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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**Council for Penological Co-operation**  
**(PC-CP)**

**Draft Recommendation CM/Rec (2016) XX on  
the European Rules on community sanctions  
and measures**

**Document prepared by the Directorate General  
Human Rights and Rule of Law**

**Recommendation CM/Rec (2016) XX of the Committee of Ministers to the member states on the  
European Rules on community sanctions and measures**

*(Adopted by the Committee of Ministers on xxx at the xxx meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering the importance of establishing common principles regarding penal policy among the member states of the Council of Europe in order to strengthen international co-operation in this field;

Noting the considerable development which has occurred in member states in the use of sanctions and measures whose enforcement takes place in the community;

Considering that these sanctions and measures constitute important ways of combating crime and that they avoid the negative effects of remand in custody and of imprisonment;

Considering the importance attached to the development of international norms for the creation, imposition and implementation of these sanctions and measures;

Aware that with the passage of time new possibilities for a more effective use of community sanctions and measures emerge and that therefore imprisonment must be used only as measure of last resort;

Recognising furthermore that important developments and changing practice in the area of sanctions and measures enforced in the community and the issues identified by member states call for regular updating of the provisions contained in the European Rules on community sanctions and measures;

Emphasising that the recourse to, and the implementation of these sanctions and measures should always be guided by respect for fundamental legal safeguards as enshrined in the European Convention on Human Rights, and by the principles laid down in the European Rules;

Recognising the relevance to the present Recommendation of Committee of Ministers Recommendations: N° R (92) 17 concerning consistency in sentencing, N° R (97) 12 on staff concerned with the implementation of sanctions and measures, N° R (99) 19 on mediation in penal matters, N° R (99) 22 concerning prison overcrowding and prison population inflation, Rec (2003) 22 concerning conditional release (parole), CM/Rec (2010)1 on the Council of Europe Probation Rules and CM/Rec (2014) 4 on electronic monitoring;

Taking further into consideration the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules);

**Replaces** by the text of the present Recommendation:

- Recommendation Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures; and
- Recommendation N° R (92) 16 on the European Rules on community sanctions and measures enforced

**Recommends** to the governments of member states to:

- be guided when reviewing their policy, legislation, and practice in relation to the creation, imposition and implementation of community sanctions and measures, by the standards and principles set out in the Appendix to this Recommendation;
- ensure that this Recommendation and the accompanying commentary are translated in their national language and disseminated as widely as possible and more specifically among judicial authorities, probation and social services, prison administrations, as well as the media and the general public.

## **Appendix to Recommendation (2016) XX**

### **Preamble**

The present rules are intended to:

- a. establish a set of standards to enable national legislators and the practitioners concerned (deciding and implementing authorities) to provide a just and effective use of community sanctions and measures. This application must take into account the need to protect society and maintain legal order and at the same time support social rehabilitation, while also enabling offenders to make reparation for the harm they have caused.
- b. furnish member states with basic criteria so that the creation and use of community sanctions and measures may be combined with guarantees against the danger that the fundamental human rights of offenders subject to such sanctions and measures are curtailed. Similarly, it is important to guard against any kind of abuse such as might, for example, result from their use to the detriment of particular social groups. Full consideration needs to be given to the social advantages and disadvantages of, as well as the potential risks resulting from, or likely to result from, such sanctions and measures. The simple fact of pursuing the aim of achieving a substitute for imprisonment does not justify recourse to any kind of sanction or measure or means of implementation;
- c. propose clear rules of conduct to staff responsible for the implementation of community sanctions and measures and to all those in the community who are involved in this field in order to ensure that this implementation is in conformity with any conditions and obligations imposed, thereby conferring legitimacy upon the sanctions or measures. Implementation must not be thought of in a rigid or formalistic way, but should be undertaken with constant regard for individualisation, so that community sanctions and measures correspond with the offence and with the characteristics of the offender. Furthermore, the fact that reference can be made to a set of rules which have been established internationally should facilitate an exchange of experience, in particular concerning methods of work.

It cannot be too strongly emphasised that community sanctions and measures applied within the framework of the present rules are of value both for offenders and for the community: offenders are in a position to continue to exercise choice and assume their social responsibilities, while the implementation of penal sanctions within the community itself rather than through a process of isolation from it may well offer in the long term better protection for society.

Consequently, the imposition and the implementation of community sanctions and measures must be guided by these considerations as well as the essential aim of treating offenders with respect as a responsible human beings.

