



Council of Europe
Conseil de l'Europe

WORK IN PROGRESS

Council for Penological Co-operation (PC-CP)
Nadya Radkovska (Bulgaria)
Chair/Presidente

European Committee on Crime Problems
(CDPC)

84TH Plenary meeting

Strasbourg, 20-22 November 2023

Council of Europe
Conseil de l'Europe



<https://www.coe.int/en/web/prison/council-for-penological-co-operation>

General conclusions & recommendations

- **Medical care is an urgent** and challenging matter in all the European prison services.
- The rates of psychological and psychiatric disorders in prison and probation is increasing, **which calls for new mechanisms and understanding** among the criminal justice system and different stakeholders about the treatment of those persons, especially valid after release from custody.
- **New after care interventions** upon and after release should be designed in order to reduce or prevent future risks and strengthen opportunities **for normal life in society**.
- **Drugs** in prison and probation populations **represent an important issue**, as a large part of those populations use (or have used) drugs and many suffer from health problems.
- The **digital transformation** and staggering developments in artificial intelligence are **affecting the prison and probation services**, just as they are affecting all other areas of society. This offers significant **opportunities**, but also raises some **fundamental questions**.
- The **staff** remain the most **important foundation** for the effectiveness of our correctional services. Unfortunately, the prison profession for example is not perceived in many jurisdictions as prestigious and attractive.
- **Transforming corrections requires transformational leadership**, able to reflect the new challenges and to create change in the organisation and creating an inspiring environment for prisons and probation staff .
- **Human rights, Democracy and the Rule of law** - values that need to be actively protected in a Europe where these values are now challenged in many countries.



29th COUNCIL OF EUROPE CONFERENCE OF DIRECTORS OF PRISON AND PROBATION SERVICES (CDPPS)

***"Human Rights, Democracy and the Rule of
Law at the Heart of Prisons and Probation"***
Sofia (Bulgaria), 24-25 June 2024





Suggestions for workshops:

- Combatting organised crime groups
- Managing returnees and their families
- Autonomy of prisoners
- The role of victims in the rehabilitation process
- Dealing with life-long sentences and high security regimes
- Net-widening in probation

Any proposals 😊



PC-CP Working Group meetings

- **31st Working Group Meeting, Strasbourg, 7-9 February 2023**
- **32nd Working Group Meeting, Strasbourg, 3-5 April 2023**
- **33rd Working Group Meeting, Strasbourg, 19-21 September 2023**



13th Plenary Meeting Paris, 10-12 October 2023

app. 68 participants

Other participants – CEP, EuroPris, ECHR, CPT, EFRJ.

- Final draft Recommendation on the ethical and organisational aspects of the use of AI by the prison and probation services.
- Draft Recommendation on the management of persons with mental disorders and the promotion of positive mental health by the prison and probation service



Conclusions

Had a round table discussion regarding how to proceed with the adoption of the Recommendation. **The majority of delegations** present and online noted that the Recommendation on AI was on the PC-CP agenda since 2019 already, that it is at its final stage of finalisation, contains a number of very useful advice expected by the prison and probation services which are in urgent need of guidance in this area, that its adoption was already postponed once to wait for the adoption of the Framework Convention.

The delegations further noted that in accordance with the PC-CP current Terms of Reference (ToR) this work needs to be done by the end of 2023 and that this task is not contained in the next ToR. In addition, the coordination with the CAI Secretariat regarding the alignment of the text is constant, comparison between the Recommendation and the Framework Convention has taken place at this stage, **the provisions are specifically targeted to the prison and probation services and are not of a general nature as are the ones in the draft Convention.** Therefore, the delegations decided to request the CDPC plenary to approve the Recommendation and send it to the Committee of Ministers for adoption in a due course.



State of Play

CM Recommendation on the Ethical and Organisational
Aspects of the Use of Artificial Intelligence and related
Digital Technologies by Prison and Probation Services
(draft)
FOR APPROVAL

CM Recommendation on the management of persons
with mental disorders and the promotion of positive
mental health by the prison and probation service (draft)
2024



The draft Recommendation on Ethical and Organisational aspects of the Use of Artificial Intelligence and related Digital Technologies by Prison and Probation Services



The recommendation seeks to provide guidance related to the ethical and organisational aspects of the use of artificial intelligence (AI) and related digital technologies in prisons and by the probation services.

