COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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COUNCIL FOR PENOLOGICAL CO-OPERATION

(PC-CP)

REPLIES TO THE QUESTIONNAIRE & SURVEY ON ARTIFICIAL INTELLIGENCE

BELGIUM

Belgian Prison Service

1. Belgium, Ministry of Justice, Prison Administration, direction ICT/digitization detention service
2. Director ICT/DDS
3. AI is not yet used within our administration
4. This wasn't the case for AI, but for the broader approach to digitization of detention
5. No
6. At the moment this is not one of the priorities indicated by the general policy
7. does not apply
8. AI is not a priority for our organisation

BULGARIA

1. Which country/jurisdiction do you work in/represent?

General Directorate ”Execution of Sentences”

2. What is your job title?

Inspector Georgi Mitev - Inspector in the International Co-operation Unit, GDES

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

Currently, the General Directorate ”Execution of Sentences”, prisons and probation services do not use artificial intelligence.

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

During the COVID-19 pandemic, the use of online communication expanded, but not the use of artificial intelligence.

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

Due to the specific nature of artificial intelligence, its introduction and use is not envisaged at this time.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

Employees of General Directorate “Execution of Sentences” do not receive training that includes topics related to artificial intelligence and its use.

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

In the Republic of Bulgaria, the use of artificial intelligence in prisons and probation, as well as for recruitment or training purposes, is not yet regulated by law.

6. What are the impediments to AIs deployment by your service?

The specific conditions of detention and probation require a detailed study of the possible application of artificial intelligence.

CZECH REPUBLIC

1. Which country/jurisdiction do you work in/represent?

Czech republic / Probation Service / Probation and Mediation Service

2. What is your job title?

Head of the Department of Analysis

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

Yes, we're preparing of using AI for risk and need assessment of offenders (SARPO PMS). We're preparing application within manual coding of the system of the assesment of offenders.

We've avaliable validated formulas and we're preparing a integration of data-colectors into our information system

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicatewhether this was the case also regarding additional budget allocated and quicker decision- taking regarding the use of AI.

No, COVID-19 hasn't impact to this process of the deployment of AI tools (neither a budget or a decision-making).

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned orlikely to start using such tools in the near future? (please specify time-wise and for what useof AI tools this is planned)

We're planning launching SARPO PMS in September 2022 with start of new information system.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

Low level. Our Staff works only with inputs and outputs of systems. We aren't training skills in these topics.

5. What are the drivers of deploying AI in prisons, probation and youth justice in yourcountry?

- **Process standardization activities**
- **Process automation activities**
- **Optimization of currently inadequate human resources**

6. What are the impediments to AIs deployment by your service?

- **Distrust of information technology**
- **Financial resources**
- **Human resources**
- **Administrative complexity of contracts especially from the IT**
- **If you need further information, please don't hesitate to contact us.**

7. Where would you see AI as most useful in your organization and what benefits are you especially looking for?

There are a few main fields in which the Prison Service of the Czech Republic sees the use of AI as the most beneficial:

- **Prevention of suicidal and violent behaviour among inmates (based on behaviour patterns monitoring);**
- **Risk situations analysis - using AI instead of panic buttons etc.;**
- **Creation of statistical and analytical data sets;**

- **Sorting inmates into prison types - based on capacities, risk and need assessment and/or requirements on treatment;**
- **Monitoring of inmates´ movement inside the prison - biometric checkpoints;**
- **Education of inmates - e-learning upgrade;**
- **Management of treatment programmes;**
- **Electronical/automated shifts planning taking into consideration variable factors;**
- **Health-care assistants/robots.**

The main benefits of the AI use we see are the savings of human resources, time optimization of processes and prevention of human unintentional faults.

8. What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

There has to be a system of checks and balances regarding AI outcomes and the procedure leading to it, i.e. how the outcome was created and/or what data was used. Input data has to be closely monitored and algorithms have to be checked as well. The system of checks and balances should be unified across states and nations as well as the system for outcome control.

We don´t see direct ethic risks if the AI is used as controlled supportive tool. Still, there are features that have to be taken into consideration while implementing AI systems:

- **Reliability and security;**
- **Privacy protection;**
- **Transparency (user-friendly systems);**
- **Responsibility of the creators;**
- **Supervision and control;**
- **Defined data use;**
- **Defined time of data use.**

FINLAND

1. Finland, Criminal Sanctions Agency

2. Project Manager

1. No

2. Covid-19 has speeded up the need for digital solutions in general. Criminal Sanctions Agency has started collaboration with the Ministry of Finance's new national artificial intelligence project / network called Aurora AI. More information here: https://vm.fi/en/national-artificial-intelligence-programme-auroraai

3. Criminal Sanctions Agency has started its own AI project called "RISE AI". This is an application for our new offender management system (OMS) and its purpose is to help sentence planning process of offenders by analysing their risks, needs and other relevant background information to orient them to most suitable services and programs to reduce recidivism. RISE AI is a recommender system that uses machine learning in the described process of offender management. The project is financed by the Ministry of Finances and it is collaborating with their Aurora AI project. The aim is to use both RISE AI and Aurora AI service recommendation AI tools to help offender management by recommending services to them during and after their sentence. RISE AI is meant for all offenders in prison and probation.

4. Criminal Sanctions Agency has no own training but Aurora AI basic course in the joint Moodle e-learning platform for governmental offices is recommended to Criminal Sanctions Agency's staff too. We have also recommended basic course in AI by Helsinki University (Elements of AI: https://www.elementsofai.com/) for all staff and offenders. Offenders have participated in this course from the joint use workstations that we have in all our units (both prisons and probation offices).

5. Drivers are f.ex. cost-effectiveness, e.g. more effective use of staff resources and resources in units / services. Better offender and risk management: a new and statistically based tool for staff working in offender assessment. Offenders are directed to services and activities that better meet their risk levels and criminogenic needs, the compatibility of the offenders' needs and their rehabilitation and its impact on the risk of recidivism would thereby improve -> better use of sentence time and reduce risk of recidivism.

6. Impediments: lack of knowledge and resources (financing). Data protection and GDPR issues that might make it more difficult to implement solutions using sensitive data. Ethical questions regarding use of AI like the risk for algorithmic discrimination and lack of national legislation and ethical guidance for the use of AI in general. Criminal Sanctions Agency should first make choices on a more strategic level to enable broader AI development. However, the situation is changing slowly on legislative level too, following Aurora AI development and other international / national trends towards use of AI.

The use of AI in prison and probation services

The PC-CP Working Group is collecting information about the potential use of AI in prison and probation services and asking what kind of ethical concerns organizations have related to the AI-technology. The Criminal Sanctions Agency of Finland gladly share its knowledge and thoughts on AI's potential and risks.

AI's potential and benefits in prison and probation services

- The concept of artificial intelligence is broad and ambiguous. In our organization, the greatest potential of using AI is connected to administrative processes. It is possible to optimize workflows, which can lead to better and more effective decision-making and efficient resource allocation. Large amounts of data can be processed with AI-technology and used to predict future organizational capacity. These are the "low hanging fruit" opportunities to derive value inprison and probation services.

- Artificial intelligence and automatic decision-making can be used particularly in administrative decision-making, which do not require discretion but follows a certain formula.

- Security technology is another area where the potential for utilizing artificial intelligence is significant. AI can be used for identifying inmates risk behavior by utilizing location information.

- Artificial intelligence can also be used in business intelligence by analyzing all the data that has been collected and delivering real time recommendations.

Ethical concerns in AI deployment

- The use of AI requires high-quality data. Otherwise, decision-making and conclusions may be biased. Finland has high-quality information resources, which is why Finland is considered to have the potential to become one of the leaders in the use of AI.

- Algorithms must be transparent. When using machine learning technology, this is challenging and can be an impossible task.

- The organization may not have a sufficient understanding of the application of the technology. There is a global shortage of artificial intelligence professionals, so there is a risk that critical skills will have to be outsourced.

- Liability for acts in office is not clear when using AI in public sector. Who is responsible whensomething goes wrong and automatic decision-making is not equitable?

- It can be difficult to find a right balance between security and the data protection and privacy of inmates.

FRANCE

Usage de l'intelligence artificielle par les services pénitentiaires

Aujourd'hui, seule l'ENAP s'est saisie de l'intelligence artificielle dans le cadre de la formation. L'Ecole participe à une recherche action qui vise à créer et évaluer l'utilisation d'un avatar dans la formation des personnels d'insertion et de probation. Cet avatar permettra aux CPIP de s'entrainer à la formulation des questions à poser aux PPSMJ dans le cadre des entretiens d'évaluation. La mise en place de cet outil de formation est attendu pour l'année 2023. La recherche qui est menée sur une durée de 3 ans est menée avec l'Université de Montréal, l'Université de Lille et une école d'ingénieurs de Brest.

A) Dans quels domaines l'intelligence artificielle semble-t-elle la plus utile dans votre organisation et quels avantages souhaitez-vous en retirer ?

- Le traitement des modifications horaires en temps réel

Le traitement des modifications horaires pour les personnes placées en semi-liberté ou sous surveillance électronique peut être chronophage pour le SPIP. Si certaines demandes requièrent une vigilance et une analyse particulière, il apparait que les demandes liées au travail de la personne puissent être traitées par l'intelligence artificielle. On pourrait envisager que la personne fournisse une demande dans laquelle est précisée l'adresse du domicile ou du centre de semi-liberté, le lieu de travail, les horaires et dates sollicités ainsi que son contrat de travail et/ou planning. Une fois les documents scannées, l'IA pourrait proposer des horaires autorisés de sortie en tenant compte des temps de trajet et du planning de travail.

On pourrait par ailleurs imaginer une vérification du contrat de travail : via le numéro de SIRET, l'adresse, l'IA pourrait repérer des incohérences dans un contrat de travail et peut être mettre en exergue un contrat de travail falsifié.

Le travail du SPIP serait ainsi facilité, le CPIP restera toutefois en charge de contrôler la proposition faite par l'IA (notamment pour vérifier que les horaires suggérés ne modifient pas l'équilibre de la mesure) et en tout état de cause il garderait la main pour soumettre au magistrat les situations qui le nécessitent (cas de certains changements liés à l'emploi, ou demande hors cadre professionnel).

Avantage également pour la personne placée puisque les demandes pourraient être traitées en temps réel. Par ailleurs en cas d'absence du CPIP référent, pourrait imaginer que la vérification se fasse par le CPIP de permanence.

L'IA pourrait ainsi être intégrée dans PRISME pour la partie SPIP mais aussi dans SAPHIR pour la surveillance électronique.

- **Le Chat bot**

Un système d'assistant virtuel pourrait être utilisé tant par les professionnels que par les PPSMJ.

Pour les PPSMJ, l'assistant virtuel pourrait leur permettre de poser des questions qui sont habituellement posées au professionnel (ex : question au CPIP pour connaître date prochain RDV, question pour connaître les horaires de sortie du WE etc …) et d'obtenir une réponse adaptée à sa situation.

