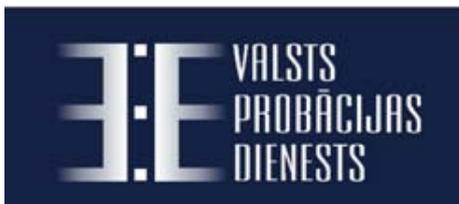




*"With financial support from the Criminal Justice Programme of the European Union".*

## 'E-Justice and Cross Border Resettlement' Final Conference (DUTT Project)

**Thursday 24<sup>th</sup> (pm) - Friday 25<sup>th</sup> January 2013  
Amsterdam, the Netherlands**



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# **Developing the Use of Technical Tools for Cross-Border Resettlement (DUTT)**

## **Project Summary**

- **To study and evaluate the potential for use of videoconference technology (VCT) in cross-border transfers of prisoners and offenders with community sanctions.**
- **To scope the potential for multi-lingual touch screen facilities (TSF) as an aid to resettlement.**
- **To provide recommendations for the future usage of TSF and VCT.**
- **To host a multi-agency transnational launch event, to raise awareness of the issues DUTT will be covering.**
- **To host a final multi-agency transnational conference to showcase project learning and results.**
- **To disseminate information and learning to other EU countries.**

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This EU-funded project sought to study the potential usage of specific technical tools, as a means to assist with transnational transfers of offenders. Specifically, it looked at:

- Video-conference technology (VCT)
- Multi-lingual Touch Screen Facilities (TSF)

The project aimed to research the two above areas, in relation to the transfer of offenders across EU member states. It modelled processes and techniques used between the partner countries, to identify potential issues and difficulties.

With regard to video-conference technology, VCT was implemented in partner organisations where this is not currently available. VCT as a tool for cross-border resettlement was then studied and evaluated, looking at technical and practice-based issues.

In addition, a desk research exercise was carried out on the usefulness of touch screen facilities, within the context of the DUTT project.

In order to disseminate project learning more widely than the project partners, two transnational events have been planned. The first, a multi-agency transnational launch event was held in the UK, in April 2011. The final multi-agency transnational conference is being held in the Netherlands, to showcase project learning and results.

## **Project Partners**

- London Probation Trust, UK (lead partner)
- National Offender Management Service (NOMS), UK
- Conference Permanante European de la Probation (CEP), The Netherlands
- Reclassering Nederland, The Netherlands
- State Probation Service, Latvia
- Custodial Institutions Agency, The Netherlands

## **Project Outputs**

- Evaluation report on the potential for videoconference technology in aiding cross-border transfers.
- Feasibility study on the potential of touch screen facilities in aiding resettlement.
- Six study visits, throughout the life of the project, to increase the knowledge-base of project partners.
- Multi-agency transnational launch event in the UK.
- Final multi-agency transnational conference in the Netherlands.

## **Timeline**

Project Start Date: March 2011

Project End Date: February 2013

## Introduction

As part of the EU-funded DUTT project, the final conference was held on 24 and 25 January 2013, at Cisco Amsterdam. The conference was organised by CEP (the European probation organisation) and London Probation Trust (LPT) and featured eighty delegates, representing various stakeholder organisations from 15 Member States and DUTT project partners. The conference was intended to outline the aims and objectives of the DUTT project, with presentations on the implementation of Council Framework Decisions (FD 909 and FD 947) 2008/947/JHA and 2008/909/JHA; project research output findings; and the findings of projects undertaken in other Member States. Workshop sessions were then held on the implementation of the relevant Framework Decisions; the potential uses of touch-screen facilities within the area of cross-border resettlement; and the use of video-conference facilities in facilitating cross-border resettlement. The project gave;

- An overview of the E-Justice initiative from the EU;
- Information on the latest developments in Framework Decisions 909 & 947;
- An understanding of how technology can be used in cross border resettlement;
- Learning from the DUTT project outputs;
- An opportunity to meet and network with colleagues and peers from other EU countries;
- Inside access to a technically innovative hub (courtesy of CISCO).

Project outputs and conference presentations can be found at;

[http://www.cep-probation.org/default.asp?page\\_id=157&map\\_id=102](http://www.cep-probation.org/default.asp?page_id=157&map_id=102)



## DUTT Conference Programme

### Thursday 24<sup>th</sup> January

19:00 – 21:30	<p><i>Dinner and Welcome:</i></p> <ul style="list-style-type: none"> <li>• Heather Munro, Chief Executive (London Probation Trust)</li> <li>• Marc Ceron, President (CEP)</li> </ul>
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### Friday 25<sup>th</sup> January

08:45 – 09:15	<b>Registration</b>
09:15 – 09:30	<p><i>Cisco Introduction</i></p> <ul style="list-style-type: none"> <li>• Jens Mortensen, Director – Public Sector Europe, Middle East, Africa &amp; Russia (Cisco Systems)</li> </ul>
09:30 – 09:45	<p><i>Welcome and Formal Opening</i></p> <ul style="list-style-type: none"> <li>• Chair – Peter Wagenmaker, Head of Unit for Sanction and Probation Policy (Dutch Ministry of Justice)</li> </ul>
09:45 – 11:30	<p><i>Developments in Cross – Border Resettlement</i></p> <ul style="list-style-type: none"> <li>• Framework Decisions 909 and 947 a policy perspective - Jesca Benerer (European Commission)</li> <li>• Framework Decision 909 from a practical perspective – Steven van de Steene (Europris)</li> <li>• ISTEP Project – Craig Georgiou (NOMS and ISTEP Project)</li> <li>• Framework Decision 947 practical perspective – Anton van Kalmthout (Tilburg University &amp; ISTEP project)</li> </ul>
11:30 -11:50	<b>BREAK</b>
11:50 – 13:00	<p><i>The DUTT Project: Bringing together E-justice and Cross-border resettlement</i></p> <ul style="list-style-type: none"> <li>• Overview – Kalpana Kapoor, DUTT Project Manager (London Probation Trust)</li> <li>• Key project findings: <ul style="list-style-type: none"> <li>➢ Video Conferencing Qualitative Findings - Sabine Braun (University of Surrey)</li> <li>➢ Video Conferencing Technical Findings - Ernst Eilering (Dutch Ministry of Justice)</li> <li>➢ Touch Screen Facilities - Emma Di Iorio (London Probation Trust)</li> </ul> </li> </ul>
13:00 – 14:15	<b>LUNCH &amp; NETWORKING</b> (including tour of CISCO facilities)