Artificial intelligence” (AI) systems means systems that is either software-based or embedded in hardware devices, and that displays intelligent behaviour by, inter alia, collecting and processing data, analysing, and interpreting its environment, and by taking action, with some degree of autonomy, to achieve specific goals.



Key points

- AI and related digital technologies should be used **when and if they contribute to bringing positive change** in offenders, assist prison and probation staff in their everyday work and help advance the effectiveness of the criminal justice system.
- **Human contact is essential** in the prison and probation work and should never be replaced simply because it can be done, but because this is the only way in which staff can be assisted in better achieving safety, security, good order or improve reintegration prospects of offenders.
- These tools need to be commissioned for design, development and maintenance to **carefully selected and vetted private companies**, working in close co-operation with the prison and probation services. These companies should be made aware that high ethical norms and principles and strict professional rules should be respected, and that the main driver should be rehabilitating offenders and not making profits.



Basic principles

- 1. Principle of respect for human dignity and fundamental rights**
- 2. Principle of legality legal certainty and liability**
- 3. Principle of equality and non-discrimination**
- 4. Principle of necessity, proportionality and efficacy of AI**
- 5. Principle of good governance, transparency, traceability and explicability**
- 6. Principle of the right to a human review of decisions**
- 7. Principle of quality, trustworthiness and security**
- 8. Principle of human-centred use of AI and related digital technologies**
- 9. Principle of “AI and digital literacy”**



CM Recommendation on the management of persons with mental disorders and the promotion of positive mental health by the prison and probation service (draft)

This Recommendation shall apply to the promotion of the mental health and the management of prisoners and probationers with mental disorders by prison and probation services.

Prisoners and probationers shall promptly receive the support they need to maintain, protect and improve their mental health, with respect for their human dignity.

Prisoners and probationers shall have access to mental healthcare that is at least of equivalent quality to that provided for the general population.



Primary Intervention

Primary intervention shall include taking the following proactive measures to prevent the onset of mental health problems among prisoners and probationers:

- ✓ Generating a supportive and caring environment;
- ✓ Providing access to mental health services from admission to imprisonment and probation onwards;
- ✓ Offering information and education on mental health;
- ✓ Acknowledging and where possible addressing social determinants of mental health.
- ✓ Offering access to physical activities and programs that promote well-being;
- ✓ Supporting prosocial and community contacts; and
- ✓ Providing support for re-entry into the community.



Secondary Intervention

Secondary intervention shall include taking the following proactive measures to identify and treat mental health problems among prisoners and probationers at an early stage, before they become more severe:

- ✓ Screening for mental health problems;
- ✓ Offering timely and effective treatment;
- ✓ Providing crisis intervention services; and
- ✓ Monitoring and evaluating mental health services.



Tertiary Intervention

Tertiary intervention shall include taking the following proactive measures to manage and treat mental health problems that have become more severe or chronic among prisoners and probationers:

- ✓ Providing access to intensive mental health services;
and
- ✓ Addressing substance use.



Management of mental disorders

Screening

Assessment

Treatment

Crisis intervention

Staff

Training

Information and research



Terms of Reference 2024 - 2027

1. Draft Recommendation on the management of persons with mental disorders and the promotion of positive mental health by the prison and probation service (31/12/2024)
2. Updated CM/Recommendation (89)12 on education in prison (including also offenders under probation) (31/12/2025)
3. Reviewed and updated commentary to Recommendation CM/Rec(2012)12 on foreign prisoners (31/12/2026)
4. Revision of the Council of Europe Probation Rules (31/12/2027)
5. Annual collection and publication of the Annual Council of Europe Penal Statistics (SPACE I and SPACE II) 31/06 of each year
6. Annual Council of Europe Conference of Directors of Prison and Probation Services 31/10 of each year



Elections

Four new members of the PC-CP WG
New Chair and Vice - Chair





Time to say goodbye

Thank you for your kind attention!

www.coe.int/prison

