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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

**First Draft Revision of the rules contained in
Recommendation N° R(92) 16
and Recommendation Rec (2000)22
and their updating and replacement by
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**

| New structure | Covering (roughly) |
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| Preamble | Preamble from both earlier Recommendations |
| I Basic Principles, scope and application | 92 (16) Chapter III 2000 (22), 11 |
| II Legal Framework | 92 (16) Chapter I 2000 (22), 1- 8 |
| III CSM implementation and methods | 92 (16) Chapter VIII Chapter IX 2000 (22), 19 - 23 |
| IV Community participation | 92 (16) Chapter VII |
| V Consent, cooperation, and consequences of non-compliance | 92 (16) Chapter IV Chapter X |
| VI Staff, Organisation and resources | 92 (16) Chapter V Chapter VI 2000 (22), 9 – 10, 11, 12, 17 |
| VII Complaints procedures, inspection, monitoring | 92 (16) Chapter II |
| VIII Research, evaluation, work with media and public | 92 (16) Chapter XI 2000 (22), 24 – 29; 13, 14 – 16, 18 |
| Glossary | |

Chapter I: Basic principles, scope and application

| | Please note that Rule numbers refer to 1992 Rules unless otherwise stated. |
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| <ol style="list-style-type: none">1. Sanctions and measures that are carried out in the community can provide supervision and adequate control without resorting to deprivation of liberty and can enhance the prospects of social inclusion on which desistance usually depends.2. A sufficient type and number of community sanctions and measures shall be provided for in law and be available 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 norms concerning human rights and fundamental freedoms.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.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 the community sanction or measure to a greater extent than necessarily follows from the decision imposing this sanction or measure. | <ol style="list-style-type: none">1. This is new. Need a clear initial statement of this type.2. This is developed later at Rule 13.3. This is developed later at Rule 19.4. This was Rule 21.5. This was Rule 20. This has been reworded to update.6. This was Rule 23.7. This was Rule 27. |

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| <p>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.</p> <p>9. The regular and external scrutiny of the work of the implementing authorities shall be provided for in law. This scrutiny shall be carried out by qualified and experienced persons.</p> | <p>8. This was Rule 10 and also echoed in Rule 86.</p> <p>9. This was Rule 11. It will be elaborated in Chapter VII and VIII of the revised text.</p> |
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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 of 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 the implementing 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.
13. 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 to imprisonment;
 - community service (i.e. unpaid work on behalf of the community);
 - victim compensation, reparation, mediation and other restorative justice measures;
 - treatment orders for drug or alcohol misusing offenders and those suffering from a mental disturbance that is 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

14. Non-custodial sanctions or measures should be considered in law as

10. Rule 3 was: 'The definition, adoption and application of community sanctions and measures shall be laid down in law.'

11. Rule 4 was 'The conditions and obligations of community sanctions and measures which are fixed by the deciding authority shall be defined by clear and explicit legal provisions, as shall the consequences of non-observance of these conditions and obligations.'

12. These were Rules 7 and 8.

13. This is amended and abbreviated version of Rec (2000)22, Rule 1.

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| <p>primary sanctions for certain offences and such provisions shall be implemented in practice.</p> <p>15. 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.</p> <p>15a. Rights to benefits in any existing social security system shall not be limited by the imposition or implementation of a community sanction or measure.</p> <p>16. 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.</p> <p>17. Rationales for sentencing should be established, where constitutional principles and legal traditions so allow, and reviewed with a view to, <i>inter alia</i>, reducing the use of imprisonment, expanding the use of community sanctions and measures and providing for compensation to victims.</p> | <p>14. This was Rec (2000)22, Rule 2.</p> <p>15. This was Rec (2000)22, Rule 3: 'Consideration should be given to reviewing and reducing formal provisions that prevent the use of community sanctions and measures with serious and repeat offenders.'</p> <p>15a. This was Rule 28.</p> <p>16. This was Rule 5. Second paragraph of Amendment to Rule 5 (Rec (200)22) is incorporated here as well.</p> <p>17. This was Rec (2000)22, Rule 6</p> |
| <p>Sentencing</p> <p>18. 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, or by an organisation laid down in law.</p> <p>19. 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.</p> <p>20a. Judicial authorities and the staff of implementation services should create channels of communication that make for the regular discussion of the practical aspects of recommending and implementing community sanctions and measures.</p> | <p>18. This was Rule 56.</p> <p>19. This was Rule 6.</p> <p>20a. This was Rec (2000)22, Rule 16.</p> |

