

Findings

The fuller findings on capacity building from which the five “stand-out” factors are drawn are described here, including where relevant attention to “why”, “who” “what” (domains) and “how” (enablers) -

Success Factors -

- Overall - In process of policy transfer, a large-scale network of political actors was involved – civil servants, representatives of municipalities, nongovernmental sector and international organizations, together with experts in the field with international recognition including professionals, and Canadian-Latvians.
- Including a stable and active group of enthusiastic political actors-professionals (‘kernel’) who coordinated policy transfer.
- Planned programme approach, planned over several years with staged development (commencing with community service for reasons of “understandability”).
- Attention progressively to the probation service’s position and engagement with the whole justice system and wider community
- Norwegian financial and technical assistance, including prison then probation focus, and over long-term, and including material assistance as well as “knowledge”.
- Efficient, competent project management.

- Realization of legal reform in Latvia was not only supported but was even facilitated by world leaders in criminal justice (probation) issues - Canada and Great Britain.
- Passionate (Canadian project).
- Canadian Govt. funding (including material e.g., offices).
- Canadians shared knowledge without saying "have to do it this way".
- Latvian-speaking Canadian senior expert (diaspora).
- Communication and organisational skills of lead persons (on both sides) - helped to secure wider interest and commitment in Latvia.
- Kinship - Canada and Latvia similarities (northern countries) + differences - interesting to participants.
- Many Canadians involved were "volunteers" - did it for genuine interest (which was communicated) .
- Strong relationships (Cooperation included study tours, training missions, document sharing, technical assistance, strategic development and advice and assistance as required). One of the most noteworthy features of this cooperation was that relationships continued after project activities ceased.
- Multiple programmatic inputs, adapted as necessary, drawn from a variety of Canadian institutions and programs, and later European, including pre-sentence reports, risk needs assessment tools, restorative justice and community reintegration strategies, and partnerships including the multi-agency response model and the COSA model involving volunteers.
- Length of interaction between Canadians and Latvians through the project.
- Desire, and funds secured, for international projects over many years
- Importance of Relationship and Personality ("without relationships no knowledge transfer was possible" - Wheeldon, 2007).
- Training Style - making use of Social Learning Theory.
- Training that helped colleagues to see human side of each other (as well as offenders).
- Language "interpretation" including "concepts" as well as (rather than) "translation".
- (International experts) being willing and interested in "being in their space" - helped to promote multi-phased interactions. "These kinds of interactions may be useful because they can provide informal opportunities for misunderstandings to be clarified, deeper questions pondered, and greater understanding achieved."
- Realization of legal reform in Latvia was entrusted to Association of Universities and Colleges of Canada, which is very experienced organization in administering and coordinating large-scale projects all around the world (actively operated in all Central and Eastern European region and includes academic strengths of Canada.

- Recruitment of probation officers with backgrounds in social work and education (rather than security) and establishment of civil service organisation.
- Flexibility of younger and/or community participants (although personality perhaps most important).
- Respectful approach, focussed on knowledge transfer rather than “do it our way.”
- Recognizing context, the importance of culture, tension between change, liberty and safety.
- Reflexive model provides a useful means of engagement (based on Karl Popper’s emphasis on the social situation and the need for social tinkering to promote reform).
- Strong international connections and influence (CEP/Council of Europe, European Union Membership, followed by active international contribution e.g., to the CEP, including hosting of international conference on electronic monitoring and Latvian holder of CEP office of Vice-President).

Awareness of threats/weaknesses which were in turn addressed:

- Soviet legacy -
- Lack of relevant legislation
- Public wish for (stiff) jail sentences
- Initially many Latvian “Non-believers” in the Reform Process
- Prisons more punitive (although over time developed rehabilitation unit)
- Weak understanding and adaptation of programme material, and fears to improve / adapt it including because of (possible) copyright issues.

Several other threats were identified and taken into account (Wheeldon, 2007) -

- Risk of reversion to more punitive approaches;
- Fail to secure adequate funding for new programs;
- Failure to see crime as part of broader social phenomenon;
- Fail to be confident enough to try new things based on Latvian needs;
- Potential to be too arrogant that will not allow Latvia to learn from other jurisdictions;
- Fail to put in place means to keep records, statistics and gather perspectives from probation officers.
- Need for on-going training; evaluation; expansion of probation services and provision of supporting community-based programs; collaborative partnership.