The present rules are not to be regarded as a model system. Instead, they form a corpus of requirements susceptible of being commonly accepted and acted upon. Without respect for these requirements there can be no satisfactory application of community sanctions and measures.

The provisions of the present rules deal with all sanctions and measures implemented in the community as defined in the glossary, including ways of enforcing sentences of imprisonment outside prison establishments. However, measures which are specifically concerned with juveniles are not covered by the rules.

## **Chapter I: Basic principles, scope and application**

1. Sanctions and measures that are carried out in the community can provide adequate supervision, guidance and assistance to suspects and offenders without resorting to deprivation of liberty and can enhance the prospects of their social inclusion on which desistance from crime usually depends.
2. National law shall provide for a sufficient type and number of community sanctions and measures and these shall be made available to be used in practice.
3. The nature and the duration of community sanctions and measures shall both be in proportion to the seriousness of the offence for which persons have been sentenced or accused and take into account their personal circumstances.
4. The nature of all community sanctions and measures and the manner of their implementation shall be in line with any internationally guaranteed human rights of the offender. No community sanction or measure shall be created or imposed if it is contrary to international standards concerning human rights and fundamental freedoms. In addition, a community sanction or measure shall never involve medical or psychological treatment or harm or procedures which are not in conformity with internationally adopted ethical standards.
5. There shall be no discrimination in the imposition and implementation of community sanctions and measures on grounds of race, colour, ethnic origin, nationality, gender, age, disability, sexual orientation, language, religion, political or other opinion, economic, social or other status or physical or mental condition. In order to ensure compliance full account shall be taken of the diversity and of the distinct needs of individual offenders.
6. The nature, content and methods of implementation of community sanctions and measures shall respect the dignity and the privacy of the offenders and their families and shall not lead to their harassment. Self-respect, family relationships, links with the community and ability to function in a society shall be preserved.
7. Community sanctions and measures shall be implemented in a way that does not aggravate their afflictive character. Rights shall not be restricted in the implementation of any community sanction or measure to a greater extent than necessarily follows from the decision imposing it.
8. No provisions shall be made in law for the automatic conversion to imprisonment of a community sanction or measure in the case of failure to follow any condition or obligation attached to such a sanction or measure.
9. National law shall provide for the regular and independent monitoring of the work of the implementing authorities. This monitoring shall be carried out by qualified and experienced persons.

## **Chapter II: Legal Framework**

### ***Legislation***

10. The use, as well as the types, duration and modalities of implementation of community sanctions and measures shall be regulated by law.
11. The conditions and obligations attached to the community sanctions and measures shall be defined by clear and explicit legal provisions, as shall be the consequences of non-compliance with these conditions and obligations.
12. The authorities responsible for the implementation of community sanctions and measures shall be laid down in law, as will their duties and responsibilities. The powers of these authorities to decide on methods of implementation, to delegate their implementing duties to third parties if necessary, or to enter into agreements concerning implementation with the offender, other authorities or third parties, shall also be laid down in law. The relevant rules of the Council of Europe Probation Rules shall apply *mutatis mutandis* in this respect.
13. The offender shall have the right to appeal to a higher deciding authority against a decision subjecting him to a community sanction or measure, or modifying or revoking such a sanction or measure.

14. Provision should be made for a sufficient number of suitably varied community sanctions and measures, of which the following are examples:
- alternatives to pre-trial detention;
  - probation / supervision as an independent sanction;
  - suspension of a sentence with conditions / obligations;
  - execution of a prison sentence in the community with conditions/obligations;
  - community service;
  - victim compensation, reparation, mediation and other restorative justice measures;
  - treatment orders for substance misusing offenders and those suffering from a mental disorders related to their criminal behaviour;
  - restriction on the freedom of movement by means of, for example, curfew orders or electronic monitoring;
  - parole / supervised conditional release from prison.
15. National law shall allow for reducing the recourse to sentences involving deprivation of liberty by providing for non-custodial sanctions or measures as usual sanctions for certain offences.
16. Any formal obstacles that prevent the use of community sanctions and measures with serious and repeat offenders should be reviewed and removed so far as possible.
17. Rights to benefits in any existing social security system or any other civic right (apart from those forming part of the sentence) shall not be limited by the imposition or implementation of a community sanction or measure.
18. The duration of a community sanction or measure shall be fixed by the authority empowered to make the decision within the limits laid down in law.
19. Rationales for sentencing should be established, where constitutional principles and legal traditions so allow, and reviewed with a view to, *inter alia*, reducing the use of imprisonment, expanding the use of community sanctions and measures and providing for compensation to victims.