Chapter III: CSM implementation and methods

| <i>General</i> | |
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| 20. 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. | 20. These were Rules 30 and 55. |
| 21. 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, as shall assistance to secure those rights and 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. | 21. This was Rule 57. The text has been reworded. |
| 22. 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 supervisor. | 22. This was Rule 58. The text has been reworded. |
| 23. Instructions of the implementing authority issued for the implementation of the decision on the sanction or measure shall be practical and precise. | 23. This was Rule 73. |
| 24. The implementation of community sanctions and measures shall be based on the management of individualised programmes and the development of appropriate working relationships between the offender, the supervisor and any participating organisations or individuals drawn from the community. | 24. This was Rule 70. |
| 25. 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 to occur. | 25. This was Rule 71. |
| 26. Where an individual is found to be in need of particular personal, social or material assistance in relation to implementation, fair and proper | 26. This was Rule 72. It has been reworded. |

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| <p>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.</p> <p>27. 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 proportion to the sanction or measure and limited by its aims.</p> <p>28. Implementing authorities shall use methods of work which are consistent with proven professional standards.</p> <p>29. The costs of implementation shall not be borne by the offender.</p> | <p>27. This was Rule 74.</p> <p>28. This was Rule 75. The second sentence raises matters that are fully covered in Chapter VIII of the new text.</p> <p>29. This was Rule 69. See also Rule 11, Recommendation (2014)4 on electronic monitoring</p> |
| <p>Methods of work</p> <p>30. Programmes and interventions for offender reintegration should be based on a variety of methods. Where probation services deal also with former prisoners there should be an integrated approach which ensures continuity of care and an integrated approach based on close co-operation with the prison service. When designing programmes and interventions, in the context of community sanctions and measures, special attention should be given to their likely impact on offenders, in particular concerning:</p> <ul style="list-style-type: none"> - social skills (e.g. basic literacy and numeracy, general problem solving, dealing with personal relationships, pro-social behaviour); - educational or employment situation (e.g. basic literacy and numeracy; generic skills needed to gain and retain employment) - substance misuse, physical or mental health needs, social reintegration (e.g. family ties, accommodation needs) <p>31. 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.</p> | <p>30. This was Rec (2000)22, Rule 21. It was been reworded.</p> <p>31. This was Rec (2000)22, Rule 22. It has been reworded. The explanation (and the point made in the final sentence) would be better in the Explanatory</p> |

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| <p>32. Tasks provided for offenders doing unpaid work / community service shall not be pointless, but shall be socially useful and meaningful and enhance the offender's skills as much as possible.</p> <p>33. Community work shall not be undertaken for the purpose of making profit for any enterprise.</p> <p>34. Working and occupational conditions of offenders carrying out community work 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.</p> | <p>Memorandum.</p> <p>32. This was Rule 67.</p> <p>33. This was Rule 67. (There are two Rules here now because the old Rule 67 was making two quite distinct points.)</p> <p>34. This was Rule 68.</p> |
| <p>Case records and personal information</p> | |
| <p>35. Individual case records shall be established by the implementing authority. They shall be kept up to date so that, <i>inter alia</i>, any necessary report can be prepared about the offender's compliance with the conditions or obligations of the sanction or measure.</p> | <p>35. This was Rule 60.</p> |
| <p>36. 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.</p> | <p>36. This was Rule 61.</p> |
| <p>37. The supervisor of an offender shall ordinarily inform him of the content of the case record and any reports made and explain the content to him.</p> | <p>37. This was Rule 63.</p> |
| <p>38. The offender, or a person acting on behalf of the offender, shall have access to his individual case record to the extent that it does not infringe the right to privacy of others.</p> | <p>38. This was Rule 62.</p> |
| <p>39. The offender shall have the right to contest the content of the case record. The substance of the contestation shall be written into the case record.</p> | <p>39. This was Rule 62.</p> |
| <p>40. 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 from a case record.</p> | <p>40. This was Rule 64.</p> |

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| <p>Data protection and confidentiality (see EM)</p> <p>41. 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.</p> <p>42. 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 exclude information about the offence and his personal background, as well as any other information likely to have unfavourable social consequences, or to constitute an intrusion into private life.</p> | <p>41. This was Rule 65.</p> <p>42. This was Rule 66</p> |
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Chapter IV: Community participation This revised section concerns the community and its organisations. There is a further sub-section on volunteers in Chapter VI.