14:15 – 15:45	<p><i>Workshops</i></p> <ol style="list-style-type: none"> <li>1. Technical tools in Cross Border Resettlement <ul style="list-style-type: none"> <li>➤ VCT – Sabine Braun (University of Surrey)</li> <li>➤ Touch Screen Facilities – Emma Di Iorio (London Probation Trust)</li> </ul> </li> <li>2. Implementation of FD 909 – Perspectives from Member States <ul style="list-style-type: none"> <li>➤ England and Wales – Graham Wilkinson (National Offender Management Service)</li> <li>➤ The Netherlands - Saskia de Reuver (Dutch Ministry of Security and Justice, Custodial Institutions Agency)</li> </ul> </li> <li>3. Implementation of FD 947 – perspectives from Member States <ul style="list-style-type: none"> <li>➤ Latvia – Imants Jurevicius (Latvia State Probation Service)</li> <li>➤ Romania, Italy &amp; Ireland - Iuliana Carbutaru (Romania Probation Service)</li> </ul> </li> </ol>
15:45 – 16:00	<p><i>Final thoughts from abroad:</i></p> <ul style="list-style-type: none"> <li>• Practitioner Feedback (DVD)</li> <li>• Leo Tigges (previous DUTT Project Board Member)</li> </ul>
16:00 – 16:30	<p><i>Close of Event</i></p> <ul style="list-style-type: none"> <li>• Peter Wagenmaker, Head of Unit for Sanction and Probation Policy, (Dutch Ministry of Security and Justice)</li> </ul>

## **Plenary Sessions**

### ***Cisco Introduction***

**Jens Mortensen, Director – Public Sector Europe, Middle East, Africa & Russia (Cisco Systems)**

As the hosting organisation Cisco was invited to give a brief welcome to the delegates. Jens explained that within Cisco videoconferencing is used with very few problems. It is seen as an alternative to physical meetings in many contexts and is a highly useful additional service when people cannot meet physically. As cross-border working increases, so too does the potential for using videoconferencing. However, one must not forget the usefulness of such technologies even when working across different principalities in the same Member State.

In the criminal justice sector it often takes a longer time to implement new technologies, but there has been a huge change in the use of videoconferencing within the public sector. However, it is interesting in how this occurred. The usage of videoconferencing has increased vastly, often due to budget cuts and the need for public sector savings.

### ***Welcome and Formal Opening***

**Chair – Peter Wagenmaker, Head of Unit for Sanction and Probation Policy (Dutch Ministry of Justice)**

Peter welcomed the delegates to the conference and expressed his happiness in how much interest there has been in the subjects being covered by the conference and the DUTT project, which seems to have marked a shift in the interest in new technologies.

Justice can work very slowly. An example of this is that videoconferencing technology was not welcomed initially in the Detention Centre Rotterdam, but on seeing the provision and how it worked the judiciary have found it highly useful. It has also helped in saving money and the costs of transporting detainees to court-rooms.

The DUTT project is looking at these aspects in a broader sense. For Member States to transfer custodial sentences (Framework Decision 2008/909/JHA) and transfer alternative sanctions (Framework Decision 2008/947/JHA), technology is needed in order to facilitate these processes.

The debates about Europe are very mixed – it is important to implement the areas of legislation already started before moving on to new areas. Practical cooperation and implementation are needed. The challenges including budgetary cuts mean that we will be forced to look at how technology can help, whilst maintaining security levels and ensuring cost-efficiency.

### ***Developments in Cross-border Resettlement***

**Jesca Bener, European Commission - Framework Decisions 909 and 947: A Policy Perspective.**



Jesca set out the current status of Framework Decisions 909 and 947, explaining that the implementation deadlines had passed in late 2011 and that most Member States are behind in their implementation. Both the ISTEP project and Europris are assisting with the implementation of the decisions.

The European Commission published a green paper on detention in June 2011. Of the 81 replies, it was clear that Member States did not wish to implement new areas of legislation, but to improve on the implementation of the areas already started. The Commission then published implementation reports in mid-2013. Extra meetings have also been organised to ensure there is understanding of e-justice. Regarding Framework Decision 909, 12 Member States have currently implemented this. Romania and Bulgaria have also implemented 909, but there is no official notification. Croatia has also implemented and will become an EU Member State in July 2013. Regarding 947, only seven Member States have implemented the decision. Infringement proceedings can be brought against the non-implementing Member States from December 2014.

Mutual recognition areas are very important for cooperation and implementation, because otherwise the Framework Decisions cannot be used properly due to mixed levels of implementation. The European arrest warrant will not be needed as much if these decisions are implemented properly. There will also be less need to resort to custodial sentences, because currently those who are from another Member State can more easily be handed a community penalty by the judge where they would normally do this for their own nationals. The legislation in this area also contributes to social rehabilitation and gives an alternative to prison.

Framework Decisions 909 and 947 can be seen as counter-balances to the European arrest warrant, which focuses on law enforcement, as opposed to the decisions' focus on rehabilitation. Existing Council of Europe conventions were not very efficient and had limited application.

Social rehabilitation should always be assessed and there is the obligation for the executing state to accept transfers, unless there are grounds for refusal. This is about mutual recognition, not a re-examination of the issuing state's decision and adaptation is the most that is permissible with regard to certain situations, as per the text of the decisions. The issuing state has the final say and can withdraw the certificate if unhappy with the plans of the executing state.

The main challenges surrounding Framework Decision 909 are those surrounding the release of offenders, because some Member States routinely release at the half-way point and others release later. Further, there are 12 grounds of refusal for not transferring an offender.

This is a transitional regime and there is no direct effect for Framework Decisions, but there can be indirect effect.

There will be a new website created in order for Member States to exchange other information and to further e-justice.

