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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.

Republic of Latvia

Cabinet

Regulation No. 57

Adopted 31 January 2017

**Procedures for the Escort of Detained, Arrested, and Convicted Persons**

*Issued pursuant to*

*Section 10, Paragraph five of the law On Police, Section 16, Paragraph three, Clause 5 and Section 16.6, Paragraph three, Clause 4 of the law On the State Revenue Service*

[*31 March 2020*]

**I. General Provisions**

1. The Regulation prescribes the procedures by which the State Police, the Tax and Customs Police Department of the State Revenue Service, and the Internal Security Department of the State Revenue Service shall, within their competence specified in laws and regulations, ensure the conveyance and guarding (hereinafter – the escort) of a detained person, an arrested person, and persons sentenced with imprisonment (hereinafter – the person to be escorted):

1.1. for the performance of procedural actions;

1.2. in relation to the examination of the case in a court;

1.3. between prisons.

[*30 October 2018; 31 March 2020*]

2. The escort of the person to be escorted is a set of security measures that shall be, within the scope of their competence, taken by an official of the State Police with special rank, an official of the Tax and Customs Police Department of the State Revenue Service or the Internal Security Department of the State Revenue Service (hereinafter – the escort staff) to prevent any attempt of the person to be escorted to escape or take an action which poses a threat to the safety of the escort staff, the person to be escorted himself or herself, or another person, and also to ensure that the escort staff and the person to be escorted are protected from unlawful activities of other persons.

[*31 March 2020*]

3. The grounds for the escort of the person to be escorted within the competence specified in laws and regulations shall be as follows:

3.1. the person to be escorted has been detained in accordance with the procedures laid down in the Criminal Procedure Law;

3.2. any of the following documents has been prepared in respect of the person to be escorted:

3.2.1. a court ruling on the imposition of an imprisonment related sentence or an extract therefrom has entered into effect;

3.2.2. a court ruling on the imposition of the security measure –arrest – or an extract therefrom;

3.2.3. a written request or a ruling of an investigator, prosecutor, or judge (court);

3.2.4. an application of a prison governor or an official authorised by him or her;

3.2.5. an application of the chief physician of a medical treatment institution which has been coordinated in writing with the person directing proceedings if the person to be escorted has been admitted to a medical treatment institution for conducting the expert-examination;

3.2.6. a request or an application of a State Police unit for the escort of the person to or from a border crossing point.

[*31 March 2020*]

4. If none of the documents referred to in Sub-paragraph 3.2 of this Regulation has been prepared for the person to be escorted, a detention protocol can serve as the grounds for the escort of the person to be escorted.

5. The institution which hands over the person to be escorted for escort shall indicate the following in its written application:

5.1. the date of the escort;

5.2. the grounds for the escort;

5.3. the escort destination of the person to be escorted;

5.4. the number of persons to be escorted by indicating the number of men, women, and minors separately;

5.5. the isolation requirements if such are determined for the person to be escorted;

5.6. the persons to be escorted who have a tendency to violence, escape, or suicide;

5.7. the information that the person to be escorted has health problems if the person to be escorted is not able to move independently.

[*31 March 2020*]

5.1 In addition to the requirements laid down in Paragraph 5 of this Regulation, an application of the Tax and Customs Police Department of the State Revenue Service and the Internal Security Department of the State Revenue Service shall indicate the following:

5.1 1. the given name and surname of the person to be escorted as well as his or her personal identity number or, if none, his or her year and date of birth;

5.1 2. the location of the person to be escorted.

[*31 March 2020*]

6. The escort staff shall ensure that the following persons are escorted separately:

6.1. persons to be escorted who are subject to isolation requirements;

6.2. first-degree relatives;

6.3. persons sentenced for life (life imprisonment), and also persons to be escorted who have been sentenced with deprivation of liberty for life (life imprisonment) under a court ruling which has not entered into effect;

6.4. judges, persons belonging to the judicial system, employees and former employees of investigating institutions, institutions enforcing criminal sentences, public authorities performing operational activities, municipal police, or another public authority related to the provision of national and public safety, and also their spouses or first-degree relatives;

6.5. persons to be escorted who have been granted the status of a person under procedural protection;

6.6. persons to be escorted in respect of the health condition of which relevant instructions have been received from a medical practitioner;

6.7. persons to be escorted on which there is information that they can inflict harm on the escort staff or other persons.