Appendix 4 - Sources of Information:

The following sources of information were drawn on, and the time and assistance of persons who helped to arrange meetings and/or participated in them is most gratefully acknowledged. In this regard the assistance of Imants Jurevičius is especially acknowledged.

Interviews: Meetings were held with current and previous leaders and senior managers of the Probation Service, a previous Chief of the Prison Service and University Professor, judicial authorities, NGO representatives and others active in the process of formation of the Probation Service.

Interview accounts were also available of several experts, including Canadian, who had been involved in the process of capacity building during the early period of the Probation Service.

Literature: A range of literature was drawn on, in particular -

Aebi, M. F., Cocco, E. & Hashimoto, Y. Z. (2022). *Probation and Prisons in Europe 2022: Key Findings of the SPACE reports*. Series UNILCRIM 2022/4. Council of Europe and University of Lausanne.

Aebi, M. F., & Hashimoto, Y. Z. (2022). *SPACE II - 2021 - Council of Europe Annual Penal Statistics: Persons under the supervision of probation agencies*. Council of Europe

Belgium Ministry of Justice (2009-2010) *Probation Measures and Alternative Sanctions in Europe* - Report of EU Project, <https://www.euprobationproject.eu>

Chodosh, H. (2005). *Global Justice Reform: A comparative methodology*. New York: New York Press

Confederation of European Probation (2017). *Schematic "System Map" Latvia Probation System* <https://www.cep-probation.org/knowledgebases/latvia/>

Council of Europe, (2020), *SPACE 11 Statistics, Persons under the supervision of probation*, Strasbourg: Council of Europe

European Union (1998 - 2002). *Latvia EU Accession Reports: Regular and Progress Reports*

Firouzi Tabar, O., Miravalle, M., Ronco, D. and Torrente, G. (2016), *Reducing the Prison Population in Europe: Does Community Justice Work?*, Rome http://www.prisonobservatory.org/upload/EPO_2_WS1_Final_report.pdf

Heard, C. (2016) *Alternatives to Imprisonment in Europe: A Handbook of Good Practice*, European Prison Observatory,

<http://www.prisonobservatory.org/upload/Good%20practice%20handbook%20OAS.pdf>

Institute for Crime and Justice Policy Research, *World Prison Brief (2020)*, Birkbeck College, University of London

Kamenska, A., & Laganovska, K. (2015). *Alternatives to prison in Europe. Latvia*. Retrieved from

<http://www.prisonobservatory.org/alternatives/ALTERNATIVES%20TO%20PRISON%20IN%20EUROPE.%20LATVIA.pdf>

Klišāne, L., Jurevičius, I., & Judins, A. (2013). Probation in Europe: Latvia. In: A. v. Kalmthout & I. Durnescu (Eds.), *Probation in Europe*. Nijmegen: Wolf Legal Publishers (WLP). <https://www.cep-probation.org/wp-content/uploads/2021/07/Probation-in-Europe-2013-Chapter-Latvia.pdf>

Kronberga, I. (2016). Community service as the first alternative to imprisonment in Latvia: Expectations and reality. *Rivista di Criminologia, Vittimologia e Sicurezza* (X, 3, 2016). doi:10.14664/rcvs/636

Norway Grants. (2018). *Evaluation of the Norwegian Financial Mechanism planning period of 2009-2014 programme LV08 "Reform of the Latvian Correctional Services and Police Detention Centres". FINAL REPORT*. Retrieved from - <https://norwaygrants.tm.gov.lv/en/2009-1014/programme/evaluation-of-the-norwegian-financial-mechanism-planning-period-of-2009-2014-programme-lv08-reform-o>

Report of the Norwegian Financial Mechanism programme LV08 State Probation Service Electronic Monitoring in Latvia - "Reform of the Latvian Correctional Services and Police Detention Centres" - project No. LV08/1 "Increasing the Application of Alternatives to Imprisonment (Including Possible Pilot Project on Electronic Surveillance)"

Søderholm, N. (2018), *Norwegian and Latvian cooperation in correctional services; A qualitative analysis of the role and effect of the Norway Grants to the Latvian probation and prison service*, Pernille, Trondheim, Norwegian University of Science and Technology.

https://ntnuopen.ntnu.no/ntnu-xmlui/bitstream/handle/11250/2503253/Nyvoll_Pernille.pdf?sequence=1

Wheeldon, J. (2007) *Bringing British Columbia to Latvia: Canadians reflect on expert designation in an international criminal justice project*, Burnaby, BC: School of Criminology, Simon Fraser University.