### **Steven Toll, Europris - Framework Decision 909: A Practical Perspective**

Peter gave an overview of Europris, explaining that it is an organisation that helps understand policy on prisons, made up of those responsible for running such establishments. Europris aims to help shape the future of the policy that governs the future running of prisons. Thanks go to CEP for the assistance in forming the organisation. Cross-border criminality is becoming

more common-place, resulting in more foreign nationals in prisons. This leads to the further need for mutual recognition and trust for the Framework Decisions to be implemented properly. Trust is critical and Europris offers the platform for senior figures to cooperate with their counterparts.

Europris comprises of expert working groups: the communications group; the Framework Decision working group, consisting of experts from the prison services of seven Member States; the benchmarking group; and the ICT group, which looks at the ways in which better use of technology in prisons across the EU can help offenders in the prisons. Europris sees the DUTT project as an excellent opportunity to demonstrate the use of technology for cross-border uses. Prison services should become more closely connected across the EU, in order to compare and share best practices. The new generations of prisoners are used to using new technologies and can no longer do this in prison. It is akin to a language for them, as the digital generation and should be addressed. This is especially pertinent for when they are released.

### **Craig Georgiou, ISTEP Project – Supporting the Implementation of 2008/947/JHA**

Craig explained that the ISTEP project exists to assist Member States in the implementation of Framework Decision 947, by;

- Identifying both the legislative and practical challenges;
- Identifying potential solutions and developing some 'solution studies';
- Producing country factsheets to support judges and competent authorities when transferring an offender;
- Disseminating information across networks;
- Supporting networking and mutual understanding between EU Member States.

He gave an overview of the current situations pertaining to implementation in each of the Member States and gave an overview of how the project is assisting with overcoming the implementation challenges through expert workshops, project newsletters, a literature study and a series of focus groups.

The ideological challenges associated with implementation are the confusing and restrictive understanding of the concept of 'rehabilitation' and the difficulty in aligning to the concept of supporting the social rehabilitation for offenders by Member States.

The legislative challenges surround the issues of consent; who falls within “lawfully and ordinary” resident; issues surrounding the Competent Authority; additional probation measures and alternatives; double criminality; subsequent decisions; the age of offenders; and relations with other EU instruments.

The practical challenges are the social enquiry needed, as well as pre-sentence reports; obtaining background information; the methods of communication used; languages used; interpretation and translation; third party involvement; the associated costs; who the first contact is in the executing state; whether the time-frame of 60 days is sufficient; the establishment of the Competent Authority; and the lack of flexibility associated with implementation.

ISTEP has been working on country fact sheets for each Member State, which brings together much of the relevant information and allows information to be more easily exchanged.



### **Anton van Kalmthout, Tilburg University & ISTEP project: Framework Decision 947: A Practical Perspective**

Anton explained the broad situation with regard to Framework Decision 947 and indicated how closely connected Framework Decisions 909 and 947 are. There needs to be more trust between Member States, but currently there is the situation of much disparity between states. For example, the Council of Europe has banned the transfer of prisoners to Greece, because of prison conditions. Similar conditions can be seen in some other Member States and this

poses problems with regard to transfers. The relevant Framework Decisions can only work where there is good cooperation between the competent authorities. The Council of Europe convention was seldom used and, obviously, countries were not forced to implement it. Further, it was restricted to conditional sentence or release and required a complex implementation process. The Framework Decision offers a mechanism which is binding in character, with only a few grounds for the refusal of recognition of supervision by Member States. It is complex, but flexible.

Implementation can be stimulated through meetings and conferences, as well as projects such as the Belgian Project and ISTEP. Useful observations have been made by the ISTEP project. There is little attention to these areas in the literature concerning cross-border cases and the date of implementation has not been taken into account by many Member States. Another associated problem with implementation is that there is no uniformity with regard to the competent authorities in each Member State.

The main obstacles to the implementation of the Framework Decisions are as follows:

- The information gap between Member States.
- Lack of probation infrastructure in some Member States.
- Underdevelopment of types of probation measures and alternative sanctions in many Member States.
- The low number of imposed probation measures and alternative sanctions in many Member States.
- Financial aspects.
- Lack of interest in some Member States.
- Pre-trial rate of foreigners and exclusion of foreigners from community sanctions.
- Use of language in certificates.
- The need for social enquiry or pre-sentence report and determining who will write these reports, when and what kind of information should be included.
- Financial consequences.
- Legal obstacles.
- What is understood by a lawful and ordinary resident.
- Large differences in criminal liability.
- Theoretical barriers.
- Re-integration verses rehabilitation/re-socialisation.

However, there can be successful implementation if:

- Public prosecutes judges lawyers are well informed and can win over their hesitations and doubts
- Legal and practical obstacles can be solved in not too a complex manner.
- National legislation is accessible in other languages.
- The respective implementation legislation are as far as possible adapted to each other.
- The implementation process is continuously followed and evaluated.
- A European database is used to provide the Member States with all the necessary documents and information.
- Criminal policies no longer exclude foreigners.



### ***The DUTT Project: Bringing together E-justice and Cross-border resettlement***

#### **Overview – Kalpana Kapoor, DUTT Project Manager (London Probation Trust)**

Kalpana gave an overview of the DUTT project and the fact that London Probation Trust (LPT), as the lead applicant has managed many EU and European Social Fund projects in the past.

London Probation Trust has a mission statement of “Changing lives for a safer London” and is part of the National Offender Management Service (NOMS), which is represented in the DUTT project partnership. Over 70,000 offenders are dealt with each year and represent those who have been sentenced by the courts or released from prison on licence. The organisation works to ensure offenders complete the requirements of their court orders and keep to licence conditions as well as resettle in the community.

DUTT aimed to assist with the implementation of the Framework Decisions mentioned. It was submitted as an application to the European Commission, because it was recognised early on that there would be challenges in implementing the decisions. DUTT looks at whether new technologies can assist in trans-national communication.

The project partnership is made up of;

- London Probation Trust, UK (lead partner)
- National Offender Management Service (NOMS), UK
- Conference Permanente European de la Probation (CEP), The Netherlands
- Reclassering Nederland, The Netherlands
- State Probation Service, Latvia
- Custodial Institutions Agency, The Netherlands

The project objectives, which have been fulfilled, are to study and evaluate the effectiveness of video-conference technology; to scope the potential for touch-screens being of use in cross-border resettlement and to disseminate the findings of the project across the EU. Further studies were done to support these, in scoping the potential for a web-based tool for the booking of video-conferencing facilities in other Member States and on exploring the end to end interoperability of video-conference facilities in different Member States.