- **Traitement des RSP**

Les rapports RSP transmis par le SPIP en vue d'une CAP retracent en grande partie les démarches de la personne sur une période donnée, dans certains domaines (activités, démarches d'insertion, soins, indemnisation des parties civiles paiement au TP …). Dans l'idée d'une responsabilisation de la PPSMJ, un formulaire pourrait prochainement leur être remis afin qu'elle précise les démarches effectuées sur la période examinée. On pourrait imaginer que les données indiquées par la PPSMJ soient comparées aux documents remis, afin de vérifier en premier lieu la véracité des éléments avancés.

- **La sécurité lors des entretiens**

L'IA pourrait détecter lors des entretiens les attitudes que pourraient avoir les personnes suivies, notamment des attitudes de violence. Cela pourrait générer une alarme (sous le contrôle de la personne avec qui l'entretien a lieu, par la voix par exemple). On peut imaginer que le bouton poussoir ne soit pas accessible ou n'existe pas et que le professionnel puisse par la voix générer une alarme.

- **Outil de planification des rendez-vous**

L'IA pourra choisir de façon optimale la prise de rendez-vous entre les différents acteurs d'un SPIP. Pour cela il faudra que les plannings puissent être partagés entre les différents personnes d'un SPIP. Et l'IA pourra proposer une ou plusieurs dates pour rendre optimal les rendez-vous, soit entre personnel de l'Administration soit avec une PPSMJ.

- **DOT**

L'IA pourrait lire et analyser les différents items qui constituent un DOT. Puis chercher et rendre les analyses pour aider à une meilleure constitution du dossier. Mais aussi réduire le temps de rédaction du DOT.

- **Outil de reconnaissance de la personne**

L'intelligence artificielle pourrait permettre de sécuriser et faciliter l'accueil des personnes suivies ou détenues en établissement pénitentiaire en assurant une reconnaissance faciale, rétinienne, digitale ou vocale.

En milieu ouvert, cela simplifierait le travail des agents d'accueil qui n'auraient plus à demander les pièces d'identité, demandes régulièrement sources de tension. La reconnaissance vocale de la personne permettrait de nous assurer que la personne qui contactée est bien celle placée sous-main de justice et nous sécuriserait dans la délivrance d'informations sensibles. Cela s'avèrerait également utile s'agissant des demandes de modifications horaires.

En détention, la reconnaissance par l'intelligence artificielle fluidifierait les mouvements, notamment de retour de parloirs, et assurerait une sécurité maximale en évitant tout risque d'échanges.

A l'entrée en détention, la reconnaissance par l'IA des professionnels et des intervenants éviterait les opérations de contrôle d'identité chronophages et fluidifierait les mouvements.

- **Outil d'aide à l'évaluation**

S'agissant de la question de l'évaluation des risques des personnes placées sous-main de justice, l'IA a d'ores et déjà une utilisation concrète, à l'étranger, grâce à l'analyse informatique des données recueillies par le professionnel, analyse qui va permettre de déterminer le niveau de risque de récidive et définir un plan d'intervention, au plus juste, des besoins criminogènes de la personne.

Concernant l'avancée des recherches sur la récidive, l'IA permettrait d'analyser de grandes quantités de données relatives aux facteurs de risques et de les mettre en lien avec la récidive.

L'ambition d'utiliser l'IA dans le cadre de la gestion des délinquants résiderait dans la volonté d'améliorer la prise de décision en lien avec la prise en charge pour les délinquants. L'IA viendrait ainsi compléter les outils d'évaluation des risques et des besoins actuellement utilisés en améliorant ainsi l'exactitude des recommandations de services faites aux délinquants.

- **La prévention du suicide**

Aux Etats-Unis, une recherche s'est penchée sur la possibilité d'utiliser l'IA pour résoudre la « crise de l'isolement » aux États-Unis en employant des assistants intelligents, semblables à Alexa d'Amazon. Ces derniers joueraient le rôle de « compagnons d'isolement » auprès des détenus afin d'atténuer leur stress psychologique.

On pourrait aussi imaginer une caméra intelligente, détectant des comportements « à risque » ou une absence de mouvement concluant à une tentative de suicide en cours. Après détection, un système d'alerte serait mis en place.

B) Quels risques éthiques souhaiteriez-vous prendre en considération au niveau national/international pour garantir une bonne utilisation de l'IA dans l'avenir ?

- **Risque de faire primer le répressif sur les droits et libertés fondamentaux des individus**

En Angleterre, les concepteurs du logiciel utilisant les algorithmes ont, afin d'éviter les faux négatifs, eu tendance à sur-qualifier les individus comme dangereux. Cela a pu conduire à aboutir à des décisions, via les algorithmes, privilégiant un modèle repressif, au détriment des droits et libertés fondamentaux des individus. Cela doit par ailleurs être mis en lien avec les risques de discriminations sociales et raciales induits par le recours à des outils biaisés. En effet, les données reprises par l'intelligence artificielle résultent d'une approche collective, ne prenant pas en considération les valeurs et les considérations sociales.

- **Respect des droits fondamentaux**

Utilisation de l'IA pour filmer les détenus et détecter les comportements suspects ou inhabituels. Pour ne pas atteindre aux droits des détenus, il conviendrait de limiter cet usage aux lieux déjà sous télésurveillance (exclure donc les cellules des détenus ne bénéficiant pas d'un régime particulier de détention).

- **Risque de tomber dans le déterminisme**

En France, le prisme est celui de la réinsertion. L'intelligence artificielle ne doit ainsi pas être utilisée comme un outil préventif, déterministe et punitif mais davantage comme un outil servant l'individualisation de la peine. L'IA pourrait ainsi permettre de centraliser des quantités importantes de données à caractère économique, social et sanitaire et les traiter dans un temps record. Cela permettrait aux différents acteurs de bénéficier d'informations essentielles sur la personne, et ainsi aboutir à l'individualisation la peine.

- **Conserver le respect du droit au procès équitable - accès un juge**

Le risque de l'intelligence artificielle serait une justice automatisée, dans laquelle l'office du juge serait occulté. L'IA doit ainsi demeurer uniquement une aide à la décision judiciaire. L'accès au juge doit ainsi être garanti, de même que les voies de recours.

- **La transparence et l'intelligibilité des résultats d'algorithmes**

Les résultats issus d'algorithme pouvant impacter les décisions prises pour les PPSMJ, il apparaît primordial qu'ils soient exploitables. Chaque décision doit pouvoir être expliquée. Il n'apparaît pas possible que le résultat soit seul exploité, sans que la logique l'ayant précédé ne soit acquise et exploitable. (cf. Charte éthique en matière d'intelligence artificielle)

En somme, l'intelligence artificielle ne doit demeurer qu'une aide à la décision. Elle ne saurait remplacer les acteurs de la justice pénale, l'humain doit demeurer maître de ses choix.

- **Problématique de la conservation et de la gestion des données**

L'utilisation de L'IA va générer une quantité de données toutes aussi diverses que nombreuses. Ces données doivent être stockées dans des serveurs protégés de toutes intrusions extérieurs.

De plus, l'IA devra avoir une limitation d'accès aux données sensibles, ainsi qu'aux manipulations de ces données.

Enfin les données générées par l'IA devront avoir un délai légal d'utilisation et de conservation. Il faudra s'assurer que l'IA ne puisse plus utiliser les données dont la durée d'utilisation est écoulée pour des recherches et analyses futures.

- **Risque d'isoler encore davantage certaines personnes détenues**

Le remplacement de l'humain par l'IA peut encourir le risque de supprimer les contacts humains de la détention, et avoir un effet négatif sur des personnes parfois déjà isolées. Ainsi, l'utilisation de l'IA dans la prévention du suicide (« assistant intelligent ») pose un problème éthique de remplacement de l'humain par une machine.

GERMANY

Lower-Saxony

Currently we are researching the use of artificial intelligence for suicide and violence prevention in the Lower Saxony prison system.

We hope to develop artificial intelligence from the research project that will support our staff in performing their tasks in the area of suicide and violence prevention.

Special security measures can be ordered against prisoners. For example, if there is a risk of violence against people, or a risk of suicide and the respective measure is essential to avert the danger. Special security measures also include the observation of the prisoner using technical aids (video surveillance). This measure is carried out in specially designated rooms. Constant observation is very challenging for the staff and requires their absolute and constant attention. In these cases, artificial intelligence could make a very important contribution to supporting the staff and act like a "third eye".

The same applies to the prevention of violence: Violent confrontations among prisoners and attacks on staff members not only place a high burden on those who are directly involved, it is also a high burden for all staff members and the majority of the prisoners. By using artificial intelligence as part of using the existing camera systems, deviant behavior and anomalies could be detected and lead to an uplink of the corresponding camera image. The goal is to increase security for our staff members, to counter subcultural structures and to protect our weak enforcement prisoners.

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Hesse

Use of AI in dealing with extremist prisoners

Within the framework of data protection guidelines, AI and machine learning could be used to deal with extremist prisoners for preventive and/or investigative purposes.

One possibility would be to use the data collected via prison security cameras to carry out a complex contact analysis, which would provide information on who extremist prisoners have contact with, for how long and to what degree of intensity. This could make it possible to recognise the emergence of extremist/terrorist networks or conspiratorial endeavours at an early stage and prevent them accordingly.

AI could also be used to screen visual material (e.g. photos of prisoners' tattoos) for symbols of extremist groups. This technology could combine character recognition, speech recognition and translation software in order to translate text and analyse it to find references to extremism. While this type of technology can by no means replace an expert assessment, it could serve to pre-select certain cases for a more detailed analysis.

Treatment

As regards the treatment and care of prisoners in prison, no possibilities have yet been identified for treatment with the help of AI. Interaction is an essential part of the therapeutic process. It is characterised not only by the cognitive level of linguistic content, but also by feelings, imagination and impulses. People who failed at living as part of a society should not only learn how to deal with robots, but rather to get along with real social counterparts whose behaviour is not always predictable.

When it comes to working with prisoners in prison, AI can only play a supporting role at best - for example in the form of early warning systems. These could make it possible to recognise or draw attention to dangerous situations more quickly. However, a subsequent and definitive assessment by staff who are experienced and trained in these areas remains indispensable, particularly in the sensitive prison environment.

That being said, possibilities do exist for suicide prevention and for assisting the monitoring of those who are physically or mentally ill. With regard to suicide prevention, visual prison cell monitoring could be helpful. Indeed, this is already legally possible - and already practised - in cases where there is a specific risk of self-harm or suicide. AI could be used to provide early warnings in this regard. The evaluation of acoustic cell monitoring, as well as the collection and evaluation of body data by means of AI, could also be useful.

Security

The use of AI to prevent arson would be desirable, as would assistance with fence/wall surveillance and the monitoring of movements in corridors and outdoor areas.

Administration

The use of AI for administrative purposes could provide considerable relief in certain situations. For example, the documents to be entered into the prisoners' personnel files could be automatically checked for keywords immediately after receipt. This could then be used to create an initial risk assessment which could serve as a basis (and decision-making aid) for the ordering of special security measures, ultimately minimising danger for everyone involved in the prison system.