### ***Sentencing***

20. Advice to the court or the public prosecutor concerning the preparation, imposition or implementation of a community sanction or measure shall only be provided by or through professional staff of an organisation laid down in law.
21. The nature and the duration of a community sanction or measure shall be in proportion to the seriousness of the offence or allegation and assessed risks and shall take into account the offender's personal circumstances. In particular, the requirements of the sanction or measure should not adversely affect the individual's family life or employment.
22. Judicial authorities and the staff of implementation services should create channels of communication that facilitate regular discussion of the practical aspects of recommending and implementing community sanctions and measures.

## **Chapter III: CSM implementation and methods**

### ***General***

23. The imposition and implementation of community sanctions and measures shall seek to develop the offender's sense of responsibility to the community. Community sanctions and measures should therefore be made as meaningful as possible to the offender and shall seek to contribute to their personal and social development. Methods of supervision shall serve these aims.
24. The implementing authority shall ensure that information about the rights and obligations of those subject to community sanctions and measures is made available to them, and shall provide assistance to secure those rights and to enable them to meet these obligations. Professional staff and participating organisations and individuals drawn from the community shall be made aware of their duties in these respects.

25. The offender shall have the right to make oral or written representations prior to any decision concerning the implementation of a community sanction or measure. Decisions about the implementation of a community sanction or measure shall be explained clearly to the offender. There shall be clear and prompt procedures to resolve significant disagreement between an offender and a supervisor.
26. Instructions given to the offender by the implementing authority shall be practical and precise.
27. The implementation of community sanctions and measures shall be based on the development of appropriate working relationships between the offender, the supervisor and any participating organisations or individuals drawn from the community.
28. Implementation methods shall be individually adapted to the particular circumstances of each case and the authorities and the staff responsible for the implementation shall therefore enjoy a sufficient degree of discretion to enable this.
29. Where an individual is found to be in need of particular personal, social or material assistance in relation to implementation, fair and proper provision shall be made to enable them to meet their obligations, to avoid additional burdens and to take advantage of such benefits that the sanction or measure may bring.
30. Controlling activities shall only be undertaken to the extent that they are necessary for the proper implementation of the sanction or measure imposed and shall be based upon the principle of minimum intervention. They shall be in proportionate to the offence committed or alleged, shall take into consideration the personal circumstances of the offender, including risk and needs factors and shall be limited by the aims of the sanction or measure imposed.
31. Implementing authorities shall use methods of work which are consistent with proven professional standards.
32. The costs of implementation should not be borne by the offender.

#### ***Methods of work***

33. Programmes and interventions for offender reintegration should be based on a variety of methods. The allocation of offenders to specific programmes and interventions should be guided by explicit criteria. These include: their risks of harm to the public, to themselves and/or to the staff responsible for the programme or intervention, their capacity to respond to the intervention and the personal or social factors which are linked to the likelihood of re-offending.
34. Tasks provided for offenders doing community service shall not be pointless, but shall be socially useful and meaningful and enhance the offender's skills as much as possible.
35. Community service shall not be undertaken for the purpose of making profit of implementing authorities, their staff or for commercial profit.
36. Working and occupational conditions of offenders carrying out community service shall be in accordance with all current health and safety legislations. Offenders shall be insured against accident, injury and public liability arising as a result of implementation.

#### ***Case records and personal information***

37. Individual case records shall be established by the implementing authority. They shall be kept up to date so that, *inter alia*, any necessary report can be prepared about the offender's compliance with the conditions or obligations of the sanction or measure.
38. Information in individual case records shall only encompass matters relevant to the sanction or measure imposed and its implementation. Such information shall be as reliable and objective as possible.
39. The supervisor of offenders shall ordinarily inform them of the content of the case record and any reports made and explain the content to them.

40. Offenders, or a person acting on their, shall have access to their individual case record to the extent that it does not infringe the right to privacy of others.
41. The offender shall have the right to contest the content of the case record. The substance of any unresolved disagreement shall be written into the case record.
42. Information in any individual case record shall only be disclosed to those with a legal right to receive it and any information disclosed shall be limited to what is relevant for the task of the authority requesting information.