### **Video-conferencing Qualitative Findings - Sabine Braun (University of Surrey)**

Sabine introduced the aims of the study, which were to investigate the potential benefits and limitations of video-conferencing facilities to meet novel communication needs, including analysis of the viability of such technology in a criminal justice setting.

There was the anticipation that the implementation of the Framework Decisions would increase cross-border communication in relation to resettlement procedures, which would be difficult to accommodate with face-to-face meetings.

There was analysis as to in which situations video-conferencing would be particularly beneficial or essential; when it would be beneficial but not essential; and when it should not be used. There was an assessment completed of video-conferencing in its own right before comparing it with other media.

Research has already been conducted into the use of video-conferencing in the courts and positive experiences have been shown in less formal settings. Video-conferencing is already used for court report interviews in some cases. Recent research takes a holistic approach and gives practical guidelines for using video-conferencing in a justice setting. This has mainly been focused on court services and a handbook has been produced by the Netherlands.

Sabine covered the methodology of the research and explained that there are no real-life experiences of video-conferencing in cross-border transfers yet, so role-plays were developed in order to analyse the likely situations which will arise. The role-plays include some situations involving multi-lingual video-conferencing with an interpreter. These included:

- Consultations/clarifications between Competent Authorities before/after sending the certificate.
- Interviews with, or assessments of, offender in the issuing state before/after sentence is made.
- Different linguistic configurations, including the use of a second language, a lingua franca and communication through an interpreter.

There were pre- and post-session interviews with the role players and analysis completed of each role play. Attitudes towards the use of video-conferencing were generally positive, but more positive after the role plays.

The main findings of the research pertain to the technological set-up, the audio-visual environment and the interaction between different parties:

Technological set-up;

- Quality of sound and video image
- Lip synchronicity
- Stability of connection/pixilation

Audiovisual environment;

- Visibility of other side and of self
- Seating arrangement with more than one participant per site (especially with offender and/or interpreter)
- Camera angle, lighting, background

Interaction;

- Verbal, non-verbal, eye contact problems

There are issues to overcome in the setup of the venues in order to have a good video-conference session. The clarity of roles and the procedure which will be taken is crucial. Further, there needs to be appropriate communication for the setting and mutual comprehension through language and interpreter use.

Sabine concluded that there are two levels of problems: the user level issues and the system design problems. If these can both be resolved, video-conferencing is likely to provide specific advantages when compared to other methods of cross-border communication and in the transfer of custodial sentences and alternative sanctions.

The key recommendations were:

- Agree **inter-institutional minimum standards** and **code of best practice** for VC
- Set up European **expert group** and develop **accreditation procedure for VC use**
- Consider **step-by-step introduction** of VC and **evaluation at key stages**
- Use **high-quality VC equipment** and a **high-speed broadband connection**
- Use VC for **short-durations** on a **1-to-1** basis and **small groups** of participants
- Use for **communication with offender** (unless complex health conditions) and for **communication in second language/lingua franca**
- Use an **interpreter** when an other-language speaker offender is present or when differences in language proficiency are strong
- Always use **professional legal interpreters** and brief them fully
- Develop **training for staff (and interpreters); induction/briefing for offenders**
- Make sure there is **procedural clarity; prepare VC session**
- Make sure **technical assistance** is available

## **Video Conferencing Technical Findings - Ernst Eilering (Dutch Ministry of Justice)**

Ernst was unable to attend the conference, but had prepared an audio presentation with accompanying slides for the benefit of the delegates.

Ernst explained that videoconferencing was tested throughout the life of the project through technical tests, within cross-border meetings and through the use of role plays. An overview of a web prototype for the booking of videoconference facilities across the EU was created, in order to look at what it could do and what it might look like.

The systems used in testing were mixed and included Tandberg, Cisco, Polycom and LifeSize. Both IP and ISDN systems and their interoperability were tested. Further, the possibility of using a multipoint unit was looked at, as well as cloud computing.

Within the technical testing, the quality was acceptable overall, with very good sound quality. There were no problems with other devices integrating (e.g. iPads). There were issues with time-zones and the agreement of which was being used, conference room login to videoconference systems and poor lighting or backlighting.

Issues within the scenarios ranged from time delay, to pixilation, sound quality problems and loss of colour. There were also problems with the stability of the connection in some cases. Overall, the majority of tests were perceived to be of sufficient quality for successful communication.

In conducting videoconferencing, the time zone being used should be pre-agreed; the use of bandwidth should be at least 2 MB up and down; conference-room login codes should be pre-tested; a lighting plan is essential for good quality, as is correct camera angle; and the placement of the participants is important.

Regarding the scoping of an online videoconference booking and evaluation tool, the information in such a system could enable an online direct booking process which can be arranged through a system generated e-mail and online request.

## **Touch-screen Facilities - Emma Di Iorio (London Probation Trust)**

Emma outlined the context of the output, as a feasibility desk research piece on the potential for multi-lingual touch-screen facilities as an additional aid to transfer. This was aimed to be of

use for offenders and criminal justice practitioners and covers local, national and European resettlement, as well as custodial information. It identifies the benefits, as well as difficulties of such technology in this context.

The elements of the output are desk research; study visits over the course of the project; and interviews with criminal justice and policy practitioners in Latvia, the Netherlands and the UK.

She went on to outline the current situation with regard to Framework Decisions 909 and 947, as well as giving an outline of e-justice.

The main research issues to explore were: what are the information needs of persons being transferred across Member States (both in a custodial and an alternative sentence setting); how should such information be delivered; and what is currently going on in the Member States represented in the DUTT project?

Member States currently use a mixture of methods for delivering the information needed, including; booklets and leaflets; electronic format information; and information given by word of mouth.

It is clear from the case-studies looked at that there is added benefit when sufficient planning, funding and thought goes into the implementation of such technologies. Further, the multi-lingual aspect can be greatly enhanced and offenders can more easily be informed.