Ethical questions

A system is only as good as those who programmed it. Which fundamental ethical decisions are laid down? What happens and who intervenes if the system becomes too autonomous? Or if the software makes a mistake? Is there a risk of "total" surveillance and an unjustified restriction of fundamental rights?

The use of artificial intelligence should never mean that persons who have been classed as suicidal, for example, are monitored on a purely technical level. There can be no substitute for personal supervision by qualified personnel. It is therefore crucial that prevention measures are not replaced, but merely supported by AI at most. However, any benefits should be viewed critically if the new form of monitoring completely eliminates the observation of behaviour by staff or reduces it to a minimum level of personal contact. This would make it almost impossible to obtain information about changes in the behaviour of the prisoners concerned. With this loss of information, there is a risk that staff will be less able to assess prisoners over time.

Experienced experts, including the Ethics Council, should be involved in these ethical questions. After this initial brainstorming stage, it can be stated that the use of AI in prisons could provide opportunities to improve security. However, there are also huge risks involved such as a loss of control, data protection issues and potential violations of human dignity.

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Bavaria

In addition to the considerations on the use of artificial intelligence (AI) provided in the annexes, the following should be noted with regard to probation services:

AI could conceivably be used in the probation service for risk assessments, as the predictive power of AI has been proven to be greater than that of humans. The disadvantage lies in the "statistical outliers", although it is questionable whether these would be captured by the probation officer's assessment. Another possible application would be in the evaluation of documentation and the resulting proposals for action.

In terms of communication, simultaneous interpretation could be one possible area of application, particularly for rare languages, along with other forms of AI such as communication by probationers via messenger services and the receipt of appropriate responses or automated appointment requests. Recognition of certain speech or statement patterns used by the probationers could also be used to identify the seriousness of a statement.

The decisive factors here would be greater security, objectivity, a certain degree of transparency, ease of application, facilitation of work, greater certainty of action and compliance with ethical principles.

Technical systems are only as good as they are developed to be. The data entered are therefore decisive to how well an algorithm works, including with regard to ethical considerations. Care must therefore be taken to ensure that there is no racism or discrimination against individual groups, for example. In the probation service, transparency (i.e. how did the decision come about?) is also a key factor when working with probationers.

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Baden-Württemberg

In principle, the use of artificial intelligence in the area of suicide prevention in prisons appears conceivable insofar as incident-driven video techniques, for example, could be used to assess conspicuous behaviour by

prisoners on the basis of expert knowledge and a classification could be made of the respective suicide risk. The replacement of night-time prison checks with artificial intelligence could also be worthy of consideration. With the help of thermal imaging cameras, a temperature measuring device or a heartbeat monitor, the relevant data could be digitally recorded and evaluated by artificial intelligence.

As regards the question of whether the use of artificial intelligence can actually be considered due to the well-known problem areas (including the large amount of data collected and processed, the interference with fundamental rights associated with video technology and possible tendencies for AI systems to make mistakes), a comprehensive review would be required and is also likely to depend significantly on the specific design of the AI systems. It is therefore not possible to make a conclusive statement at this time.

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Saarland

The use of AI in prisons is particularly conceivable in the area of security. In the context of monitoring movements in corridors and outside areas, for example, the technology could help to more effectively combat the exchange of contraband (narcotics, weapons, etc.) among prisoners. Behavioural analysis to detect the influence of narcotics would also be conceivable.

As far as treatment is concerned, AI could be used to support the monitoring of suicidal prisoners or prisoners showing signs of mental illness.

However, there are also many ethical concerns surrounding the use of artificial intelligence. There are not only fears of increasingly extensive surveillance and restrictions on prisoners' fundamental rights, but also of an increasing shift of accountability from humans to machines.

HUNGARY

1. Which country/jurisdiction do you work in/represent?

Hungarian Prison Service

2. What is your job title?

IT

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

NO

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

NO

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

Medium and long-term ideas for using AI tools:

- **processing, behavioral and motion-based analysis of events seen on camera images**
- **recognition of "hidden" connections in large databases (connections between persons and events)**
- **analysis of the semantic context of interceptions, negotiations, hearings and dialogues**
- **support for cyber protection and information security mechanisms**
- **behavioral firewall protection**

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

NO

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

Reducing staff workloads, increasing proactivity and supporting wider analytical work.

6. What are the impediments to AIs deployment by your service?

Only the introduction of well-developed technologies in public administration is secure. The financial financing is also a problem.

Answer from the Hungarian Prison Service

1

Artificial intelligence could be the most useful in the field of the admission procedure of inmates.

The data, registered during admission could be modernized by storing digital photos and the use of search algorithms which are supported by artificial intelligence. This could create an easier way to search directly among the portraits, the special traits (e.g. tattoos, scars), and the photos of inmates' possessions in deposit (e.g. unique jewelry). This would also facilitate the work of the investigating authority in the search of special traits, and criminal objects.

Furthermore, AI could also be useful in the analysis of events recorded by CCTVs, or in the analysis of behavior and movement.

Recognizing the "concealed" correlations - the connection between persons, and events - In big databases could become clearer.

Also, the analysis of interceptions, negotiations, hearings, conversations and semantic correlations could be easier.

2

The tasks of probation service contain the reintegration of inmates, the support of them to find a new job, and the help to reattach to their family, and also the aid in civilian life.

In this activity, human factor and the consideration of individual criteria is an outstanding factor, which cannot be provided by the AI because of its nature.

So, in this case the use of artificial intelligence is risky; it lacks ethics as moral and morality is not understandable for it.

ITALY

Department of Penitentiary Administration
Office of the Head of Department
Office for the Coordination of the relations of institutional cooperation
Council of Europe Second Questionnaire on Artificial Intelligence in prison and probation context

ITALY- Penitentiary Administration

a) Where would you see AI as most useful in your organization, and wltat benefits are you especially looking for?

a. Training of staff: IA could be a support to establish a digital library where teachers and trainees can exchange texts, documents and information. In matter of didactics, IA systems could provide trainees with the opportune and correct documents in case of specific requests of deeper analysis.

b. The AI, thanks to the possibility to analyse the various didactic contents and the different users' behaviours, can set individualized training plans which take into account both preferences and the learning style of the participants. It also could help in providing trainees with feedback in real time.

c. Prison Healthcare System: there are Iwo possible contexts of application of the AI in the prison system, as far as the penitentiary healthcare is concerned.

- **At the level of Headquarters and Regional Directorates, it could be very useful to have automatic algorithms which could match the prisoners' request of healthcare with the requirements of security and with social and healthcare needs for any request of prisoners' transfer from one prison to another one, either submitted by the inmate or by other authorities (judiciary, Ombudspersons, lawyers). There would be an advantage in terms of rationalization of human resources and a considerable spare of lime for decisions.**

- **At local level. In each prison, AI could be applied in the assessment of the compatibility of prisoners' accommodation in multiple cells based on their healthcare needs and their possible illnesses (both physical and psychic). The advantage would be in having indications based on the highest objectiveness of the choices made. Moreover, the AI could be applied in assessing the compatibility and the interaction among the various medicines prescribed as well as between the medicines prescribed and the illnesses diagnosed to the inmate. Finally, AI algorithms could be used in managing the assignments of inmates to outside care establishments (in terms of article 11 of the Italian Penitentiary Act) based on waiting lists, on outside structures availability of places, on staff resources to perform the transfer. Such a management, based on AI, would bring advantages bath on the side of the penitentiary organization and on the side of the relations with outside healthcare agencies.**

d. Security and investi1ption: as far as the security aspect of prisons is concerned, the use of AI can be imagined according to the following points.

AI can be a support to investigations and information gathering as well as an assistance in the search for evidence during the investigation in case of crimes perpetrated in the penitentiary environment. In particular, when a crime occurs, AI can be used both in the investigation phase (combining a big amount of data with a very quick and continuous data processing and intelligent algorithms, allowing the software to learn from the models or from data characteristics) and in the phase of evidence gathering, in order to outline, thoroughly and aseptically, the events chain and to identify the possible perpetrators.

AI, or better the so-called "expert systems", could be of use to find answers to complex problems which, when assigned only to the human worker, would not be solved as rapidly as if addressed through an automatized system capable of connecting the huge number of elements available in a very short time.
Moreover, in the penitentiary context, the AI could carry out more rapidly and efficiently those tasks

assigned to human actions, such as:

- **Data analysis (tasks of "predictive" policing): the aim is to identify and prevent a possible danger and thus to suggest to the worker an action plan appropriate and well-proportioned to the situation. The use of software based on AI allows, in the activities of predictive policing, a big step ahead. In fact, today it is possible to get and to process a huge number of data that return connections which were not identifiable in the past by the (human) staff. Consequently, the links between offenders or groups of offenders can be disclosed very quickly, or can even be identified in their phase of establishment. This was not the case in the past times, when only a long and complicated work carried out by experts could establish the existence of those links;**

- **Events monitoring: events can be monitored based on an analysis of similar historic data, which would allow early alerts for possibly dangerous situations, which sometimes do not refer just to one facility, but can be defined as common phenomena;**

- **Forecast: within the framework of an "expert system", forecast becomes the element through which - applying an appropriate mode] based on both historic and current data - one can foresee possible future schemes;**

- **Strategic planning: a series of actions such as to foresee and deal with critical situations.**

By exploiting the big data on prisoners already available to our Administration, the expert systems implemented in the prison facilities could improve the functioning of the anti-intrusion systems, of the video-surveillance with facial recognition, of the behavior analysis and subjects' recognition, of the monitoring of crowd density, objects classification, and so on. Moreover, the video- surveillance network systems, programmed to identify abnormal behaviors, such as self-harm or aggressions, can be improved too, to monitor prisoners' positions and activities.

When a crime occurs, the use of AI through the analysis of data obtained also from the joint use of signal analysis techniques and machine learning with the purpose of processing the data gathered from the field would allow to provide a series of possible solutions in a very quick time. Those options should then be assessed and chosen by human staff.

A further help to police investigations could derive from the use of AI in the analysis and transcription of inmates' telephone conversations, including those ones when dialects are spoken or where a cryptic jargon is used.

AI could also be applied to cross-researches in the databases of national Law Enforcement Agencies with a view to improve investigations in those specific fields (terrorism and mafia-type crimes), where, at present, the only resource available is the work of expert staff.

b) What ethical risks there are that you would like to take into co11sideratio11 on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

a. **AI must be mainly an instrument to support and guide decisional processes. The processes governed by AI should integrate with and complement the normal working processes without affecting or jeopardizing the staff professional roles.**

b. **In prisons, the main risks are connected with the weak point relevant to the decrease in human relations between inmates and staff, which is crucial to achieve the offenders' rehabilitation. Choices must always go along with opportunities of dialogue and any emotional impact on the single prisoner must always be evaluated, and not by AL**

c. **Based on the new EU Regulations on privacy, each person has "the right not to be subject to a decision based sole/y on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her." The European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment, adopted by the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe in 2018, states that the use of algorithms in the penal field developed with the view of outlining a profile of persons is a critical issue, "due to the limits of the methodology applied" and, in particular, due to "the merely statistic approach" which would have "discriminatory and deterministic effects". It is therefore a priority to draft a normative to regulate the matter, analyzing risks and benefits - both practical and ethical - even before thinking about adopting**

those technological resources.