Wheeldon, J. (2012), *After the Spring: Probation, Justice Reform, and Democratization from the Baltics to Beirut*, ISBN: 978-94-90947-59-0, Eleven International Publishing., The Netherlands

Zavackis, A. (2022), When one plus one is more than two? Building partnerships and facilitating community involvement in the probation work in Latvia. Presentation to the World Congress on Probation and Parole, Ottawa, September 2022.

Appendix 5 - Excerpts from Key Sources

EU Progress Reports Excerpts

EU Progress Report 1998

The prison situation in Latvia improved during 1997 but still needs considerable attention.

EU Regular report 1999

The adoption of the amended new Penitentiary Law in November 1999. The law improves the mechanisms for carrying out sentences, the establishment of a probation service and the application of alternative non-confinement punishments.

EU Regular report 2000

Concerning prison sentences, sentencing to community service rather than detention is still uncommon. A probation service has not yet been established.

EU Progress Report 2001

A related problem stemming from the backlog of court cases is the resulting *length of pre-trial detention*, which has received important international criticism, especially as concerns juveniles, for whom the length of pre-trial detention is not always in conformity with international standards (see also below, section "Civil and political rights"). Initial *improvements* can be reported as concerns *alternative penalties*, including for juveniles, instead of imprisonment, and further changes are planned with the revision of the Law on Criminal Procedures. In 2000, 596 cases of sentencing to *Community service* were registered, as compared to 183 in 1999. A probation service has still not been established.

EU Regular report 2002

As mentioned in previous Reports, *lengthy pre-trial detention*, a related issue stemming from the backlog of cases, has continued to pose a serious problem. While fundamental measures to address the problem are still pending, and the length of pre-trial detention is not always in conformity with international standards, initial progress has been made in speeding up the review of juvenile

cases (see also below, section 'Civil and Political Rights"). Decisive further measures are needed to further improve this situation.

More frequent use is being made of alternative penalties. While in 2000 4.7% of convicted offenders were sentenced to community service, the figure rose to 8% in 2001.

The establishment of a probation service has, however, been postponed until 2003, due to a lack of funding for implementing such a system

Bringing British Columbia to Latvia: PERCEPTIONS OF THE ROLE OF INTERNATIONAL TRAINERS working on a Criminal Justice REFORM PROJECT - J. Wheeldon, School of Criminology, Simon Fraser University, 2006

(Wheeldon) - It has been suggested that within countries of the Former Soviet Union (FSU), various criminal justice reform projects can improve on their sustainability if they consider how to use existing legislation to promote alternative community based programs to improve both their use and acceptability.¹³ Yet, without mechanisms to support the development of alternative programs, judges have nothing to refer suitable candidates to and the utility of other systemic reforms may be reduced. Developing the local community capacity to manage the alternatives itself must play an integral role in any legal reform program.¹⁴

(Wheeldon) - As Beeson and Davis argue, "change process often overestimates the role of management and the central place of systems and structures without engaging the numerous actors whose behaviour is not only adaptive but also creative and contentious" (2000:180)¹⁵ Respondents suggested that "without relationships no knowledge transfer was possible" and that these relationships "can make or break" training sessions. Respondents suggested that the mere nodding of heads could be misleading and that some "give and take was required" to transfer key justice concepts. This was achieved through participatory training approaches and the active engagement of participants through group activities including role plays and the use of local experts who presented on the reform experiences of their communities.

13 See, Kathryn Hendley, "Law and Development in Russia: A Misguided Enterprise?" 90 Am. Soc'y Int'l L. Proc.237 (1996).

14 See Bell, Corrado, Dandurand, Griffiths. (2001) Report of the LRCP Advisory Panel, Association of Universities and Colleges Canada, Ottawa, ON

15 See Beeson, Ian, Davis, Chris (2000) "Emergence and Accomplishments I Organizational Change" Journal of Organizational Change Management 13: 178-181