Current usage is ad hoc, bar a few Member States and is largely dependent on 'champions' using their budgets to pilot the use of innovative technical solutions. There are associated budgetary issues with initial outlay and a lack of drive for such solutions with regard to the current policy priorities. Lastly, not all Member States can achieve the economies of scale associated with transfers, because they have very few foreign national offenders in the country and are unlikely to receive many back to the Member State.

A recommendation is that there should be the pooling of information for the use of those being transferred. This would mean that the executing state should supply information which would be of use to their own nationals, who are still in the issuing state. There should be central (EU) collation of such information, so that it is easily accessible by practitioners in each Member State, who can then pass it on to the persons concerned.

Touch-screens are, of course, merely a method for delivering information and this can be achieved in a variety of ways. When used as part of a holistic solution – that is, for those in

detention or prison to be able to conduct day to day administration in this way, rather than merely accessing resettlement information – such technologies can prove to be of great use. However, in those Member States which currently struggle to give even the most basic information about transfers and resettlement, a first step could be in paper form.



## **Workshops**

### **(i) Technical tools in Cross Border Resettlement - Sabine Braun, University of Surrey.**



#### Discussion Points

***Is it possible for some people to dominate over another in video-conference, as opposed to on the phone where non-verbal communication does not come into play?***

Video-conferencing can be especially helpful in non-native communication. If the imbalance in language is too great however, i.e. one person has a greater understanding than the other, then an interpreter should be used. This would allow the discussion to be more equal. Sometimes however video-conferencing can help both parties equally as you can maintain or seek eye contact. Sometimes it can also help a non-native speaker find the words they would otherwise struggle to know. If the ability to find words is too low however the video-conference should include an interpreter.

***What about the use of an interpreter in a third site?***

The use of an interpreter in a third site was not looked at in the project role plays. This is because the role plays tried as much as possible to simulate partner's normal working practice; these do not include an interpreter in a separate location. A third site is generally not preferred by interpreters. It also makes consecutive interpreting extremely difficult as the third location slows the whole communication process down. It would be better in this case to have simultaneous interpretation like Courts in the U.S. Further research would be required to clearly know the effects of having an interpreter in a completely different site.

***Do we not need to distinguish between communication between Authorities and those where an Offender might be involved?***

In terms of communication between Authorities, the Framework Decisions can appear very administrative. The use of VC however can help personalise it. Maybe one could say it also helps motivate people.

In terms of an offender, the rules of discussion are described within the Codes. For example, a person has a right to a lawyer and a right to an interpreter in order to understand the proceedings. There is also EU guidance on the process of using video-conference technology. The interpreting requirements should be up to the two Member States to decide. Usually it is consecutive. The right to access an interpreter however is only in relation to fair trial - i.e. pre detention. It is not currently part of FD 909 or 947.

***Remote interpreting is being considered in many parts of Criminal Justice. Is this a good or bad thing?***

Remote interpreting is different to being in a third site. It needs to be thought through and requires training.

***What are the general conditions required for video-conferencing, and what is the difference in Criminal Justice? Many of the issues identified in the project have been addressed in other sectors.***

Many of the issues identified can be easily addressed. Working in the criminal justice sector however is also very different to other areas. Here we are working with vulnerable people in difficult situations. A self mirror for example can sometimes be really useful in terms of bringing some self-awareness. In other sectors, it may be of any use at all.

The EU Handbook also helps set out some of the requirements needed. For example it suggests that users should be present at least 20 minutes before the start of a video-conference session. In some countries - Greece for example - this is now in legislation.

***What is the percentage breakdown of communication in FD 909 and 947?***

It is all so new still that we do not know. The role plays in the project were made up as there were no live cases to follow.

***Did positioning affect the decisions made?***

It is hard to tell from the role plays carried out. It could be assumed that this would happen but it was not specifically looked at.

**(ii) Implementation of FD 909 – Perspectives from Member States**

**England and Wales – Graham Wilkinson (National Offender Management Service)**

The total foreign national offender (worldwide) is currently 10,861 in the UK. The highest numbers of non-UK EU detainees are from Poland, Ireland, Romania and Lithuania.

**UK Policy**

- Government policy is that foreign national prisoners who have no right to remain in the UK should wherever possible serve their sentences in their own country.
- Prisoner consent should not be necessary in all cases.
- UK will negotiate new no consent prisoner transfer agreements where possible

**Legal Framework**

- Implementation via existing prisoner transfer legislation.
- Legislation provides for decisions to be made by Ministers.
- Courts have no active role in the consideration of transfers.

**Central Authority**

- The National Offender Management Service (NOMS) has been designated as the Central Authority for England and Wales. Separate authorities have been designated for Scotland and for Northern Ireland.
- The Cross Border Transfer Section has delegated authority to determine application for transfer both into and out of England Wales on behalf of the Secretary of State.
- The Cross Border transfer Section will also be responsible for making the arrangements for the physical transfer of the prisoner.
- Escorts will be provided by Prison Officers from a dedicated Unit based at Her Majesty's Prison Wandsworth in South London

## **UK Implementation of Framework Decision 909**

All EU Nationals who receive sentences of imprisonment will be considered for transfer under the Framework Decision. Eligible prisoners are identified centrally using the Prison Service data base. Prisoners serving sentence of 12 months or more and who have more than six months left serve are referred to the UK Border Agency for Deportation action. There is no formal right of appeal against a decision to seek transfer but prisoners can request a judicial review.

The UK intends to concentrate on transferring those prisoners who have no right to remain the UK and who are therefore subject to deportation at the end of their sentences. All prisoners identified as meeting the basic criteria for transfer will be referred to the United Kingdom Border Agency for deportation action. Only once a Deportation Order is served will consideration be given to issuing a Certificate under the Framework Decision.

### **Consideration Process**

Starting point will be that it will normally be in the best interests of a prisoner's social rehabilitation to serve his sentence in his own country. Prisoners are notified in writing of our intention to seek transfer. Prisoners have 28 days in which to make written representations against transfer. If representations are not considered sufficient to prevent transfer a Certificate will be issued and the prisoner will be notified.

### **Issues in Implementation**

These include obtaining prisoners' informed consent;

- What information does a prisoner have available to him?
- What will be the impact of the application of the release arrangements of the executing State?
- How weight should the Issuing State give to prison conditions in the Executing State?