[*31 March 2020*]

7. The escort staff have the right to take the decision to escort a person separately for safety reasons also in cases other than those specified in Paragraph 6 of this Regulation.

[*31 March 2020*]

8. Prior to the commencement of the escort, the escort staff shall orally inform the person to be escorted about the cases when special means, firearms, or service dogs can be used against him or her and also about the conditions which the person to be escorted must comply with during escort.

[*31 March 2020*]

9. During the escort, it is prohibited for the person to be escorted to:

9.1. damage the vehicle equipment and property of institution;

9.2. take any actions which can be considered as a non-compliance with the lawful requirements of the escort staff, an attempt to escape or attack;

9.3. intentionally inflict harm on his or her health;

9.4. accept and hand over documents and objects to other persons.

[*31 March 2020*]

10. During the escort, the person to be escorted shall comply with the lawful requirements of the escort staff. The escort staff shall inform in writing a relevant unit of the Prison Administration or the immediate head of the relevant unit of the State Revenue Service of any violations committed by the person to be escorted during escort.

[*31 March 2020*]

10.1 The escort staff is prohibited from disclosing the escort route to the person to be escorted.

[*31 March 2020*]

**II. Procedures for Accepting and Searching Persons to be Escorted**

11. Prior to accepting the person to be escorted for the escort, the escort staff shall verify his or her identity.

[*31 March 2020*]

12. The escort staff shall not accept the following for the escort:

12.1. a woman with a child (except when the State Police escorts her from abroad);

12.2. the person to be escorted (except when the person has been detained at the place where the violation of the law was committed):

12.2.1. who is clearly under the influence of intoxicating substances (alcoholic beverages, narcotic, psychotropic, or toxic substances), unless it is allowed to escort this person according to an opinion of a medical practitioner;

12.2.2. who has visible bodily injuries or visible signs of illness, or who is pregnant, unless it is allowed to escort such persons according to an opinion of a medical practitioner;

12.2.3. whose clothing is not appropriate for the season (except when the State Police escorts this person from abroad);

12.2.4. who is not able to move independently, unless a specially equipped vehicle has been provided and, where necessary, a medical practitioner is present;

12.3. the person to be escorted whose identity has not been established.

[*31 March 2020*]

13. If the person to be escorted is not able to move independently and a written application of an institution contains information about the respective health problems, the institution which ensures the escort of the person shall organise a specially equipped vehicle and, where necessary, ensure that a medical practitioner is present.

[*31 March 2020*]

14. Prior to escorting, the a member of the escort staff who is of the same sex shall carry out an inspection and examination (hereinafter – the search) of clothing, body, and property (if any) of the person to be escorted in order to seize objects, articles, or substances which may not be stored and used in a prison or temporary place of detention and which can be used for an attack or to inflict bodily injuries to himself or herself or another person, or take other unlawful actions (hereinafter – the prohibited items).

[*31 March 2020*]

15. A partial (without strip search of the person to be escorted) or complete (with strip search of the person to be escorted) search of the person to be escorted may be conducted.

16. The escort staff shall conduct search of the person to be escorted using disposable gloves.

[*31 March 2020*]

17. Technical means may be used to search the person to be escorted.

18. In conducting a partial search of the person to be escorted:

18.1. the person to be escorted shall be asked to hand over the prohibited articles;

18.2. the person to be escorted shall be ordered to raise his or her hands, turn with his or her face against the wall by leaning against it with hands, and to put his or her legs at the shoulder width;

18.3. the escort staff shall conduct a top-down search of the clothing focusing on the places where the prohibited articles can be hidden;

18.4. the headgear and footwear shall be examined.

[*31 March 2020*]

19. A complete search of the person to be escorted shall be conducted in the following cases:

19.1. during the partial search his or her behaviour gives rise to the suspicion that prohibited articles are hidden;

19.2. prison has provided information about his or her tendency to escape, attacks, or attempted suicide;

19.3. in any other cases where information about the prohibited articles at the disposal of the person to be escorted or his or her preparation for the escape, attack, or other unlawful activities is available.

20. The complete search of the person to be escorted shall be conducted in a separate room or enclosed space separated from others ensuring the right to privacy of the person to be escorted.

21. When conducting the complete search of the person to be escorted:

21.1. the person to be escorted shall be asked to hand over the prohibited articles and then to undress;

21.2. the body, prostheses, medical bandages (where necessary, the examination shall be carried out in the presence of a medical practitioner), and mobility aids of the person to be escorted shall be examined;

21.3. the hair, headgear, clothing, and footwear of the person to be escorted shall be examined. The footwear shall be examined from the outside and inside, ripping off the insole and outsole, where necessary;

21.4. seams, patches, collars, cuffs shall be examined, removing patches or seams, where necessary.