IRELAND

The Probation Service Responses to The Council for Penological Cooperation (PC-CP) Survey on Artificial Intelligence

1. Which country/jurisdiction do you work in/represent?

Ireland

2. What is your job title?

Communications Manager

3. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

The Probation Service has not yet introduced Artificial Intelligence (AI) technology into its work. The Service is still at an early stage in the widespread use of technology in its work at all levels however, its Strategy Statement 2021-23, the Probation Service makes firm commitments towards embracing technology to modernise how it operates and delivers services into the future.

- Data gathering within the Service is largely descriptive and analysis is conducted by researchers and statisticians.
- Recruitment, training and supervision is person-led.
- Risk assessment is conducted and analysed by trained Probation Officers.
- Electronic monitoring is not used as condition or measure in sentencing in Courts or in the work of the Probation Service in Ireland.

Technology is increasingly used to enable remote video interviews in prisons, recruitment interviews, meetings and remote training. It is also used to enable live recording of Community Service work and to issue prompts and reminders about scheduled supervision interviews. The Probation Service is still some way off entrusting technology with more complex tasks currently assigned to people.

3. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

Yes, the COVID-19 pandemic has been a driver for increased adoption of technology in the Probation Service's work. Additional budget provision was made to provide laptops to all supervising Probation Staff and to enable enhanced reporting equipment for Community Service Supervisors. The Probation Service workforce has shown an appetite for innovation and agility to implement the use of technology and remote working. The potential benefits of AI advances and changes have still to be fully explored.

4. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

The Probation Service is open to exploring the potential use of AI technology in its work. However, the Service is still at an early stage in adopting new technologies to aid and support in its work. This has been somewhat accelerated by the COVID-19 Pandemic as outlined in the previous answer.

The work of the Probation Service is largely face-to-face and relationship-led. Opportunities to supplement this with AI developments are, as yet, limited. The Probation Service is open to developing and increasing the use of technology which may include the introductions AI applications in the future, to enhance service delivery.

5. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

There is a limited knowledge and awareness of developments in AI that could, in the future, enhance and contribute to the work of the Probation Service.
The increased use of basic IT and other technological solutions during the Covid-19 Pandemic is a significant development in work practice and a cautious step towards use of AI support in the near future.

6. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

Artificial Intelligence (AI) has not yet emerged as a priority issue in Probation Service work however there will, in due course, be potential benefits as AI innovations are developed and become visible.

As much of the work of the Service is based on human interaction, face-to-face engagement and purposeful relationships, AI is expected, in due course, to supplement, provide additional information and support for those core tasks rather than to replace or substitute for them.

7. What are the impediments to AIs deployment by your service?

The Probation Service is still at an early stage in its use of technology in its work. Trust in the use of technology has to be promoted and sustained across the Service.

The development of proven technology solutions for the sector would need to be championed and understood across the organisation to enable and support the purposeful and responsible use of more sophisticated AI tools and technologies in the work of the Probation Service.

Potential human rights, transparency and accountability concerns remain to be addressed at the CoE, EC and national legislative levels.

1. Which country/jurisdiction do you work in/represent?

Northern Ireland

2. What is your job title?

Temporary Director of Operations, Probation Board for Northern Ireland

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

No

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

No - introducing AI during the pandemic was not a priority

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

AI tools have been considered but there are no plans to introduce any such tools at this time or in the foreseeable future. This is in line with all agencies of the Department of Justice in Northern Ireland.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

There is a growing level of knowledge within the Probation Board for Northern Ireland's Senior Leadership Team. The Senior Leadership Team attended a seminar in relation to AI in 2019 and have also attended CEP events that have addressed the issue.

5. What are the **drivers** of deploying AI in prisons, probation and youth justice in your country?

The key drivers are increasing effectiveness and efficiency, and also delivering the best service to service users and the general public.

6. What are the **impediments** to AIs deployment by your service?

Lack of evidence regarding the use of AI in Probation services.

a) Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

AI technology tools could be useful for:

1. Community supervision / probation staff and benefit the channelling of limited resources to focus on offenders most in need. It could enhance the officers' ability to identify and quickly respond to offender risks and needs and could also promote offender tracking. Through the use of wearable devices or smartphones, programmed with reminders, encouraging messages, and even warnings behaviour could be monitored. Algorithms could be used to detect trends/triggers in mood/behaviour etc. Offenders could receive real-time support when they need it most. Addressing the offender's needs and minimising their risks is key. Supervising staff could intervene with offenders in periods of crisis and those in immediate risk of recidivating and tailor timely interventions with the ultimate aim of reducing recidivism.

Not all offenders violate the terms of supervision/temporary release and it varies across situations. Geographical positioning systems (GPS) can easily identify some negative situations. GPS-based tracking devices, such as ankle bracelets could be used for tracking. The AI solution itself could intervene independently of any officer action, depending on the nature of the risk. Besides automatically notifying the officer, the AI intervention could also engage with the offender to mitigate the precarious situation - for example, by encouraging the offender to leave a risky location or engage in some programme treatment/support. Could be useful if an offender is in a prohibited area such as in close proximity to victims.

2. Healthcare Special Monitoring. Apparently the UK had trialled the use of "smart cells" which could alert the staff if there was adverse changes to the heart rate and breathing of the Prisoner. While this would be a support to monitoring it was not advanced at that time.

In terms of risk it has been identified that the first 24 hours in prison is a critical time in relation to self-harm. We should be open to further supports that could be provided through new technologies that can lessen the incidences of self-harm while balancing the privacy rights of the prisoner.

3. CCTV systems have some "smart" features that may be considered AI. For instance it has the ability to track an individual through facial recognition and can also be programed to react to movement. The use of Bluetooth trackers in a prison setting (Netherlands?) monitor the circulation and congregation of prisoners form a security risk perspective.

4. Machine Learning - longer term analysis of a prisoners behaviour is potentially very exciting to feed into strategies to safely manage mentally ill, aggressive, intoxicated or older prisoners.

b) What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

From a data protection perspective, the introduction of AI solutions may not incompatible with the General Data Protection Regulation (GDPR).

The purpose for which it is being used, the type and amount of personal data being collected (e.g. to develop algorithms etc.), the human involvement in decision-making resulting from profiling through AI etc. would require significant consideration and risk/impact assessment on data subjects human rights.

The GDPR does not directly address AI and data controllers are responsible for assessing and managing risk under data protection law. The proposed introduction of new technologies can be particularly challenging for data controllers in this regard. As such, any recommendations/guidelines developed in the course of this work should incorporate review of human rights impact and guidance on the application of data protection law to the use of AI solutions to reduce legal uncertainty and support data controllers.

AI in the probation aspect of sentence management would be challenging, such systems are inherently biased and may disproportionately affect minorities in an adverse manner.

AI is mandatory in some American states penal systems, and are inherent bias as explained in the Newstalk Futureproof Podcast

https://www.newstalk.com/podcasts/futureproof-with-jonathan-mccrea/futureproof-extra-how-can-machines-learn-human-values

Furthermore AI systems that have the ability to learn and improve, will then be out of human control, thus an Prison Service could never stand over prisoner sentence management. Sam Harris explains AI learning well in this ted talk;

https://www.ted.com/talks/sam_harris_can_we_build_ai_without_losing_control_over_it/up-next?referrer=playlist-talks_on_artificial_intelligence

LATVIA

1. Which country/jurisdiction do you work in/represent?

Latvia

2. What is your job title?

Latvian Prison Administration (hereinafter - LPA) Strategy Department

3. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

LPA is planning to use AI tool for some parts of risk and need assessment (RNA) of inmates.

4. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

The COVID-19 pandemic has not been a driver for faster deployment of AI tools.

5. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

-

6. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

The level of AI maturity/knowledge among staff of LPA is low, because at this point AI is new thing for Latvian imprisonment system.

7. What are the **drivers** of deploying AI in prisons, probation and youth justice in your country?

The drivers of deploying AI in prisons mostly is to increase quality of provided services and avoid redundant paper and data processing/input work.

8. What are the impediments to AIs deployment by your service?

The main impediments to AIs deployment are insufficient knowledge, experience and funding.

Which country/jurisdiction do you work in/represent?

Latvia, State Probation Service (SPS).

What is your job title?

Head of the Performance Analysis and Development Department - Deputy Head of the Service

Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

It's difficult to answer questions regarding AI, when it's unclear what is AI.

We considered the definition provided in questionnaire:

Artificial Intelligence (AI) refers to the ability of software and robots to mimic the natural intelligence of humans and other animals. Colloquially, AI is often used to describe machines that perform "cognitive" functions, such as "learning" and "problem solving". AI is also a scientific field dedicated to the study and design of artificial agents.

We also considered definition provided in Annex No.1 of "Proposal for a regulation of the European parliament and of the council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts" 2021/0106 (COD), where AI is defined as follows:

(a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;

(c) Statistical approaches, Bayesian estimation, search and optimization methods.

Both definitions are rather broad and leaves a place for interpretation.

Therefore, we are not sure, if technologies used by SPS can be defined as AI.

1. **State probation service uses Risk and need assessment (RNA) tool which is based on research done by SPS in 2015-2016. This study validated methods of calculation employed by RNA and established their statistical significance. RNA is applied for the calculation of risk of re-offending and need levels. RNA tool is based on the Risk-Needs-Responsivity (RNR) model. Currently RNA is integral part of Probation Client Case Managemet System (PLUS). The information used in RNA is filled out by employee (case manager) and partly automatically imported from another databases (e.g. record of previous offences and demographic factors). The automatically imported data pertains largely to static factors, i.e. those factors that characterizes risk. Dynamic factors are evaluated and filled out by case manager.**

   Basing on these pre-defined factors and algorithm functionality built in the database, SPS tool calculates two variables: risk level and need / support level. Each of those variables can be set to five possible levels: very low, low, average, high and very high. There is a matrix embodied within system which combines calculated levels of both variables and provides level of supervision and support. This evaluation forms the basis of further work of SPS with this particular person (i.e. probation client under supervision) and will be used at multiple decision points.

   SPS has three types of RNA - 1) general RNA, 2) RNA for violent offenders and 3) RNA for sex-offenders. Factors analysed by each type differ, according to respective model of RNA. They have also common factors.

Solution used for RNA is transparent, uses simple algorithm (based on aforementioned study) and does not involve machine learning. Still, according to of EU's draft definition of AI, our implemented solution might be recognized as high risk AI, because we are 'profiling' clients (classifying them into various categories of risks/needs) and statistical approaches, methods were used to develop (RNA tool validation research) calculation algorithms embodied within our digital case management system.