### **How do Member States envisage using the Framework Decision?**

- As a matter of routine or on a case by case basis?
- How should Member States determine whether or not transfer supports the social rehabilitation of the prisoner?
- What information should be provided to the prisoner to enable him to give his informed opinion

### **The Netherlands - Saskia de Reuver (Dutch Ministry of Security and Justice, Custodial Institutions Agency)**

The largest numbers of Dutch detainees in other Member States are in Germany, Spain, UK, France and Belgium, with much smaller numbers in other countries. In Dutch prisons, the highest number of non-Dutch EU-citizens are from Poland, Romania and Lithuania.

### **Council of Europe Convention and Framework Decision 909**

Regarding the transfer of prisoners, Framework Decision furthers the work done by the Council of Europe Convention on the Transfer of Sentenced Persons (1983). Its objective is to enhance social rehabilitation. It covers the transfer of custodial sentences and those involving the deprivation of liberty. The Framework Decision is different from the 1983 Council of Europe Convention in various ways, including the fact that most cases will be subject to compulsory transfer under the Framework Decision, in contrast to the Convention. Further, there are time limits imposed for the Framework Decision, the transfer of pending judgements is possible, the issuing state delivers the detainee and there is the possibility to take over the foreign release date. All of these aspects contrast with the Convention.

### **Situation in the Netherlands**

In the Netherlands preparation for the implementation of the Framework Decision has been going on for some time. Implementation work has occurred in parallel with the introduction of

legislation. It is calculated that there will be circa 540 incoming and 80 outgoing detainees under Framework Decision 909. Under 947, it is unknown how many people will be incoming, but roughly 100 people will be outgoing. Simulation of the designed processes to deal with transfers has occurred in the Netherlands, with test cases.

## **Implementation of Framework Decisions**

Implementing FDs 909 and 947

- New Dutch law: WETS, came into force 1<sup>st</sup> of November 2012
- Specifically chosen for separate new law that legislates both FDs
- A separate law that stresses the importance of Mutual Recognition in Europe

Declaration by the Netherlands

- Check on double criminality, article 7(1), will not apply
- Only accept final judgements issued after 5 December 2011, art. 28(2)
- Receive certificates in Dutch or English, article 23(1)
- We may request a translation of the judgment into Dutch or English

## **Organisational Structure**

Competent authority: Custodial Institutions Agency

### **Incoming cases:**

- Court in Arnhem gives advice
- in case of a third country national: check by the Immigration Service
- In case of guarantee after extradition: Court in Arnhem judges.
- Possibility to take over a foreign, more favourable early release date

### **Outgoing cases:**

- advice of the Prosecutor
- Informed opinion
- Objection

## **Current Experience in Incoming Certificates**

- Incoming certificates: 12 (Finland one, UK four, Denmark two, Poland one, Belgium four)
- Consent sent in three cases
- Court and Immigration Service deliver in time
- Within 90 days with Finland and UK
- First arrival 1 February 2013
- Also third country nationals
- Information on early release date is not always available
- Pending judgements

### **Current Experience in Outgoing Certificates**

- Preparing 15 cases (Italy, Poland, UK, Lithuania)
- Advice from public prosecutor not always positive
- Check with Immigration Service on 'zwaar inreisverbod'
- Length of sentences
- Residence in the Netherlands
- Combination with open judgements, not eligible for transfer (compensation/damages and holding someone hostage)

There are issues surrounding declarations, information on release arrangements, the European Arrest Warrant and the difficulty in obtaining (complete) certificates.



### **(iii) Implementation of FD 947 – perspectives from Member States**

#### **Latvia – Imants Jurevicius, State Probation Service, Latvia.**

The Latvian presenter gave a brief overview of the process of transfer. In Latvia probation supervision is a specialist area and the probation service, with approximately 380 staff to 20,000 offenders. It provides supervision, reports, mediation and social behaviour programmes.

Latvia implemented new legislation in July 2012 which supports the Framework Decision on the transfer of alternative sanctions and probation measures. The Latvian Ministry of Justice (MoJ) will act as the central authority and will receive the certificate and check for accuracy. Cases will then be presented to the court for ratification.

The documentation which will be required with the certificate is a copy of the order. As the central authority, the MoJ will check the residence of the person. Residence is considered if the person is in legitimate employment, has family ties or is in education in Latvia.

In considering the acceptance of the order the judge can do this on the paperwork only if it is about recognition or if the decision is about a specific sanction. In the latter case, the person subject to the order or their legal representative has a right to appeal within 10 days and a further hearing date will be set. Notification of the hearing is sent by letter and it is accepted that service is then achieved in time. If the person does not attend there is no further hearing when the appeal could be heard.

In relation to transfers out, in Latvia persons may leave the country whilst on probation supervision for up to 15 days (with consent) or seven days (with consent) if subject to post-custody licence.

#### ***Other Member States and comparison***

This raises some concerns with other Member States and delegates from these member states identified how other countries are applying different interpretations to aspects of the Framework Decision. In Denmark it was reported that they will not allow people to leave the country until the certificate for transfer has been received and agreed. Further, there was a question about differences in the acceptability of behaviours. The example used was that of

human trafficking in Latvia which could result in a community sentence, but Germany allows for legalised prostitution which may cause difficulties in the transfer of such cases.

In Latvia it is anticipated that the sanctions will be stopped if the offender has left or believed to have left (evasion). This is stopped through a request to the court. If deemed to be a breach, the court will again be responsible for the decision except if it is a suspended sentence in which case it will approach the MoJ for a decision. The Latvian legal system does not have conditional sentences, as it is considered that if a person fails to comply the outcome will be custody in any event.

For transfers out of Latvia, if a person has residence, citizenship or property/income in another Member State, Latvia will not be able to execute the punishment. It is expected that there will be 150 – 200 transfers due to the number of people on probation who are abroad.

In Latvia the judges order the conditions that they want. There are some basic expectations about reporting and attending programmes. If there is a sentence in force then the state will look to promote the person's rehabilitation and achieve transfer if this will assist.

### **Romania - Iuliana Carbunari, Romanian Probation Service**

The Romanian probation service has been in existence since 2001. With approximately 300 staff they currently supervise about 15,000 on suspended sentences. There are currently a number of Romanians under supervision who are living in Italy or Ireland. Romania is involved in another EU project developing a common anger management programme for offenders who need it.