22. If, according to the opinion of a medical practitioner, the health condition of the person to be escorted is such that delay to transport him or her to a medical treatment institution poses a threat to his or her life or health, the escort staff shall not conduct the search referred to in Paragraph 14 of this Regulation.

[*31 March 2020*]

23. If the person to be escorted needs to use medicinal products prescribed by a medical practitioner on a regular basis, they shall be issued to the person in sealed and opaque package. If the person to be escorted may not keep the medicinal products, the escort staff shall receive them in sealed and opaque package together with a statement of the medical practitioner and confirm the receipt of package by his or her signature. The escort staff shall, at the escort destination of the person, hand over the package together with the statement of the medical practitioner to an official of the prison or temporary place of detention who shall then make a note on the receipt of the package.

[*31 March 2020*]

24. If during the verification of identity or search the escort staff establish any visible bodily injuries of the person to be escorted, the escort staff shall draw up a statement on the visible bodily injuries of the person to be escorted before commencing the escort. The statement shall indicate the bodily injuries and their location on the body. The statement on the visible bodily injuries of the person to be escorted shall be submitted at the escort destination after escorting of the person to be escorted.

[*31 March 2020*]

25. The person to be escorted shall be handed over to the responsible employee of a prison or temporary place of detention together with the seized property.

**III. Escort of the Person to be Escorted on Foot, in a Vehicle, Train, Vessel, Ferry, or Aircraft**

26. The person to be escorted shall be escorted on foot from a vehicle to premises, from premises to a vehicle, on premises, and also outside premises in places where vehicle movement is not possible.

27. One person to be escorted shall be escorted on foot by escorting staff of at least two members, but when a group of persons is escorted, then the members of the escort staff shall outnumber the persons to be escorted by at least one.

[*31 March 2020*]

28. The person to be escorted shall be escorted in a vehicle by escort staff of at least two members and a driver. The escort shall be carried out with a special vehicle the cabin of which has been equipped with at least one or more lockable compartments or a passenger vehicle.

[*31 March 2020*]

29. The vehicle shall be placed as close as possible to the place from or to which the person to be escorted is conveyed.

[*31 March 2020*]

30. When escorting with the special vehicle, the escort staff shall:

30.1. bring the person to be escorted to the door of the vehicle;

30.2. call the surname of the person to be escorted and ask him or her to step into the vehicle;

30.3. the persons to be escorted shall be placed in compartments of the cabin by taking into account the conditions referred to in Paragraph 6 of this Regulation.

[*31 March 2020*]

31. When escorting in a passenger vehicle, the person shall be seated at the back of the cabin of the vehicle or next to the escort staff.

[*31 March 2020*]

32. During the escort, an unplanned stop en route or change in the route may only be made:

32.1. at a territorial unit of the State Police if the escort of the person takes more than two hours and the stop has been agreed upon with the relevant Operative Management Unit of the territorial unit of the State police;

32.3. in an emergency situation.

33. An emergency situation during the escort shall be:

33.1. an attempted escape of the person to be escorted;

33.2. an attack on the escort;

33.3. a road traffic accident;

33.4. a forced stop due to technical failure of the vehicle;

33.5. the need to provide the first aid or emergency medical care to the person to be escorted;

33.6. any other situation as a result of which the person to be escorted can escape from the escort or take such an action which poses a threat to safety of the person to be escorted himself or herself or the public.

34. In the cases of escape or attack of the person to be escorted, the escort shall:

34.1. repel the attack;

34.2. take measures to detain the escaped person to be escorted;

34.3. reinforce supervision of other persons to be escorted who are being escorted at the same time as the escaped person to be escorted;

34.4. use a firearm or special means in accordance with the law On Police or the law On the State Revenue Service;

34.5. immediately, within its competence, inform the Operative Management Unit of the relevant territorial unit of the State Police or the immediate head of the relevant unit of the State Revenue Service and act according to their instructions.

[*31 March 2020*]

35. In the case of an attempted suicide or suicide of the person to be escorted, the escort shall:

35.1. provide first aid and organise the provision of emergency medical care, where necessary;

35.2. immediately, within its competence, inform the Operative Management Unit of the relevant territorial unit of the State Police or the immediate head of the relevant unit of the State Revenue Service and act according to their instructions;

35.3. reinforce supervision of other persons to be escorted who are being escorted at the same time as the person to be escorted who has attempted to commit suicide or has committed suicide.