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| <p>43. 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.</p> <p>44. 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.</p> <p>45. 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 reactions to criminal behaviour.</p> <p>46. As reintegration into the community is an important aim of community sanctions and measures implementation services should actively co-</p> | <p>43. This is a new way of putting it, although Rule 44 implied something like this.</p> <p>44. This was Rule 46.</p> <p>45. This was Rule 44.</p> <p>46. This was Rec (2000)22, Rule 17.</p> |
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| <p>operate with local communities.</p> <p>47. 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.</p> <p>48. 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.</p> <p>49. 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.</p> <p>50. 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.</p> <p>51. Participating organisations and individuals drawn from the community shall be heard on matters of general character falling within their competence as well as those concerning individual cases. They shall receive appropriate feedback information.</p> | <p>47. This was Rule 45.</p> <p>48. This was Rule 48.</p> <p>49. This was Rule 52</p> <p>50. This was Rule 47. Now reworded.</p> <p>51. This was Rule 54.</p> |
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Chapter V: Consent, cooperation and enforcement (Check the Probation Rules)

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| <p>52. A community sanction or measure shall only be imposed when it is known what conditions or obligations might be appropriate and whether the offender is prepared to co-operate and comply with them.</p> <p>53. Where the offender's consent is required it shall be informed and explicit.</p> <p>54. Such consent shall never have the consequence of depriving the</p> | <p>52. This was Rule 31.</p> <p>53. This was Rule 36.</p> <p>54. This was Rule 36, but declares a distinct principle.</p> |
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| <p>offender of any of his fundamental rights.</p> <p>55. 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.</p> <p>56. Any conditions or obligations specified in a community sanction or measure shall be determined taking into account the offender's individual needs and circumstances, risks of reoffending (and in particular of causing serious harm) and his legitimate aspirations.</p> <p>57. In addition to formal documentation, the offender 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 he understands and, if necessary, in writing.</p> <p>58. Since the implementation of a community sanction or measure shall be designed to secure the co-operation of the offender and to enable him to see the sanction as a just and reasonable reaction to the offence committed, the offender should participate, as far as possible, in decision-making on matters of implementation.</p> | <p>55. This was Rule 35.</p> <p>56. This was Rule 32.</p> <p>57. This was Rule 33.</p> <p>58. This was Rule 34.</p> |
| <p>Non-compliance</p> <p>59. At the start of the implementation of a community sanction or measure the offender shall be informed about the content of the sanction or measure and what is expected of him. He shall also be informed of the consequences of non-compliance with the conditions and obligations stated in the decision and of the rules under which he may be returned to the deciding authority in respect of non-compliance or inadequate compliance with the requirements of the sanction or measure.</p> <p>60. 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.</p> <p>61. 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</p> | <p>59. This was Rule 76.</p> <p>60. This was Rule 77.</p> <p>61. This was Rule 78.</p> |

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| <p>comments. The procedure and outcome shall be written into the individual case record and explained promptly and clearly to the offender.</p> | |
| <p>62. 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.</p> | <p>62. This was Rule 80.</p> |
| <p>63. 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.</p> | <p>63. This was Rule 81.</p> |
| <p>64. 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.</p> | <p>64. This combines Rule 12 and Rule 82.</p> |
| <p>65. 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 his comments on the alleged violation of any condition or obligation imposed.</p> | <p>65. This was Rule 83.</p> |
| <p>66. 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.</p> | <p>66. This was Rule 84.</p> |
| <p>67. 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.</p> | <p>67. This was Rule 85.</p> |
| <p>68. The decision to revoke a community sanction or measure shall not necessarily lead to a decision to impose imprisonment.</p> | <p>68. This was Rule 86.</p> |
| <p>69. Any condition or obligation laid down in a community sanction or measure may be modified, having regard to changes in circumstances and to progress made by the offender, by the deciding authority in accordance with the legislation in force. The application to modify on these grounds may be made by the offender or by the implementing</p> | <p>69. This was Rule 87. Reworded</p> |

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| <p>agency.</p> <p>70. 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 agency.</p> | <p>70. This was Rule 88.</p> |
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Chapter VI: Staff, Organisation and resources

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| <p>71. The work of the agencies responsible for the implementation of community sanctions and measures shall be based on an explicit policy statement describing their function, purposes and basic values. This statement should include such matters as offenders' obligations and rights, the effective delivery of interventions and programmes for the resettlement of offenders, the legitimate interests of victims, organisational responsibility for community safety, and collaboration with the staffs of prisons, relevant agencies and organisations, and individuals drawn from the community.</p> <p>72. 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.</p> <p>73. 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.</p> <p>74. 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. Staff recruitment and selection should take into consideration specific policies on behalf of particular categories of persons and the diversity of the offenders to be supervised.</p> | <p>71. This was Rec (2000)22, Rule 11.</p> <p>72. This was Rec (2000)22, Rule12.</p> <p>73. This was Rec (2000)22, Rule 10.</p> <p>74. This was Rule 37. Revised and updated and also brought so far as possible in line with new Rule 5 above.</p> |
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| <p>75. The staff responsible for implementation shall be sufficiently numerous to carry out effectively their duties. They shall possess the personal qualities and professional qualifications necessary for their functions. Norms and policies shall be developed to ensure that the quantity and quality of staff are in conformity with the amount of work and the professional skills and experience required for their work.</p> <p>76. The staff responsible for implementation shall have adequate training and be given information that will 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.</p> <p>77. 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. New rule. The implementing authorities shall ensure that salaries and conditions of service are commensurate with these of other civil services and with the staff's skills and responsibilities.</p> <p>78. Professional staff shall be accountable to the implementing authority set up by law. This authority shall determine the duties, rights and responsibilities of its staff and shall arrange for the supervision of such staff and assessment of the effectiveness of their work.</p> | <p>75. This was Rule 38.</p> <p>76. This was Rule 39.</p> <p>77. This was Rule 40.</p> <p>78. This was Rule 41.</p> |
| <p>Use of volunteers</p> <p>79. 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).</p> <p>80. Volunteers should not undertake work which should be carried out by professional staff.</p> | <p>79. This is a new Rule. New section on volunteers – a term preferred to 'individuals drawn from the community'. There is a distinction between referring offenders to community organisations and individuals <i>in situ</i> and, on the other hand, recruiting people to work for the agency on a voluntary basis.</p> <p>80. This was Rule 49.</p> |