#### ***Data protection and confidentiality***

43. After the termination of the community sanction or measure, case records in the hands of the implementing authority shall be destroyed or kept in archives in accordance with rules providing safeguards on revealing their content to third parties. This shall not be done before the legal effects of the sanction or measure have ceased nor later than the time limit fixed by the legislation.
44. The kind and amount of information about offenders given to agencies which provide work placements or personal and social assistance of any kind shall be defined by, and be restricted to, the purpose of the particular action under consideration. In particular, without the explicit and informed consent of the offender, it shall normally exclude information about the offence and the personal background, as well as any other information likely to have unfavourable social consequences, or to constitute an intrusion into private life.

#### **Chapter IV: Community participation**

45. The community, including private individuals and private and public organisations and services, shall be encouraged to participate in the effective implementation of community sanctions and measures.
46. Community participation shall be used to assist offenders to develop meaningful ties in the community, to broaden their opportunities for contact and support and to encourage the community to make a positive contribution to their social reintegration.
47. Appropriate information about the nature and content of community sanctions and measures as well as the various ways in which they are implemented shall be disseminated so that the general public can understand them and perceive them as adequate and credible responses to criminal behaviour.
48. As reintegration into the community is an important aim of community sanctions and measures, implementing authorities should work actively with local communities.
49. The work of the implementing authority shall be supplemented by using all appropriate resources existing in the community in order to find ways of meeting the needs of offenders. Maximum use shall also be made of participation by organisations and individuals drawn from the community.
50. Participating organisations and individuals drawn from the community shall undertake supervision only in a capacity laid down in law or defined by the authorities responsible for the imposition or implementation of community sanctions or measures. When doing so the deciding or implementing authorities shall preserve their overall responsibility for the proper carrying out of the community sanction or measure.
51. Participating organisations and individuals drawn from the community shall be bound by the demands of professional confidentiality and by respect for the rights of offenders.
52. Where the implementing authority engages directly with an organisation or individual to provide services for offenders subject to a community sanction or measure, an agreement will be drawn up which specifies, in particular, the nature of their duties and the way they are to be carried out .
53. Participating organisations and individuals drawn from the community shall have the right to express their opinion on matters falling within their competence as well as those concerning individual cases. They shall receive appropriate feedback information.

## **Chapter V: Consent, cooperation and enforcement**

54. A community sanction or measure shall only be imposed when the appropriate conditions or obligations have been decided upon and it is known that the offender is prepared to co-operate and comply with them.
55. Where the offender's consent is required it shall be informed and explicit.
56. Such consent shall never have the consequence of depriving offenders of any of their fundamental rights.
57. The consent of an accused person should be obtained before the imposition of any community measure to be applied before trial or instead of a decision on a sanction.
58. Any conditions or obligations specified in a community sanction or measure shall be determined taking into account the offenders' individual needs and circumstances, risks of reoffending (and in particular of causing serious harm) and their legitimate aspirations.
59. In addition to formal documentation, the offenders shall be clearly informed about the nature and purpose of the sanction or measure and the conditions or obligations that must be respected before the start of the implementation in a language they understand and, if necessary, in writing.
60. Since the implementation of a community sanction or measure shall be designed to secure the co-operation of the offender and to enable them to see the sanction as a just and reasonable reaction to the offence committed, offenders should participate, as far as possible, in decision-making on matters of implementation.

## **Chapter VI: Non-compliance**

61. At the start of the implementation of a community sanction or measure the offenders shall be informed about the content of the sanction or measure and what is expected of them. They shall also be informed of the consequences of non-compliance with the conditions and obligations stated in the decision and of the regulations under which they may be returned to the deciding authority in respect of non-compliance or inadequate compliance.
62. The implementing authority shall clearly define the procedures to be followed in the event of the offender's non-compliance or inadequate compliance with the requirements.
63. Minor transgressions which do not require the use of a procedure for revocation of the sanction or measure, shall be promptly dealt with by discretionary means or, if necessary, by an administrative procedure. In such cases, the offender must be given the opportunity to make comments. The procedure and outcome shall be written into the individual case record and explained promptly and clearly to the offender.
64. Any significant failure to comply with the conditions or obligations laid down in a community sanction or measure shall be promptly reported in writing to the deciding authority by the implementing authority.
65. Any written report on failure to comply with conditions or obligations shall give an objective and detailed account of the manner in which the failure occurred, and the circumstances in which it took place.
66. The decision to impose or revoke a community sanction or pre-trial measure shall be taken by an authority defined by law. This deciding authority shall only give a ruling on the modification or the partial or total revocation after making a detailed examination of the facts reported by the implementing authority.
67. Before deciding on the modification or partial or total revocation of a community sanction or measure, the deciding authority shall ensure that the offender has had the opportunity to examine the relevant documents and to present their case regarding the alleged violation of any condition or obligation imposed.