Romania is not currently ready to implement the Framework Decision, but is moving toward this. To support this they have developed written descriptions of the legal sentences and processes. At present the MoJ will be the central authority. If a certificate for transfer is received they will check the accuracy and then send to the prosecutions office to check residence etc. If all is acceptable then a tribunal will validate the sentence before the sanction is passed to the probation service. The law requires the certificate is translated in to Romanian.

If Romania is the issuing state, on receipt of an application from a convicted person the probation service will inform the court, who will forward to the tribunal. In such cases the

county court will act as the competent authority though a redraft may mean that the MOJ remain the CA.

Discussions from the group focused on the issues below:

### ***Consent***

There are different expectations in relation to what constitutes supervision. This may mean a higher level of punishment between different Member States. Consent should be on an informed basis, but it is unclear how can this be achieved in all cases.

### ***Competent Authorities***

Some delegates are concerned about there being multiple competent authorities and how this may impact on practice.

### ***Adaptations***

There is also some worry as to whether adaptations will mean there is a limit to the number of successful transfers. For example Romania does not have community service, so would have to adapt to a suspended sentence. If breached, then a prison sentence would be imposed.

### ***Subsequent Decisions***

Such as the case above – should issuing states remain responsible for the subsequent decisions?

### ***Ordinarily and lawfully resident***

There are a number of different interpretations to this. In Romania it is sufficient to have employment or education in the country, but this may vary between Member States.

## ***Final Thoughts from Abroad***

### **Practitioner Feedback (DVD)**

A DVD covering feedback given by those who participated in the video-conferencing role-plays was played.

### **Leo Tigges (previous DUTT Project Board Member)**

Leo joined the DUTT project by video-link from the Dutch Caribbean. He spoke about implementation of the Framework Decisions and about video-conferencing.

He stressed the importance of considering the partners who need to be considered inside a Member State, as well as with other Member States. It is likely that there will be most contact with immediate surrounding countries and ground work can be done to establish contact with counter-parts in the other countries there are likely to have the most transfers to or from. It is important to work through the work processes and the communication exchange. It is possible that transfers will only be with about six Member States on a regular basis. The competent authorities also need to be fully decided and thought out. Once there is contact with a central authority, much experience can be gathered, with shared experiences with the foreign partners.

Skype is sometimes used between the Netherlands and the Caribbean islands and for foreign partners. It is also good for video-conferencing, in which more than three or four people participate. There is much use when the people participating in it are not using their first languages, to gauge the reactions of their counter-parts. The quality of the video-conferencing is enhanced where people already know each other.

If technical instruments are used, the process of transferring information in the process of the implementation of the Framework Decisions can be successful.

## ***Close of Event***

### **Peter Wagenmaker, Head of Unit for Sanction and Probation Policy, (Dutch Ministry of Security and Justice)**

Peter stated that he found the conference to be very rich and informative. He found the mix of views from academia; the project partners and research contributions were all very useful. Having looked at the legalistic, policy and implementation of the Framework Decisions, he thought people were leaving more informed. A good list of recommendations was given in order to implement the Framework Decisions properly and the completed project outputs have shown the potential for the use of technology in cross-border transfers and resettlement. The recommendations in all of the reports give a very good insight of how we need to move forward. This is only the beginning, but now we have to move forward.



## Project Partners

### CEP – The European Organisation for Probation



CEP is the European Organisation for Probation. It aims to promote the social inclusion of offenders through community sanctions and measures such as probation, community service, mediation and conciliation. CEP is committed to enhance the profile of probation and to improve professionalism in this field, on a national and a European level.

CEP therefore promotes pan-European co-operation by organising conferences on actual topics in probation. By making the reports of these events available, by publishing its digital newsletter and through its website, CEP stimulates the exchange of ideas on probation. In this way it makes an important contribution to the development of community sanctions and measures.

Its members are organisations working in the field of probation and interested individuals. CEP thus brings together practitioners, managers, academics, stakeholders and others working in the field of probation and criminal justice from all over Europe. Together they represent a unique network of expertise about positive ways of working with offenders in the community. Their common concern is how to protect society without resorting to the expense of prison.

To European bodies such as the European Union and the Council of Europe, CEP is the spokesperson for the sector of probation, providing expertise and comparative data. It is therefore the voice of probation in 'Brussels'.

### National Offender Management Service (NOMS)



NOMS is an executive agency of the Ministry of Justice, UK, bringing together the headquarters of the Probation Service and HM Prison Service to enable more effective delivery of services. The two bodies remain distinct but have a strong unity of purpose – to protect the public and reduce re-offending. Prison and probation services ensure the sentences of the courts are properly carried out and work with offenders to tackle the causes of their offending behaviour.

NOMS is responsible for commissioning and delivering adult offender management services, in custody and in the community, in England and Wales. It manages a mixed economy of providers. Decisions on what work is to be done and who it will be done by are based on evidence and driven by best value.

## **London Probation Trust**



London Probation Trust is the largest of the 35 probation trusts across England and Wales, employing nearly 3,000 staff across London. Our staff supervise around 43,000 offenders at any one time, across 620 square miles of the capital's 32 boroughs covering a population of 7.8 million people

London Probation Trust's role is to reduce reoffending and make London safer. Together with other criminal justice agencies, such as the police, prisons and courts, we protect the public. Our skilled and experienced staff work directly with offenders to tackle the causes of their offending behaviour, enable them to turn their lives around and, where possible, rehabilitate them back into the community. We believe we can claim to lead the way in emerging areas of work which relate to the management of foreign nationals, hate crime, serious group offending and violent extremism.

London Probation Trust works with offenders aged 18 and over who have been either sentenced by the courts to a Community Order or Suspended Sentence Order, or released on licence from prison to serve the rest of their sentence in the community. We prepare pre-sentence reports for judges and magistrates which help the courts to choose the most appropriate sentence. London Probation Trust also liaises with victims of crime if the offender has been given a prison sentence of 12 months or longer. We work with offenders in the community to help them to stop committing further crimes and we manage approved premises (hostels) for offenders with a residence requirement on their sentences or licences. We also work in prisons assessing offenders to prepare them for release.