[*31 March 2020*]

36. The person to be escorted shall be escorted in a train, vessel, ferry, or aircraft by escorting staff of at least two members.

[*31 March 2020*]

37. The person to be escorted shall be brought in a train, vessel, ferry or aircraft before boarding of passengers but brought out after passengers have alighted. The person to be escorted shall be escorted in a train, vessel, or ferry in a separate coupé or cabin.

38. Prior to bringing the person to be escorted in a train, vessel, ferry, or aircraft, the escort staff shall inspect the place in the train vessel, ferry, or aircraft where the person to be escorted is intended to be placed in order to seize the prohibited articles.

[*31 March 2020*]

39. Prior to bringing the person to be escorted in toilet facilities, the escort staff shall examine the toilet facilities. While the person is in toilet facilities, the escort staff shall position themselves so that the privacy of the person is guaranteed but the person to be escorted is prevented from making an escape or taking other unauthorised actions at the same time.

[*31 March 2020*]

40. If the escort staff is not at the place where the person to be escorted has been placed while the person uses toilet facilities, then the escort staff shall, after returning from the toilet facilities, re-examine the place where the person to be escorted has been placed.

[*31 March 2020*]

41. The escort staff shall inform the train manager or captain of the vessel, ferry, or aircraft of the arisen emergency situation.

[*31 March 2020*]

42. If escorting takes more than six hours, the person to be escorted shall be provided with nutrition in accordance with laws and regulations prescribing the norms regarding provision of special nutrition for persons placed in a temporary place of detention.

**IV. Escorting of the Person to be Escorted in a Court**

43. The persons to be escorted shall be placed on court premises in compliance with the conditions referred to in Paragraph 6 of this Regulation.

44. If there is no room available in a courthouse where the person to be escorted can be kept, the person to be escorted shall be brought in a court room straight from the vehicle.

45. The escort staff shall ensure that the person to be escorted follows the procedures laid down by the court (judge) during a court hearing. If the person to be escorted breaches the established procedures, the escort staff shall, under instructions of a judge or independently, terminate unlawful actions of the person to be escorted.

[*31 March 2020*]

46. The escort staff shall release the person to be escorted in a court room and explain the procedures by which the person can receive his or her personal property seized if the grounds for escorting the person referred to in Paragraph 3 of this Regulation have ceased to exist, except when imprisonment has been imposed on the person to be escorted in another criminal case or the person is serving the imposed sentence of imprisonment in another criminal case and the sentence has not been served. In this case, the person to be escorted shall be transported back to the prison.

[*31 March 2020*]

47. If a person has to be arrested in a court room, the escort staff shall take the following actions after declaration of a court (judge) ruling:

47.1. where there are reasonable suspicions of a possible escape or attack of the person, or wish of the person to inflict harm on bystanders or himself or herself, put handcuffs on the person to be escorted and take him or her out of the court room;

47.2. search the person to be escorted in a separate room and seize documents, valuables, and prohibited articles by drawing up a report thereon;

47.3. receive from the court (judge) an approved court ruling or an extract therefrom;

47.4. transport the person and the court ruling referred to in Sub-paragraph 47.3 of this Regulation or an extract therefrom, and also the seized property to the prison but, where it is not possible, to the temporary place of detention.

[*31 March 2020*]

**V. Escorting of the Persons to be Escorted for the Performance of Procedural Actions and Health Care Outside a Prison**

48. The escort staff shall inspect premises and surroundings at the place where procedural actions are performed in order to prevent the risk of attack or possibility to receive prohibited articles and to ascertain that the person to be escorted cannot escape. If the intended procedural actions are performed outside premises, one escorting employee shall stay beside the person to be escorted at all times.

[*31 March 2020*]

49. The escort staff shall inspect premises and surroundings in a medical treatment institution (outside a prison) and ensure guarding of the person to be escorted to prevent the person to be escorted from making an escape or taking other unlawful actions.

[*31 March 2020*]

50. The escort staff shall inform staff of a medical treatment institution (outside a prison) of the conditions to be fulfilled for the prevention of emergency situations.

[*31 March 2020*]

Acting for the Prime Minister – Minister for Agriculture Jānis Dūklavs

Minister for the Interior Rihards Kozlovskis