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26 April 2007;  
18 December 2008.

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

The *Saeima*<sup>1</sup> has adopted  
and the President has proclaimed the following Law:

## **Law on the Procedures for Holding the Detained Persons**

### **Section 1. Scope of Application of this Law**

(1) This Law prescribes the procedures for holding the persons detained in accordance with the Criminal Procedure Law (hereinafter – detained person) at specially equipped police premises – at a temporary place of detention.

(2) Taking into account the procedures prescribed by this Law and the restrictions prescribed by other laws, if it is necessary, the administratively detained and arrested persons, as well as the persons placed under arrest and the convicted persons may be placed in a temporary place of detention – for performance of procedural actions.

### **Section 2. Temporary Place of Detention**

(1) A temporary place of detention consists of specially equipped premises established at the State Police or Security Police where in accordance with the procedures prescribed by this Law the detained persons are placed and hold.

(2) A temporary place of detention shall be arranged in the following way:

- 1) locked rooms for holding the detained persons (hereinafter – cell);
- 2) a room (rooms) for the performance of procedural actions;
- 3) a washroom;
- 4) a lavatory;
- 5) a yard for the detained persons for taking walks in the fresh air;
- 6) a storeroom for bedding;
- 7) a room for inspection of the detained persons;
- 8) an administration room (rooms); and
- 9) a room (rooms) for persons who perform twenty-four hour security at the temporary

place of detention.

### **Section 3. Placing of the Detained Person in the Temporary Place of Detention**

(1) The police official shall place the detained person in the temporary place of detention on the basis of the detention protocol drawn up according to the procedures prescribed by the Criminal Procedure Law..

(2) Placing of the detained person in the temporary place of detention shall be registered, indicating the following:

- 1) given name (names) and surname of the detained person;
- 2) personal identity number or year and date of birth of the detained person (if a personal identity number has not been assigned to the detained person in the Republic of Latvia); and

<sup>1</sup> The Parliament of the Republic of Latvia

3) date and time when the detained person was placed in the temporary place of detention.

(3) The detained person shall be informed about the internal procedures of the temporary place of detention laid down in this Law and the list of items that may be kept in the cell in the language he or she understands (if necessary, inviting a translator) in return for a signature, as well as shall be invited to hand over the items which are not included in the referred to list. An opportunity to acquaint oneself with the internal procedures of the temporary place of detention shall be provided to the detained person placed in the cell at any time.

(4) The detained person shall be warned that special means may be used against him or her, if he or she does not obey or resists the legal requests of the police official or there is a reason to believe that the detained person may escape or inflict harm to other persons or himself or herself.

(5) Prior to being placed in the cell the detained person shall be searched by the police official of the same gender, inspecting the items retained by the detained person and visually examining the detained person in order:

1) to remove the items which could be utilised to attack the police officials or with which it would be possible to inflict bodily injuries to other persons or himself or herself, or which could possibly be utilised to commit suicide;

2) to remove items which are not included in the list of items that may be kept in the cell; and

3) to detect visible bodily injuries.

(6) The police official shall record the results of the search in the search deed. The detained person shall sign the aforementioned deed and shall receive a copy thereof. The items that were handed over and removed shall be stored at the temporary place of detention.

(7) Prior to being placed in the cell the detained person shall be asked about his or her state of health and requested to inform about the presence of such diseases, as a result of which the life of the detained person may be threatened or which could be dangerous to other persons, or as a result of which special measures have to be put in place for the detained person. The complaints of the detained person regarding his or her state of health shall be recorded in a separate journal.

#### **Section 4. Accomodation of the Detained Person at the Temporary Place of Detention**

(1) The detained person shall be placed in a cell at the temporary place of detention.

(2) The detained men and women shall be placed separately.

(3) The detained minors and the detained persons of legal age shall be placed separately.

(4) The detained persons shall be placed separately from the persons placed under arrest and the convicted persons.

(5) The administratively detained and arrested persons shall be placed separately from the detained persons, the persons placed under arrest and the convicted persons.

(6) The detained and convicted persons for committing one and the same criminal offence shall be placed separately in accordance with the instructions of the person directing the proceedings.

(7) The detained State officials and employees of law enforcement institutions shall be placed separately.

## **Section 5. Internal Procedures of the Temporary Place of Detention**

(1) The following shall be ensured at the temporary place of detention :

- 1) permanent supervision, surveillance and guarding of the persons placed in the temporary place of detention;
- 2) registration and examination of the persons visiting the temporary place of detention; and
- 3) examination of the items brought for the detained person.

(2) The following shall be prohibited at the temporary place of detention:

- 1) to bring in and utilise means of communication, any type of audio, photo, video and computer equipment, weapons and other items with which it is possible to inflict bodily injuries. The exception is the equipment necessary for fulfilment of the professional duties of the emergency medical care and emergency response personnel;
- 2) to bring in and use medicines (except medicinal products prescribed by the health care practitioner); and
- 3) to bring in and use alcoholic beverages, toxic, narcotic, psychotropic or other intoxicating substances.

(3) The detained person may not:

- 1) communicate with the persons placed in other cells;
- 2) make noise, avoid fulfilment of the legal requests of the police officials or to refuse to fulfil them;
- 3) perform activities which hinder observation of the persons held in the cells;
- 4) damage the rooms and equipment of the temporary place of detention;
- 5) retain items which are not included in the list of items that may be kept in the cell;
- 6) use alcoholic beverages, toxic, narcotic, psychotropic or other intoxicating substances;
- 7) change the sleeping berth without the permission of the employee of the temporary place of detention; and
- 8) smoke in the prohibited places.