68. Failure to comply with conditions or obligations attached to the sanction or measure, which may under the legislation in force lead to the modification or partial or total revocation of the sanction or measure, shall not in itself constitute an offence.
69. Where the revocation of a community sanction or measure is being considered, due account shall be taken of the manner in which and the extent to which any conditions and obligations laid down have been complied with by the offender.
70. The decision to revoke a community sanction or measure shall not necessarily lead to a decision to impose imprisonment.
71. Any condition or obligation laid down in a community sanction or measure may be modified by the deciding authority, having regard to changes in circumstances and / or to progress made by the offender. An application to modify may be made by the offender or by the implementing authority.
72. The deciding authority should be able to terminate a sanction or measure before it is due to end when it is established that the offender has observed the conditions and obligations required and it appears no longer necessary to maintain them to achieve the purpose of the sanction or measure. The application to terminate on these grounds may be made by the offender or by the implementing authority.

## **Chapter VII: Staff, Organisation and resources**

73. The work of authorities responsible for the implementation of community sanctions and measures shall be based on an explicit policy statement describing their function, purposes and basic values.
74. The policy statement should be supplemented by service plans and practices devised with a view to raising the awareness of the various organisations and individuals involved in the implementation of community sanctions and measures concerning the importance of working towards common goals and sharing a mutual understanding of working methods.
75. Implementation agencies should have staff of high professional quality, recruited, trained and employed in accordance with the principles laid down in Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions and measures.
76. There shall be no discrimination in the recruitment, selection and promotion of professional staff on grounds of race, colour, ethnic origin, gender, sexual orientation, religion, political or other opinion, economic or social status.
77. Staff recruitment and selection should take into consideration specific needs of particular categories of persons and the diversity of the offenders to be supervised.
78. The staff responsible for implementation shall be sufficiently numerous to carry out their duties effectively. They shall possess the personal qualities and professional qualifications necessary for their functions.
79. The staff responsible for implementation shall have adequate training to enable them to have a realistic perception of their particular field of activity, their practical duties and the ethical requirements of their work. Their training should encourage them to contribute to an enhancement of their work. Their professional competence shall be regularly reinforced and developed through further training and performance reviews and appraisals.
80. Professional staff shall be appointed on such a legal, financial and working-hours basis, that professional and personal continuity is ensured, that the employees' awareness of official responsibility will be developed and that their status in relation to conditions of service is equal to that of other professional staff with comparable functions.
81. The implementing authorities shall ensure that salaries and conditions of service are commensurate with the staff's skills and responsibilities and comparable to staff in similar professions.
82. Professional staff shall be accountable to the implementing authority. This authority shall determine the duties, rights and responsibilities of its staff and shall arrange for the management and supervision of such staff and assessment of the efficiency and effectiveness of their work.

### ***Use of volunteers***

83. The implementing authority should consider the recruitment of individual volunteers to contribute to its work to enhance the involvement of the community in the implementation of sanctions and measures (in accordance with Chapter IV of these Rules).
84. Volunteers should not undertake work which should be carried out by professional staff.
85. The implementing authorities shall define criteria and procedures according to which individual volunteers drawn from the community are selected, informed about their tasks, responsibilities, limits of competence, accountability and other issues. Suitable training shall be provided.
86. Volunteers shall be guided and supported by professional staff and enabled to perform duties appropriate to their skills and interest within the boundaries of their role.
87. Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for necessary expenditures incurred in the course of their work.

### ***Financial resources***

88. The implementing authorities shall have adequate financial means provided from public funds. Third parties may make a financial or other contribution but implementing authorities shall never be financially dependent on them.
89. In cases where implementing authorities make use of third parties' financial contributions, there shall be rules defining the procedures to be followed, the persons invested with specific responsibilities in this matter, and the means for auditing the use of funds.