2. The website of SPS also uses AI solution - chat-bot ("Zintis") in providing information on SPS for wide public. It's centralized AI solution for all government agencies provided by the Ministry of Culture.

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

No. For digitalization - Yes, but not for AI solutions.

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

1) a test for clients, which would allow to evaluate their suitability for probation programmes. There is a plan to introduce this test in 2023-2024 (much has been already done). This test will include an adaptive mechanism which might (or might not) be defined as AI tool.

2) SPS in 2022-2023 plans to implement new RNA tool designed for youth and children (up to 25 years). It will be strength-based (possibly, without static risk factors at all) and also will be integrated into PLUS system as a basis for case management decisions (mathematical algorithms). Introduction of this tool will transform the whole RNA domain and community supervision process and will begin our movement away from RNR model towards more neuroscientific (strengths) based one.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

Employees whose job responsibilities includes strategic planning or practical introduction of AI are informed about AI and its role in digital transformation. Several informative events have been organized where relevant topics referring AI were highlighted. Employees using RNA are aware about the principles underlying the calculation method of risk and need levels, which are included in standard training of case managers. The algorithms used by PLUS system are transparent and comprehensible for each case manager.

5. What are the **drivers** of deploying AI in prisons, probation and youth justice in your country?

Fulfilling the overall standards for digital transformation in Latvian governmental sector; effective work and automatization of processes which leaves more time in face-to-face work with probation clients, thus enabling more client-focused work. As for chatbot, it allows communication with society in more interactive way and improves the accessibility of information.

6. What are the **impediments** to AIs deployment by your service?

Limitation of available funding and human resources (e.g. time necessary for chatbot training). Great confusion regarding what will be recognized as AI by the EU, and put under serious control, supervision. If mathematical algorithms developed with scientific (statistical) research methods will be recognized as AI by EU (especially, if it will be recognized as high-risk AI) and it will be obligatory to certify (re-certify) such solutions like our mathematical algorithms (our internal RNA methodologies) embedded within our case management system, there should be expected limited interest in developing any further AI solutions within criminal justice field.

See below answers from Latvian Prison Administration regarding to Artificial Intelligence (AI)

a) Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

The current overall state of the matter:

In Latvian Prison Administration use of the AI methods are just beginning to surface. We are currently modernizing our information systems so that AI methods are only now becoming possible to consider for our use. We are open for such methods as they can be useful in providing analysis in recommendation form to help humans to make informed decisions.

AI methods in use:

If we are looking for AI methods already in use, we can see that AI is emerging in the simplest form (if we consider further mentioned methods AI at all) by predicting prisoner recidivism rates and by automating risk and needs assessment tasks such as calculating assessment scores and recommending appropriate correctional services for each person. The recidivism prediction model is built using logistic regression and does not improve itself by using new available data. Automation of the risk and needs assessment tasks is based on rules that are provided by humans not AI methods.

Use in the future:

We are looking to implement AI methods in future, when we will have enough data collected in our information system. This view might change and expand but right now we are looking at AI as a resource to be used specifically in correctional work (assessment and correctional planning). At the moment there is a vision to use machine learning methods to train recidivism prediction models automatically, using selected data from our information system. We are also envisioning possibility of using correctional work data to train machine learning methods to generate better recommendations regarding appropriate correctional services.

b) What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

Ethical risks are the reason that we see AI methods to be used only in recommendation form and not as the only consideration when making decisions. There are risks that AI methods can generate biased results. That is why organizations probably should use AI results only as far as they can understand how these results are made. To avoid discrimination regarding gender, race, ethnicity and other factors, organizations should explicitly look for possible flaws in these results. There already are some restrictions in Latvia for making important decision solely based on automated algorithms. Centralized practical recommendations/guidelines from ethically conscious experts in the fields of AI and prison/probation systems could be helpful as well.

In replying on your questions about the use of artificial intelligence in Latvian State probation service, we can say as follows:

1. Question: Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

Answer. From our current perspective, there are three important directions where AI can be developed: 1) adjustment (calculation) of the intensity of the supervision of offenders, depending on type of their offence, age, sex, occupation and other factors. It could be an useful way both in implementing evidence based, effective practice and distribution of human resources. 2) Involvement of probation clients in appropriate probation programmes, considering both the needs of clients and their possibilities to attend; 3) basing on available information and considering risk, need and responsivity principles, AI could select the most appropriate conditions of supervision of probation.

2. Question: What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

Answer. Use of AI can involve risks in entering an erroneous information and incorrect decisions of AI related with it. The State Probation Service is not considering to use AI as independently functioning system which makes decisions without human agency. The case managers will always play a crucial role in final decisions concerning clients. But still, on organization level, it could be that the employees are over-reliant on the decisions of AI and are accepting them uncritically.

LITHUANIA

1. Which country/jurisdiction do you work in/represent?

Republic of Lithuania

2. What is your job title?

International co-operation specialist

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

No

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

N/a

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

The Lithuanian Prison Department has submitted a project proposal on the development of an automated process for responding to standard inquiries of inmates. Unfortunately, the proposal wasn't successful.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

No trainings on AI are provided.

5. What are the **drivers** of deploying AI in prisons, probation and youth justice in your country?

n/a

6. What are the **impediments** to AIs deployment by your service?

n/a

MALTA

1. Which country/jurisdiction do you work in/represent?

Department of Probation and Parole, Malta

2. What is your job title?

Director

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

No

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

No

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

No

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

Staff is sufficiently trained.

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

6. What are the impediments to AIs deployment by your service? Very many thanks for providing this information.

Financial implications

MOLDOVA

Here are the response of following questions.

a) Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

We want to mention that Artificial Intelligence comes a great opportunity for automation in Probation service, at the moment implementation of AI services may be minimal now, but we see AI most useful at Electronic monitoring (EM). One of the most important benefits transformation of supervisory practices much more developed and autonomous.

b) What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used
appropriately in the future?

As AI systems become more powerful and more general they may become superior to human performance, hence it is assumed that many employees will lose their jobs. Because AI refers to systems with an intelligence that far surpasses human intelligence in several respects. As a result, they are able to acquire all manner of skills and expertise without human intervention. Another risk that we can mention, is about privacy that can being eroded.

MONTENEGRO

Subject: Reflection on using of Artificial Intelligence (AI)

Regarding your request to give you our reflection on using of Artificial Intelligence (AI), we would like to kindly inform you about following:

In the **Probation service** within The Ministry of Justice, Human and Minority Rights, AI would be useful in assessing the risk of offenders from re-offending, where appropriate software based on algorithms and entered individual data, would detect criminogenic factors and patterns of risk behavior, which correction should be worked on. Also, bearing in mind the smaller number of probation officers, and the need to pay the necessary attention to ail offenders, regardless of whether the sentences are executed in the community or the sentences are executed with the help of electronic monitoring, AI would be useful as an incorporating part of a wearable device that would monitor biological data assessing the offender's mood and stress and that would send real-time information to the probation officer that the offender may be at risk, which could lead to recidivism, in order to react immediately and provide professional assistance and support to the offender.

As an institution, Administration for the Enforcement of Penal Sanctions **(AEPS)** as an important part of Ministry of Justice,Human and Minority rights, is still in pioneering phase with no concrete deadlines and goals set regarding AI technology, its exploitation potential and implementation process.

We have only general idea of possibility to improve existing software environment to support more advanced information management and statistical techniques primarily having offender management in mind in the domain of risk analysis and recidivism.

Currently, we are thinking to improve statistical reporting methodology following effectiveness of rehabilitation programmes. Our first step is to prepare corresponding (clear and comprehensive) data for later AI usage and machine learning system that at the end would recommend offender rehabilitative services during their sentence period. Also, we would like to add that Montenegro has not adopted the Strategy for the Development of Artificial Intelligence, as the basic strategic framework, so our primary task is the adoption of this strategy.

We are positive to an idea of using such technology to improve our understanding of data relations, implement learning mechanisms that will evolve over the years and provide efficient advisory role in our decision making processes, assist existing human based workflows where we are practicing individual approach and human interaction.

As an human centered rehabilitation institution, AEPS is open to slow and controlled acknowledgement of AI technology mitigating potential ethical risks.

ROMANIA

Please find below our response on the behalf of the National Probation Directorate.

1. Which country/jurisdiction do you work in/represent?

ROMANIA. MINISTRY OF JUSTICE. NATIONAL PROBATION DIRECTORATE

2. What is your job title?

PROBATION INSPECTOR

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

NO

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also **regarding additional budget allocated and quicker decision-taking regarding the use of AI.**

NO

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

NO

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

AI WAS NOT INCLUDED IN THE TRAINING PROGRAMS OF THE PROBATION STAFF SO FAR

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

THE LEVEL OF DEPLOYMENT OF AI IN PROBATION IS RELATED TO THE LEVEL OF AI IN THE JUSTICE SYSTEM AND AT THE LEVEL OF THE ROMANIAN SOCIETY AT LARGE. HAVING IN VIEW THAT THE LEVEL OF AI IS IN AN EARLY STAGE IN ROMANIA, WITHIN THE PUBLIC SERVICE, THIS IS ALSO THE EXPLANATION FOR THE CURRENT STATE OF AFFAIRES OF AI.

6. What are the impediments to AIs deployment by your service?

THE LACK OF TECHNOLOGICAL ADVANCEMENT OF THE SOCIETY IN OUR COUNTRY.

Regarding the Council for Penological Co-operation (PC-CP) collection of information on the Artificial Intelligence (Al) in prison systems, please see below the ar.iswers to your requests:

a) Where would you see Al as most useful in your organization and what benefits are you especially looking for?

The main areas of activity in the prison system that could benefit from an implementation based on Al are:

Calculating the most efficient and safe transfer route of inmates, between different

1 /
penitentiaries. Such an algorithm can take into account a multitude of parameters, such as distance, security, traffic conditions etc.

- **Distribution of inmates on detention rooms and / or prisons, so that the negative effects of the socio-cultural type are minimal. Such an approach can take into account highly complex factors, such as the psych0logical profile of inmates.**

- **The different types of reward commissions (regime change, parole etc.) could use an Al utility to make a series of predictions and suggestions, in order to take an intelligent and educated decision.**

- **The security and video surveillance systems could use an algorithm based on Al to detect in real time any anomaly discovered in the data they process.**

- **The analysis of ail operational level indices can be performed also by an Al based utility, in order to detect and highlight the risk factors to which the system is exposed.**

b) What ethical risk there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure Al is used appropriately in the future?

Studies have shown that the behavior of systems based on Al can be extremely unpredictable and, therefore, in the Romanian prison system, a potential implementation of Al could exist only in the form of a heterogeneous mechanism, in which there is a permanent need for human input.

SLOVAK REPUBLIC

1. Which country/jurisdiction do you work in/represent?

Corps of Prison and Court Guard, Slovak Republic (Zbor väzenskej a justičnej stráže)

2. What is your job title?

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

No, as there were no request raised for mechanism and information systems that would use such technology.