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| <p>81. 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.</p> <p>82. 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.</p> <p>83. 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.</p> <p>Financial resources</p> <p>84. 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.</p> <p>85. 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.</p> | <p>81. This was Rule 50.</p> <p>82. This was Rule 51.</p> <p>83. This was Rule 53.</p> <p>84. This was Rule 42.</p> <p>85. This was Rule 43.</p> |
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Chapter VII: Complaints procedures, inspection, monitoring

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| <p>86. The implementing authority shall respond to and investigate complaints concerning the implementation of a sanction or measure imposed on the offender. 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.</p> <p>87. The offender shall have the right to make a complaint 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.</p> | <p>86. This was Rule 59.</p> <p>87. This was Rule 13.</p> |
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| <p>88. 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.</p> <p>89. The procedure for the initiation of complaints shall be simple. Complaints shall be examined promptly and decided on without undue delay.</p> <p>90. 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.</p> <p>91. 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.</p> <p>92. 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 imposition, modification or revocation of a community sanction or measure, or against a decision concerning the implementation of such a sanction or measure.</p> | <p>88. This was Rule 15.</p> <p>89. This was Rule 16.</p> <p>90. This was Rule 17.</p> <p>91. This was Rule 18.</p> <p>92. This was Rule 19.</p> |
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Chapter VIII: Research, evaluation, work with media and the public

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| <p>93. New community sanctions and measures in accordance with internationally approved ethical standards may be introduced on a trial basis and their effect thoroughly evaluated. The introduction of community sanctions and measures should be supported by active attempts to win the understanding and confidence of judicial authorities and the general public.</p> <p>94. Political and administrative leaders 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 involve the effective supervision and control of offenders.</p> | <p>93. This replaces Rec (2000)22, Rule 4: Provision should be made for introducing new community sanctions and measures on a trial basis in accordance with internationally approved ethical standards. <i>and</i> 18 The introduction of sanctions and measures enforced in the community into legislation and practice should be accompanied by vigorous public relations campaigns with a view to winning public support.</p> <p>94. This was Rec (2000)22, Rule15.</p> |
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| <p>95. 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.</p> | <p>95. This was Rec (2000)22, Rule 5.</p> |
| <p>96. 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.</p> | <p>96. This was Rec (2000)22, Rule 16.</p> |
| <p>97. 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.</p> | <p>97. This was Rec (2000)22, Rule 19.</p> |
| <p>98. Programmes and interventions should be structured in accordance with knowledge derived from relevant research and delivered by trained staff.</p> | <p>98. This was Rec (2000)22, Rule 20.</p> |
| <p>99. Research on community sanctions and measures shall be encouraged. They should be regularly evaluated.</p> | <p>99. This was Rule 89.</p> |
| <p>100. Evaluation of community sanctions and measures should include, but not be limited to, objective assessment of the extent to which their use:</p> <ul style="list-style-type: none"> - conforms to the expectations of law makers, judicial authorities, deciding authorities, implementing authorities and the community concerning the goals of community sanctions and measures; - contributes to a reduction in the rates of imprisonment; - enables the offence-related needs of offenders to be met; - is cost-effective; - contributes to the reduction of crime in the community <p>101. Renewed consideration should be given to making legislative provision for the regular and independent review of the work of implementing authorities by experienced persons as required by the European Rules.</p> | <p>100. This was Rule 90.</p> <p>101. This was Rec (2000)22, Rule 13.</p> |
| <p>102. These Rules shall be updated regularly.</p> | <p>102. New rule, taken from the European Prison Rules.</p> |

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 25 A community sanction or measure shall never involve medical or psychological treatment or procedures which are not in conformity with internationally adopted ethical standards.

Rule 26 The nature, content and methods of implementation of a community sanction or measure shall not involve undue risk of physical or mental injury.

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.