### **Chapter VIII: Complaints procedures, inspection, monitoring**

90. The implementing authority shall respond to and investigate complaints concerning the implementation of a sanction or measure. It shall responsibly and seriously consider an offender's request for a change of supervisor or other person charged with a duty concerning the offender.
91. A complaints procedure shall be available to an offender who wishes to complain against a decision concerning the implementation made by the implementing authority, or the failure to take such a decision.
92. The procedure for the initiation of complaints shall be simple. Complaints shall be examined promptly and decided on without undue delay.
93. The complaints authority or body shall obtain all necessary information to enable it to decide on the complaints. Careful consideration shall be given to the desirability of hearing the complainant in person, especially when he has expressed such a wish.
94. The decision of the complaints authority or body and the reasons for the decision shall be communicated in writing to the complainant and the implementing authority.
95. Permission to be assisted by a person of his choice, or if necessary by an officially appointed lawyer, where legislative provision is made for such assistance, may not be withheld from an offender who wishes to exercise a right of complaint against a decision concerning the implementation, of a community sanction or measure.

### **Chapter IX: Research, evaluation, work with media and the public**

96. New community sanctions and measures in accordance with internationally approved ethical standards may be introduced on a trial basis and their effect thoroughly evaluated.
97. Policy makers, legislators, judicial authorities and the general public should receive recurring information on the economic and social benefits accruing from a reduced recourse to imprisonment and an increased recourse to community sanctions and measures. There should be a declared public

relations policy concerning local media. The information should emphasise that community sanctions and measures can provide coherent/adequate punishment and adequate supervision in support of desistance. .

98. Any pilot projects undertaken should be carried out in accordance with the spirit of the European Rules on CSM and be carefully monitored and evaluated. Experimentation should be in accordance with the ethical standards of the international community.
99. Judicial authorities should be involved in the process of devising and revising policies on the use of community sanctions and measures, and should be informed about their results, with a view to ensuring widespread understanding in the judicial community of their nature.
100. Criteria of effectiveness should be laid down so as to make it possible to assess from various perspectives the costs and benefits associated with programmes and interventions with the aim of maximising the quality of their results. Standards and performance indicators for the execution of programmes and interventions should be established.
101. Research on community sanctions and measures shall be encouraged. They should be regularly evaluated. Programmes and interventions should be structured in accordance with knowledge derived from relevant research.
102. These Rules shall be updated regularly.

**Deleted: The following Rules have been deleted.**

**R (92) 16 on the European Rules on community sanctions and measures**

Rule 1 'The present rules shall be applied impartially.

Rule 2 'The definitions of terms in the glossary contained in the appendix are to be considered as an integral part of the rules.'

Rule 9 'Where the offender does not observe the conditions or obligations laid down in the decision subjecting him to a community sanction or measure, recourse to arrest and custody during the implementation shall be regulated by law.'

Rule 29 Where arrangements are made for the provision of help to the implementing authority in the form of appropriate supervising activities carried out against payment by organisations or individuals drawn from the community, responsibility for ensuring that the services provided meet the requirements of the present rules shall rest with the implementing authority. The implementing authority shall decide on the action to be taken if the help so provided does not meet these requirements.

Rule 79 was 'In any interview of administrative character concerning minor transgressions the offender shall be given the opportunity to make comments. The content of this interview and any other investigatory action shall be written into the individual case record and conveyed promptly and clearly to the offender.'

**Rec (2000) 22 on improving the implementation of the European Rules on community sanctions and measures**

Amendment of Rule 5 of Rec (92)16, first paragraph: Ordinarily no community sanction or measure shall be of indeterminate duration. Exceptionally, an indeterminate community sanction or measure may be imposed on offenders who, by reason of a serious prior or current offence in combination with a specific personal characteristic, manifestly pose a continuing grave threat to life, health or safety in the community. Legislative provision shall be made for the regular review of the imposition of such an indeterminate sanction or measure by a body independent of the executive and empowered by law to do. (See new Rule 1 and comments to it)

Rule 8 Particular attention should be paid to defining mitigating factors that would enable judicial authorities to avoid the use of imprisonment and impose a community sanction or measure instead.

Rule 9 Adequate services for the implementation of community sanctions and measures should be set up, given sufficient resources and developed as necessary with a view to securing the confidence of judicial authorities in the usefulness of community sanctions and measures, ensuring community safety, and effecting an improvement in the personal and social situation of offenders.

Rule 23. Special attention should be paid to the development of programmes and interventions for offenders who have relapsed into serious crime or who are likely to do so. In the light of recent research findings, such programmes and interventions should make use, in particular, of cognitive behavioural methods, i.e. teaching offenders to think about the implications of their criminal behaviour, increasing their self-awareness and self-control, recognising and avoiding the situations which precede criminal acts, and providing opportunities to practise pro-social behaviour.