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

No

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

Currently, there are no such tools and their use is not planned yet.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

As, at the moment we do not have such tools which use AI or machine learning, these demands are not imposed on current or future prison staff.

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

Accused and convicted persons have limited rights to use information technology, therefore no emphasis is placed on information systems and thus on AI associated with it.

6. What are the impediments to AIs deployment by your service?

In the current legislative framework for the treatment of inmates, there are not defined requirements or the necessity to use AI. In the case of the information systems of the Corps of Prison and Court Guard, these elements of AI and machine learning do not currently have an applicability or a platform on which these tools would be used.

Please find below the information on the possible use of AI in activities of the Corps of Prison and Court Guard, Slovakia:

a) Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

Corps of Prison and Court Guard (hereinafter "the Corps") tries to implement and use new technologies including AI. Within our activities, we can mention the possible use of AI in the following areas:

Security area (security of prison premises, persons, ICT systems, vehicles):

- **Security products using AI for safety/security of premises,**
- **Drone and anti-drone issues,**
- **Guarding of protected buildings using semi/automatized (regulated) decisions,**
- **Physical and system security connected with the authentication of persons - physical security improved by AI - streamlining activities on entries and movement of persons in prison premises based on biometric metrics (face, voice, fingerprint, bloodstream),**
- **Integrated security systems - with current use of the state of the art technologies and their cross connection, the information system with the so-called machine learning could evaluate all disrupting events and after their analysis it could propose solutions of their removal,**
- **Incorporation of security elements to the escort vehicles,**
- **Detection of activities relating or tending to illegal activities - security use of the analysis of inmates´ behaviour during walks in walking yards - e.g. creating diagrams of ties among inmates, information from databases, movement tracing, signing in the payphone, kiosk and tablet where AI based on the already gained characteristics of the users (log in time, typing speed, used phrases etc.) can identify the possible threat and incompetence of the entry to the system,**
- **Behaviour of inmates during social activities - collection of the entry data and evaluate from the body language and mimics,**
- **Performance of service and behaviour of staff - e.g. detection and tracing the movement, body language analysis, behaviour analysis,**
- **Accesses of staff to the individual systems - authentication of persons to the individual facilities and systems that are used in the Corps - prevention of security incidents.**

Area of treatment of inmates:

- **After mastering the technical solution it is possible to introduce such technologies in the process of diagnostics and determination of the treatment process of inmates,**
- **Draft of the individual treatment plan of the inmates,**
- **Evaluation (implementation) of the treatment plan of inmates,**
- **Analysis of the behaviour of persons placed in monitored cells - alert of suicide attempts.**

Human resources area:

- **Choice and education of staff**

Health care provision area:

- **Searching the diagnosis of patients according to the entered symptoms and lab results (robotised/automatized differential diagnostics),**
- **Evaluation of results of the RTG and EKG examinations**

We also would like to draw our attention that the Corps within the project "Optimisation of the Management and Operation Processes of the Corps of Prison and Court Guard" that is co-financed by the EU, is trying for a changeover form the registration information system to the information system supporting the decision-making processes. This system shall be achieved by optimisation, innovation and electronisation of the life cycle of the clients, and at the same time by innovation, elektronisation, modification and unification of the processes of the Corps by means of procedural, managerial, ICT tools and peripheral equipment. From the view of the realisation of the basic agendas of the Corps, i.e. pre-trial detention, prison sentence execution, protection of prison premises, protection of public order and security in areas of courts and prosecutions, there will be essential and complex changes or built up of new application components that will support the realisation of the

proposed electronic services. At the same time, the solution will support also further service activities and support agendas by creating the inevitable new components at the level of back-end or front-end.

In 2020, the Corps bought several licenses of the analytic software Cogniware Insights (https://www.cogniware.com/cs/insights) in order to ensure the following functionalities:

- **By means of the function "assistant" (expanded intelligence) within the user´s interference enables to propose the user suitable steps of investigation or denote suspicious relations or other entities. It will make use of: the calculated score of nodes and edges; feedbacks from users; known membership in the existing patterns and cases; Entity occurrence in the intake of suspicious relations (alerting); Time or distribution abnormalities,**
- **Enable the verification of the identity of the person based on recognition and verification of face: for the purposes of verification of the callers (clients); registration of such way recognised persons in time for the purposes of further analysis,**
- **Enable the verification of the identity of the person based on recognition and verification of the voice biometry of the caller: for the purposes of verification of the callers (initiator and recipient of the call); registration of such way recognised persons in time for the purposes of further analysis,**
- **Enable the identification of similar distinctive signs for inmates as tattoos or scars based on machine learning algorithms.**

b) What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

Within the new technologies use, the Corps perceives and tries to take account of the following ethical risks:

- **It is crucial that mainly in the justice area it will be able to explain how all applied algorithms come to their predictions in order to overcome the ethical issues arising from inexact predictions;**
- **Data in the system without any update and innovation may not be sufficient for an objective representation of the whole prison - variable population;**
- **Incorrectly set, biased algorithms of AI (created by humans who can be subjective) can lead to discrimination of e.g. minorities;**
- **When implementing technologies of face recognition into systems, it is inevitable to ensure their legal use and thus, to prevent their misuse;**
- **Last but not least, it is important to ensure that the analytics is not misused for manipulation of human decisions or that people can overrule the system in order to use it for one´s own goals.**

Other heavy ethical risks or problems of the AI use can be the transparency, explicability of the decisions and the level of AI autonomy in the decision-making process and the related question of responsibility for decisions. Similarly, the risk of interference to privacy of human life, human rights and the like is also high.

There is also a risk of hacking and misuse of security systems. AI proposed with the use of security systems can lead to a loss of control over them and threat of human lives.

Concerning medicine, the risk would be if the human being (doctor) is excluded from the final decision-making process of diagnosis making.

SLOVENIA

QUESTIONNAIRE ON ARTIFICIAL INTELLIGENCE - Prison Administration of the Republic of Slovenia

1. Which country/jurisdiction do you work in/represent?

Slovenia - Prison Administration

2. What is your job title?

Deputy Director General

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

In the prison system of Slovenia we do not use Artificial Intelligence yet at all.

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

The COVID-19 pandemic has accelerated our consideration of use of AI tools, but there was no realization or budget allocated yet. However we used computer equipment and applications on the market in work of both employees and inmates.

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

Maybe we are simply not courageous enough or we do not know all the possibilities that AI brings. Decision about it is possibly also related to the price and use value and other factors.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

So far we have not tested the knowledge / maturity of employees in relation to artificial intelligence. We believe that some basic knowledge is present. Among staff some sort of mind-set that use of AI in practice is not realistic in near future is probably present as well.

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

Wider presentation and promotion of AI in the first place, for example how some practice can be replaced by AI or how it can speed up or optimize a certain process. At the beginning a financial impact assessment would also be in place.

6. What are the impediments to AIs deployment by your service?

Ignorance, fear of unknown and lack of sufficient budget.

We are sending questionnaire on Artifical Intelligence for Slovenian Probation Administration:

1. Which country/jurisdiction do you work in/represent: Slovenian Probation Administration

2. What is your job title? Secretary at Headquarter (responsible for education)

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

NO

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

NO

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

NO

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)
/

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

/

6. What are the impediments to AIs deployment by your service?

/

Please find below answers from Slovenian Prison System on additional questions about Artificial Intelligence.

Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

Possibilities of AI usage in Slovenian Prison System are recognized in the fields of more advanced video surveillance systems and systems of preventing entry of prohibited items, in support in decision-making and management of the prison system and optimization of daily business processes (examples of use: AI risk assessment of inmates, assessment of suicidal risk, the deployment of inmates to different departments and rooms, the deployment of judicial police officers to shifts and work duties, the organization of escorts, the optimization of energy consumption in prisons, etc.) and in the field of translation support systems. We see the benefits of using AI in particular in performing tasks more efficiently and making better decisions.

What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

In Slovenian Prison System we see ethical risks that the use of AI could lead to a greater encroachment on privacy of prisoners, as well as employees, and it is very likely that there will be a need to collect significantly more data needed by AI for machine learning. Uncritical use of AI can also lead to wrong decisions or human rights violations. In addition to ethical risks, problems with the lack of qualified and experienced staff for the development of more advanced solutions in this area are also likely to arise at the outset.

SPAIN (CATALONIA)

1. Which country/jurisdiction do you work in/represent?

The following answers correspond to the prison administration of Catalonia, namely the Directorate General of Prison Services, which belongs to the Secretariat of Criminal Sanctions, Rehabilitation and Victim Support of Ministry of Justice of Catalonia.

2. What is your job title?

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

In 2011 a risk assessment tool called RISCANVI was adopted by the Catalan prison system. It was created as a result of a collaboration between the University of Barcelona and the Ministry of Justice of Catalonia.

It can be considered as an expert system where the user, treatment professionals of the prison (mainly the psychologists), introduce the risk factors observed. The tool provides a degree of risk assessment for violent behaviour or for breach of the sentence by an inmate.

Along these lines, in 2007 the SAVRY programme (Structured Assessment of Violence Risk in Youth) was introduced as well. It was translated into Catalan and adjusted to the Juvenile Justice system of the Ministry of Justice of Catalonia. It is also regarded as an expert system for risk assessment of violence and recidivism in the field of juvenile justice. This tool was first developed in 2003 by Borum, Bartel and Forth.

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

No

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

A team carried out a study funded by the Ministry of Justice, with the aim of predicting possible risk situations where security could be compromised in Catalan prisons. This team used a system based in AI. The study came to an end in 2020 and the findings were not conclusive.

The Secretariat plans to further advance on the use of AI for the prediction of possible security risk situations that could take place in prison, but currently a calendar is not yet available.

The design of a system to implement suicide prevention sensors based on AI is planned. It is foreseen that it will be piloted for 6 months.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

Considerably high.

5. What are the **drivers** of deploying AI in prisons, probation and youth justice in your country?

The capacity to be able to anticipate challenging situations that could led to irreparable consequences.

What are the impediments to AIs deployment by your service?

The possible infringement of data protection laws and possible violation of fundamental rights, particularly the right to privacy.

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The use of AI in prison and probation as well as in the field of juvenile justice, it is indeed a relevant topic to our organisation.

In response to your request, we have circulated your letter and questions around the different units and services of the Secretariat of Criminal Sanctions, Rehabilitation and Victim Support for which AI is of relevance.

In particular, the Unit of Prison Interior Regime, the Unit of Planning and Strategic Projects, the Rehabilitation and Health Programmes Unit and the Juvenile Justice Services, all of which have been reflecting on them.

We have integrated their contributions and in attachment we provide a summary of their insights to each of the questions.