(4) The following persons may visit the temporary place of detention:

- 1) persons specified by the Criminal Procedure Law for performance of procedural actions;
- 2) representatives of the State and international human rights protection institutions; and
- 3) emergency medical care and emergency response personnel.

(5) The emergency medical care and emergency response personnel shall attend the temporary place of detention accompanied by the police officials.

(6) The representatives of the State and international human rights institutions, except the Ombudsman and the person who represents the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment shall inform in advance the management of the relevant police unit about the visit to the temporary place of detention.

(7) The persons who come in contact with the detained persons in the short-term place of detention have a duty to hand over for keeping all the items referred to in Paragraph two of this Section (except, the items necessary for the performance of professional duties).

(8) In order to ensure the fulfilment of the requirements prescribed by this Law the police officer has the right to search the cell, the detained person or his or her personal belongings at the temporary place of detention at any time.

(9) The Cabinet shall determine the list of items that may be kept in the cell.

*[26 April 2007]*

## **Section 6. Bringing out the Detained Person from the Temporary Place of Detention**

(1) The detained person may be brought out from the temporary place of detention escorted under security in order:

1) to perform procedural actions in accordance with the request of the person directing the proceedings; or

2) to provide medical care.

(2) While the detained person is outside the temporary place of detention the requirements of the internal procedures of the temporary place of detention provided for in Section 5, Paragraphs one, two and three of this Law shall be applied to him or her.

## **Section 7. Living Conditions of the Detained Person**

(1) Nutritional, washing and personal hygiene product norms for the detained person shall be determined by the Cabinet.

(2) The detained person shall receive food three times daily (of those one shall be – warm), as well as at anytime – drinking water.

(3) Cell size may not be less than:

1) 4 square metres – one-man cell;

2) 7 square metres – two-man cell;

3) 10 square metres – three-man cell;

4) 12 square metres – four-man cell;

5) 15 square metres – five-man cell.

(4) Each detained person shall be provided with the following:

1) a separate sleeping berth; and

2) bedding (mattress and blanket).

(5) A cell shall have the following installed:

1) sanitary facilities connected to a water pipe, which shall be separated from the rest of the room by a wall, the height of which shall not be higher than 1.2 metres;

2) a bench that shall be fixed to the floor;

3) a shelf that shall be fixed to the wall; and

4) if it is located out of sight of the police official - a call-button for calling for the police official..

(6) A cell shall be provided with natural light but during the night – with artificial lighting, air temperature which is not less than 18<sup>0</sup>C and ventilation.

(7) If the detained person is located at the temporary place of detention for longer than 24 hours, he or she has the right to a walk in the fresh air for a period of at least 30 minutes.

## **Section 8. Living Conditions for Minors**

(1) The detained persons who are minors have all the rights and duties prescribed by this Law and other regulatory enactments.

(2) The length of the walk for the detained persons who are minors and who are located at the temporary place of detention for longer than 24 hours shall be at least one hour..

## **Section 9. Health Care of the Detained Persons**

(1) The following health care shall be guaranteed to the detained person from the funds of the State budget:

1) emergency medical care, as well as assistance in cases of trauma, acute illness or exacerbation of chronic diseases and the products necessary for treatment thereof; and

2) counter-epidemic measures, in order to prevent the spread of infection at the temporary place of detention.

(2) The health care referred to in Paragraph one of this Section shall be provided to the detained person at the time and place, when and where it is necessary and possible to provide it:

1) at the temporary place of detention; or

2) at a medical treatment centre to which the detained person is delivered by the police officials or transported by an emergency medical care team escorted by the police officials (if it is not possible to provide the relevant health care at the temporary place of detention).

(3) Police officials shall provide guarding of the detained person and safety of the health care practitioners.

(4) In addition to the health care services referred to in Paragraph one of this Section the detained person with the permission of the person directing the proceedings has the right to invite a certified medical specialist to provide a consultation. The expenses regarding the consultation by the referred to specialist at the temporary place of detention shall be compensated by the detained person or his or her relatives.

## **Section 10. Release of the Detained Person from the Temporary Place of Detention**

(1) The detained person shall be released without delay, if:

1) a decision is received from the person directing the proceedings regarding releasing of the detained person from the temporary place of detention; or

2) the time determined in the Criminal Procedure Law for the detention has ended and the security measure – placing under arrest, is not applied to the detained person.

(2) The person to be released shall be searched; the belongings which were removed from the person when he or she was placed in the temporary place of detention shall be given back in return for a signature, as well as a copy of the detention protocol where an official shall indicate the reason, the date and the time of the release.

## Transitional Provisions

1. The requirements determined in Section 2, Paragraph two and Section 7, Paragraphs three and five of this Law shall be fulfilled by 31 December 2013.

[18 December 2008]

2. The Cabinet shall issue the regulations referred to in Section 5, Paragraph nine and Section 7, Paragraph one of this Law by 31 December 2005.

3. Until the day of coming into force of the Cabinet Regulation referred to in Section 7, Paragraph one of this Law but not later than until 31 December 2005 the Cabinet Regulation No. 339 of 6 August 2002 Regulations regarding Nutritional Norms, Norms of Washing Products and Personal Hygiene Products for Detained and Administratively Arrested Persons shall be applied in relation to the detained persons.

This Law shall come into force on the day following the proclamation thereof.

This Law has been adopted by the *Saeima* on 13 October 2005.

President

V. Vīķe-Freiberga

Riga, 20 October 2005