PC-CP ARTIFICIAL INTELLIGENCE SURVEY
Answers by the Secretariat of Criminal Sanctions, Rehabilitation and Victim Support
Ministry of Justice, Government of Catalonia

In response to the consultation by the Council for Penological Co-operation (PC-CP) received concerning the use of Artificial Intelligence (AI) in the management and practice of prison and probation services, the Secretariat of Criminal Sanctions, Rehabilitation and Victim Support of the Ministry of Justice of the Government of Catalonia and its different units, have reflected on the questions sent. In what follows a summary of their insights is provided.

a) Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

In the field of adults, a new monitoring and security programme is currently being designed with the aim of implementing all the knowledge gathered through the security protocols and other information instruments in place. In the framework of this programme IA would be very useful to support data processing so that it would make it possible to recognise and flag risk factors among the vast amount of information gathered in order to make the initial assessment for a given situation. This would entail a change of paradigm in the field of prison security because it would allow to anticipate possible incidents and therefore, go beyond the mere reaction once events have occurred, to actually prevent the events from happening. This would definitively minimise the number and risk level of the events involving violence against others and against oneself. AI could even allow to map risks that an individual can pose in relation to a particular context.

IA would also contribute to make significant improvements in the management of the prison information system electronic files. It particular it could provide smart solutions that would notify when incorrect or inconsistent data are being introduced by mistake in the system by the staff. It could also allow to organise in the most effective time-wise order the number of convictions of a given inmate or apply the latest legal developments to the calculation of the sentence length by the Prison Information System. In other words, AI could help to improve the quality of the data processing by the staff.

In addition, it would contribute with new embedded AI vision tools as part of the suicide prevention strategies already in place, or serve to prevent other incidents involving risk for inmates and staff.

Moreover, AI could help to improve the analysis and assessments made by the risk assessment tool used in the Catalan prison system since 2009 called RISCANVI. This is an instrument designed to assess and manage the risk of violent behaviour against self, violence against others, violent recidivism, general recidivism and breaking the prison sentence. With this instrument, amongst other aspects, the presence or the absence of risk factors related to the mental health state of the individual is measured, as well as their response to psychological and psychiatric treatment. Indicators of intellectual or developmental disabilities are also detected. Moreover, it also identifies personality disorders related to anger, impulsivity (cluster b), stress management, substance and alcohol abuse, self-harm behaviour and emotional instability to name some.

Currently the algorithm in which the prediction system of the assessment tool is based is not flexible enough and needs to be periodically reviewed in order to introduce modifications in the cut-off mark so that the resulting predictions are adjusted. Also, this instrument only provides information on end-results but does not allow to identify other types of signs or indicators that could benefit from other types of interventions.

Therefore, the use of AI could improve the predictive capacity of the RISCANVI since it could process all the data that this instrument gathers which are being introduced by the professionals on a daily basis as a result of their practice. In addition, the use of AI could also help professionals in spotting possible mistakes when introducing data. Moreover, it could also enable the research of other types of data that are being gathered by the instrument but are not currently relevant for risk assessment.

On a different note, AI could serve to develop apps or computer tools aimed at supporting different types of treatments for inmates. Nowadays in the community individuals undergoing substance abuse or anxiety treatments can use apps installed in cell phones or tablets that support them when certain situations related to their mental health or substance abuse condition arise. Such tools could also be used inside the prison with inmates subject to treatment, in order to anticipate a possible relapse or to support their coping mechanisms when experiencing adverse emotional responses.

In the field of juvenile justice, once the assessments of the needs and risks of the young person are made, AI would be very helpful to improve the choice of the type of treatment or intervention/s that shall be implemented with the young person that is/are more effective in addressing his/her needs. AI would also make a great contribution if it could help to improve the efficiency of a particular the intervention or treatment programme so that is more successful in supporting the young person in treating his/her needs. Maybe AI could propose how to tailor a given intervention or treatment programme so that it is more accurate tackling the needs of a particular young person.

b) What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

We are fully aware that the use of AI entails different types of risks and poses challenges at different levels.

On the one hand, it is crucial that fundamental rights are safeguarded when developing AI-based tools, in particular the right to privacy and data protection as laid down by Directive (EU) 2016/680 of the European Parliament and of the European Council, and its transposition by the Spanish Organic Law 7/2021 on the processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences and of the execution of criminal penalties.

On the other hand, there are ethical risks that should be fully addressed so that the implementation of AI-based tools, while introducing improvements, does not become detrimental to the rehabilitation goals of the interventions and treatment programmes.

To begin with, there is the well-known ethical risk called the black box problem, which describes the fact that usually the workings and processes through which AI reaches its predictions or conclusions are not understandable to humans. This is an obstacle for the evaluation of the quality and reliability of the decisions taken by the AI-based tool as humans cannot assess which factors has AI-based device taken into account and how have these been weighted to reach a particular conclusion.

Linked to this, there is also the ethical risk ensuing from the possible biases (racial, gender, social, religious, etc.) influencing the way the individual understands and categorises the information to be introduced in the AI-based tool. Through the machine learning process, the AI-based device could eventually reproduce these biases when making predictions or decisions and this should be taken into consideration.

It should also be born in mind that the existence of devices that are continuously observing people's behaviour may create a climate of distrust and excessive control which could be prejudicial to life in prison and in particular, to the environmental factors conducive to rehabilitation.

To conclude, we are committed to implement any new AI-based tools that might be developed with an active responsibility approach in order to safeguard human rights and fully observe and comply with all the rights and obligations ensuing from the legal framework applicable on this matter. It is equally crucial that all the ethical risks and challenges that AI poses are fully tackled so that the use of these

tools does not become detrimental to the goals of supporting individuals in their reintegration into the community.

SWEDEN

QUESTIONNAIRE ON ARTIFICIAL INTELLIGENCE

The Swedish Prison and Probation Service (SPPS) have answered the questions in the survey from The Council for Penological Co-operation (PC-CP) to the best of our knowledge.

1. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

Answer: While there has been experimentation with robotic process automation and business intelligence tools, a full-fledged Artificial Intelligence system, such as an expert or machine learning system, is yet to be in use. However, Swedish Prison and Probation Services are currently exploring the possibilities of implementing AI in its processes and intensifying research around innovation efforts utilizing AI.

2. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

Answer: The COVID-19 pandemic has not been a driver for faster deployment of AI tools in a direct way. However, the crisis has brought about an increased openness toward the use of digital tools and digitalization in general which may affect attitudes toward AI indirectly.

3. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

Answer: Swedish Prison and Probation services see many possibilities with the use of AI technology. Innovation efforts at this point largely revolve around AI and how to become a more data driven organization. It is likely that the authority will explore these possibilities in a direct way in the near future. It is not yet possible to indicate timewise when an AI system might be implemented. However, the authority has recently invested resources into research on how innovation with AI technology could be used to improve its services. It is likely that resources will be allocated for research and experimentation with AI technology for process innovation within 1-3 years. The authority sees a need for in-house competence and have begun hiring for AI knowledge. In the long term it is likely that the authority will strive to develop an organization-wide AI capability for management of AI technology.

Swedish probation services see a potential for AI in decision support systems. AI models with natural language processing could be used to automatically collect information from multiple sources and produce summarized reports that can subsequently be used as a basis for human decision making. There are also possibilities with image recognition systems. This technology could be used for supervision and security, and possibly enhanced care services like tracking behavioral patterns among clients. Biometric data collection could also be used toward this end. It is also likely that advanced statistical systems and machine learning AI can be used for various predictive tasks such as for recidivism risk. Other predictive tasks may be real time quantitative estimation such as for occupancy and transportation needs. It is also likely that AI can be used to mine data and produce new knowledge, so-called "insights", that can be used for process innovation.

Swedish Prison and Probation services recognize that AI is a technology that can be used in various applications and will likely be infused in a wide variety of processes in the future. However, all innovation in Swedish Prison and Probation services will be designed in relation to its current needs and conditions. Therefore, it is likely that only a small portion of what is possible will be explored in the near future.
Swedish Prison and Probation services see a need for developing and managing AI-models in house that are tailored for the authority's needs and are trained on relevant data. A well-designed model capable of natural language processing could be reshaped to be used in many areas. Likewise with image recognition and advanced statistical systems.

4. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

Answer: The level of AI knowledge among staff must be said to be low at this time. Even though there is an understanding of the possibilities and consequences of AI technology among staff responsible for innovation and strategic issues, the general level of knowledge about AI is low. Among IT-personnel there are few or none who have experience from developing or working with AI.

5. What are the drivers of deploying AI in prisons, probation and youth justice in your country?

Answer: Swedish prison and probation services sees a great need to increase efficiency and quality in a number of areas in the coming years. There is external pressure placed on Swedish Probation and Prison services at this time. Crime, especially gang related crime, is going up and an increasing number of clients will have to be held in prison in the near future. This brings about an acute occupancy problem since the number of living spaces for clients are already exhausted. At the same time, staff numbers are unduly high.

Another driver is that the authority recognizes that Artificial Intelligence will likely offer opportunities for increased efficiency, process innovation and data insights. There are many repetitive and arduous tasks that may well be handled by automated or semi-automated systems. We see a potential for new innovative processes utilizing AI. Furthermore, there are sources of data that can be explored and harnessed to produce insights about better ways of conducting our services. We also see that AI has the potential of upholding democratic values such as equal treatment and non-biased selection in various processes. Even though bias in AI models is a risk in itself, well designed and properly implemented AI may prove to be less problematic than are processes purely dependent on human judgement.

Swedish Prison and Probation services also recognizes that AI will soon make an entrance on a societal level and is likely to bring about a fourth industrial revolution. It makes sense to keep up with this technological revolution in order for the authority to remain in the driver's seat regarding decisions about its own development. Without the requisite knowledge and experience, the organization may find itself continuously reacting to external pressure and a paradigmatic shift on a societal level rather than acting proactively and taking advantage of opportunities.

Furthermore, in accordance with the proposal for harmonized rules on Artificial Intelligence put forth by the EU, there may be exceptions for law enforcement services such as the Swedish Prison and Probation Services for the use of personal data collected for other purposes in developing AI-systems within a regulatory sandbox. If this is a correct interpretation, and if this will in effect give the authority (together with a selection of other authorities such as law enforcement, public health and environment organizations) rights to use personal data for development of AI-systems in a way that is not granted other organizations companies or researchers, Swedish Prison and Probation Services may find itself in a hotseat for AI innovation in regulatory sandboxes that may prove to be attractive to external organizations, companies and researchers.

6. What are the impediments to AIs deployment by your service?

Answer: The greatest impediment to deployment of AI in our services is a lack of knowledge and experience on an individual as well as organizational level. There is not yet a data driven culture in place which we see as a requisite for making the most of technological advancements such as AI. Therefore, substantial innovation with AI and other data driven technologies will require a transformation in culture as well as organization. Furthermore, there is a lack of awareness of the paradigmatic shift towards data driven organizations that is happening on a societal level. Substantial AI implementation in Swedish Prison and Probation Services will therefore require a greater understanding of what it entails for an organization to be part of a data driven society. Since there is a low understanding of this general directional change on a large-scale level it is more difficult to reach adherence for transformational changes such as process innovation utilizing AI.

Another impediment we see is that there is not yet a fully developed eco-system surrounding AI technology on a national as well as international level. Since effective, robust and trustworthy AI systems require large amounts of data and considerable cooperation between disciplines and organizations, it will be much harder for single organizations to reach an impactful level of AI-utilization until an eco-system of AI-organizations, AI-companies and AI-researchers is well established. We see a great need for knowledge sharing, data sharing and sharing of AI-models and other software between public organizations, companies, universities and niche organizations.

Furthermore, for such an ethically sensitive service as Prison and Probation, there is also a need for greater understanding of the ethical risks of utilizing AI and how to mitigate these. Since there are as of yet no policies or ethical guidelines in place surrounding the use of AI in Swedish Pison and Probation Services, much work needs to be done in this area before an AI-system can be implemented. A general idea of what the ethical boundaries are and what should be considered as legitimate use of AI must be in place before any large-scale experimentation is conducted. It is also worth considering that even after this work is done there are likely to be unexpected ethical consequences from using AI which are only discoverable upon implementation. This may slow down impactful use of AI even at a point when the actual technology is in place since ethics and security has the highest priority in Swedish Prison and Probation services.

Where would you see AI as most useful in your organization, and what benefits are you especially looking for?

Swedish Prison and Probation services see three major areas of use for AI-systems; increased efficiency, increased quality, and innovation based on insights that come out of analysis of large datasets.

With the new possibilites for automation that come with AI, we see many new opportunities for automation of processes. Automation of tasks that have hitherto required human intervention could lead to greater efficiency since less people would be required to do the same amount of work. Furthermore, AI could be used to increase quality of processes. AI-systems could for instance be used for greater precision in processes, and also optimization. It is also likely that AI-systems could handle processes more reliably than humans which would mean an increase in objectivity and fairness. Lastly, we see the possibility for innovation of processes and services based on so called ”insights”. With the collection and analysis of large amounts of data come the opportunity of AI discovering hidden patterns, associations and clusters in data. These can possibly be used to enhance existing processes or create new processes altogether. Insights about client care may for instance be used to evolve rehabilitative programs, making them more effective, or may lead to the creation of new innovative methods altogether.

More specifically, we see a potential for AI in decision support systems. AI models with natural language processing could be used to automatically collect information from multiple sources and produce summarized reports that can subsequently be used as a basis for human decision making. Such technology could possibly be used to analyse unstructured data in the OMS as well, with the intention of finding meaningful patterns and associations. The knowledge that comes out of this could then potentially be used to improve the prison and probation service in various ways. There are also possibilities with image recognition systems. This technology could be used for supervision and security, and possibly enhanced care services like tracking behavioral patterns among clients. Biometric data collection could also be used toward this end. It is also likely that advanced statistical systems and machine learning AI can be used for various predictive tasks such as for recidivism risk. Other predictive tasks may be real time quantitative estimation such as for occupancy and transportation needs.

What ethical risks there are that you would like to take into consideration on a national/international prison/probation services level in order to ensure AI is used appropriately in the future?

Swedish Prison and Probation Service acknowledge the black-box problem of AI and the host of problems that arise as a result of this. It is therefore the intention of the authority to strive toward transparent or explainable applications of AI. Since public organisations rely on democratic values such as transparent decision-making processes, processes containing elements of AI must be transparent and reviewable for other government bodies, and by extension, the general public. It is also the intention of Swedish Prison and Probation Services to keep humans in the loop in processes with AI elements. This to ensure that critical decisions about human affairs are reviewed by humans before executed.

Bias in algorithms as a result of bias in training data or training methods is of great consideration for Swedish Prison and Probation services. We acknowledge that bias is a prevalent problem in many machine learning applications and that bias can be difficult to detect and circumvent. We also acknowledge that advanced machine learning methods and the combination of different data sources in training can produce bias in ways that were totally unexpected. Therefore, the authority will work actively and continuously to detect and prevent bias in algorithms. Since many of the potential applications of machine learning AI in Swedish Prison and Probation Services will be used in relation to humans or the processing of human affairs, it is of utmost importance that these processes are implemented in a non-biased or at least low-biased way.

Since effective machine learning applications rely on vast amounts of data, Swedish Prison and Probation

Services acknowledge the need to collect data internally and also to share data externally with other organisations and authorities, perhaps even on an international scale. Extensive collection and sharing of data may infringe on rights to integrity, of employees as well as clients.

This may cause a tension between two values, that of effective machine learning applications and that of preserved integrity. This tension must be discussed continuously and be handled for each effort of data collection. Law and principles guiding the collection of data must be upheld.

Extensive automation and technification of client processes may also lead to a decrease in meaningful human contact. This could be seen as depriving clients of their dignity and may also be an impediment to rehabilitation. Furthermore, increased levels of surveillance could also be perceived as intrusive and may cause psychological stress among clients. It may also be possible to control client's behavior with AI or use AI to detect personal attributes of client's which could be misused or lead to oppression.

Swedish Prison and Probation services have found it useful to avoid speaking of ethical challenges with AI in the most general sense since this is such a large domain and since the technology is so diverse. Rather, we prefer speaking of more specific instances of the technology, such as natural language processing, image recognition or data anlysis for instance, and analyze what ethical challenges may follow from that specific technology. We also prefer to speak of the specific context in which it is to be used and for what purpose. This since the same technology can present very different ethical challenges when applied in different contexts and towards different ends. Working case by case in this way give a more specific idea of the risks involved and what measures are to be taken to mitigate them.

UNITED KINGDOM

1. Which country/jurisdiction do you work in/represent

Ministry of Justice UK - Her Majesty's Prison and Probation Service (HMPPS) covers England and Wales

2. What is your job title?

Head of Prisons Data Science, Data and Analytical Services, Ministry of Justice Head of Digital Prison Services, Digital & Technology, Ministry of Justice

a. Is your service (prisons, probation and youth justice) already using AI tools for: recruitment of staff; training of offenders and staff; healthcare; risk assessment; other (please specify)?

The Ministry of Justice does not use Artificial Intelligence (AI) or Machine Learning (ML) in the true definition across any of its operational services, but has started to use it to support some HQ functions. The MoJ has an Analytical Platform which spots trends and creates links between data sets; however, this wouldn't fall under either category. A case study on the Analytical Platform can be found here:

https://www.gov.uk/guidance/choose-tools-and-infrastructure-to-make-better-use-of-your-data#case-study---using-data-science-with-the-ministry-of-justice-analytical- platform

With its analytical platform, the department has built a set of tools that provide the basis for the potential development of AI/ML tools, and alongside this, we are undertaking a project that builds on the Office for Artificial Intelligence guidance to develop practical tools and governance to support the ethical development of any future AL/ML project.

One area where the department has started to use AI is in interrogating prison inspection reports through the use of natural language processing to help staff identify patterns of issues and incidents across prisons, identify geographic patterns affecting prisons and inform data-driven decisions about prison inspections and policy. This tool is currently being expanded to cover the probation system. More information can be found here: https://www.gov.uk/government/case-studies/how-the-ministry-of-justice-used-ai-to-compare-prison-reports--2

The Government's Data Ethics Framework and 'Guide to Using AI in the Public Sector', alongside other guidance are available on GOV.UK, to support ethical and safe use of algorithms in the public sector.

The Department continues to review where artificial intelligence or machine learning would add value to undertaking its duties.

b. Has the COVID-19 pandemic been a driver for faster deployment of AI tools? Please indicate whether this was the case also regarding additional budget allocated and quicker decision-taking regarding the use of AI.

As for many governments and departments, the COVID-19 pandemic has highlighted the need to improve the connectedness and accuracy of our data systems, both within the ministry of justice and across government departments. Whilst no decisions were fast tracked or prompted to use AI to respond to the pandemic, the pandemic has highlighted the need to invest in improving our digital services, and in connecting, improving and using our data better, which could include the use of AI in future. At present our legacy systems would not enable us to use AI and our current focus is therefore on replacing existing systems with interoperable micro-services to lay the foundations for future AI usage.

c. If AI tools are not yet used or are used for only part of the above purposes, is it planned or likely to start using such tools in the near future? (please specify time-wise and for what use of AI tools this is planned)

We are developing our digital systems to support staff within the prison service to reduce the time it takes them to do administrative tasks, to make good decisions about how they manage and support prisoners, and to help senior managers, prison governors and HQ staff understand what's going on in the system. These developments will include improving the reach, accuracy and timeliness of our data

capture, delivering insights derived from evidence and data to the frontline and other staff, and supporting decisions with data and insight.

Some of this may include uses of AI but this will be part of a suite of tools, and primarily to support staff decision making rather than automate or replace.

d. What is the level of AI maturity/knowledge among staff of your service? (including any training provided)

We have not done an assessment of general awareness of AI amongst prison staff. Where staff need to understand and use algorithms, data and insights, we provide specific training to support them, for example our actuarial risk predictors that are used mainly by probation staff in prisons.

e. What are the drivers of deploying AI in prisons, probation and youthjustice in your country?

AI has potential benefits to improve the efficiency and effectiveness of our services, if developed and deployed in partnership with operational staff and with careful regard to the quality, reach and representativeness of our data, and the ethical implications of deployment. We want to support and augment, not replace staff decision making, making it easier for staff to access, understand and exploit insights, data and evidence in their work, and to support them in reducing bias and developing effective and rehabilitative relationshipswith prisoners.

f. What are the impediments to AIs deployment by your service?

At present the data that we collect within the prison service has limitations. We are focusing on improving the quality, reach and connectedness of our data through the development of new, modem and better suited digital services. The deployment of AI in the prison service without careful attention to the appropriateness of the data we have access to risks making services worse.

If we are to deploy AI into the prison service, we need to build the trust of staff to use the systems effectively and provide effective feedback loops for anomalous situations or changing profiles. This will include ensuring staff understand the basis of the algorithms, trust that they are developed and deployed fairly, and that they know how to challenge therecommendations of the algorithm and explain them to people in prison, who will be most affected.

Artificial Intelligence (AI)

Having reviewed this paper, it is possible that PBNI could consider the use of AI or machine learning to identify those individuals who are likely to be recalled. This could also apply to people under supervision who have reoffended or breached, or indeed any particular outcome we wished to look at, either negative or positive.

The important issues however are the ethical ones outlined in the paper, and we could never have a scenario where a decision is taken solely on that basis. We reviewed the Finnish and Hong Kong papers outlined in the letters, and our opinion is that they generally describe AI as systems that make choices without the user, so decisions are made by the computer program. This would not be appropriate for PBNI.

Whether we use non-AI models like regression or AI models like neural networks, the criticalissue is what we are trying to achieve. Both models could be used to predict reoffending, recalls, and breaches, so they will therefore achieve the same goal. What is important are which models are most accurate, which must involve a human being making a decision.

For issues such as factor analysis, it is possible to use machine learning models like Random Forest. This would be very useful for identifying which factors that are most important in predicting recalls and reoffending, and it would also be possible to study which factors which are most predictive of specific offences. Factor analysis will identify the most relevant factors that we can test, using the historical data (and reoffending database) to determine if the predictors are accurate and build back into the model.