## Reclassering Nederland

The Dutch Probation Service builds on a tradition of nearly 200 years. From its early years as a campaigner for moral betterment, it later evolved into a type of social welfare service. Today it advises the criminal justice system, Implements court sentences and supervises and monitors offenders.

The Dutch Probation Service works with convicted and suspected offenders, with the aim of minimising risks. It employs tough and gentle measures to discourage reoffending focusing on offenders' personal circumstances and on their motivation and potential. It weighs all such factors in advising courts and prosecutors and it takes them into account in recommending types of supervision, intensity of surveillance and administration of sentences. All such activities are part of the service's primary tasks – to put offenders back on track and to achieve safer, more livable communities.



## Latvian State Probation Service

State Probation Service (SPS) is a state administrative institution which is subordinate to the Ministry of Justice. State Probation Service was founded in 2003 so that the reforms started in 1995 regarding the execution of a sentence, would make the state sentence execution system more progressive and effective. The goal of the formation of the State Probation Service was the promotion of alternative methods of punishment to deprivation of liberty.

SPS currently performs the following functions:

- Supervision over conditionally sentenced persons and persons on parole;
- Preparation of pre-sentence reports according to request of prison, judge or prosecutor;
- Mediation in criminal matters;
- Creation and implementation of programs for correction of social behaviour of offenders;
- Organisation of community work service.

SPS is located throughout all the territory of Latvia in concordance with the jurisdiction of law courts; all in all, 28 territorial divisions have been formed.

SPS is an active member of CEP (The Conférence Permanente Européenne de la Probation)



Within the Ministry of Security and Justice, the Custodial Institutions Agency contributes to the safety of society by administering custodial sentences, punishments and orders and by offering the people entrusted to its care the opportunity to build up a socially acceptable livelihood. Therefore the Agency is responsible for institutions for adult and juvenile offenders, special facilities for foreigners and the execution of hospitalisation orders.

The Department of International Transfer of Custodial Sentences, part of the Custodial Institutions Agency, will be the competent authority as mentioned in Framework Decision 909 concerning the mutual recognition and transfer of sentences.

## Biographies

### Chair

#### **Peter Wagenmaker, Head of Unit for Sanction and Probation Policy (Dutch Ministry of Security and Justice)**

Peter Wagenmaker was born in the Netherlands in 1966. He studied from 1985 until 1991 Administrative Science at the Universities of Rotterdam and Leiden and holds a degree in Advanced European Studies at the College of Europe in Bruges, Belgium.

Peter joined the Ministry of Justice in the Netherlands in 1994 where he worked until 2002 in the field of asylum and migration. After this position he became responsible for the Access to Justice Unit responsible for policy making in the field of legal aid, notaries, the legal profession and legal solutions to over-indebtedness. Since 2009 he is Head of Unit Sanction and Probation Policy.

### **Speakers - Thursday 24<sup>th</sup> January**

#### **Heather Munro, Chief Executive (London Probation Trust)**

Heather Munro was appointed as Chief Executive of London Probation Trust in August 2010. Heather qualified as a Probation Officer in 1978 and worked for Durham, Hereford and Worcestershire before moving to Leicestershire in 1981. Heather was the Chief Executive of Leicestershire and Rutland Probation Trust from 2004 to March 2010. Heather is the Joint Vice-Chair of the Probation Chiefs' Association. She is an Honorary Visiting Fellow for the Department of Criminology, Leicester University.

#### **Marc Cerón, President (CEP)**

Marc Cerón qualified as a Psychologist from the University of Barcelona in 1986. He then gained a Master in Behavioural and Cognitive Modification Therapy at the University of Barcelona in 1988. He has been a member of the Justice Department of the Autonomous Government of Catalonia since 1992; worked as a psychologist at Quatre Camins Prison 1992 – 1994; been a member of the Social Services section at the Headquarters of the Justice Department 1994-1998; Coordinator of all open prisons in Catalonia 1998-2003; Manager of

the Service of Open Regime and Social Services 2003-2004; and Manager of the Service of Rehabilitation Programmes 2004-2005. Marc has been General Deputy for Probation since 2005 and a member of the Board of the Conference Europeene de la Probation (CEP) from September 2007 to May 2010. He was then elected as CEP President in May 2010.

### **Speakers - Friday 25<sup>th</sup> January**

#### **Jens Mortensen, Director – Public Sector Europe, Middle East, Africa & Russia (Cisco Systems)**

For more than 15 years, Jens Mortensen has been focused on Public Sector's usage of Information and Communication Technology (ICT) across the world.

In his current capacity as Director for Public Sector, EMEAR\* he leads Cisco's Sales Business Development for Central Government and Healthcare. In this role Jens acts as the lead in the development of Cisco's business- and sales initiatives focusing on Central Government and Healthcare which can meet the increasing needs arising within and around the Public Sector markets in EMEAR.

These solutions and initiatives consist of Cisco's well known networking and collaboration products as well as packaged vertical solutions which include offers from ISVs and Technology Partners who bring even further industry relevance into the final solution.

Prior to joining Cisco in 2006, he was leading Oracle's Public Sector business in Europe, Middle East & Africa – and for the last two decades he has been focussed on the ICT solutions & eGovernment within the Public Sector Markets.

Jens is an experienced speaker and presenter on Public Sector ICT trends, eGovernment and the specific challenges within the Public Sector's usage of technology. Before turning his focus to the use of ICT within Public Sector, Jens held various positions as CFO and CEO in SME's within the service industries in Denmark and he has a Bachelor of Commerce degree in Management Accounting.

### **Jesca Bener, Legal Officer (European Commission)**

Jesca Bener studied Dutch and EU law at the University of Utrecht and the College of Europe in Bruges. After having worked as a lawyer in international law firms in Amsterdam and Brussels, the European Court of Justice in Luxembourg and as a Judge at the Court of Maastricht, she currently works at the Criminal Procedural Law Unit of DG Justice of the European Commission. Here, Jesca is responsible for all questions related to Detention and is also involved in an initiative relating to the Presumption of Innocence.

### **Anton van Kalmthout, Professor in Criminal & Migration Law (Tilburg University and ISTEP project)**

Anton van Kalmthout is currently a Professor in Criminal Law and Migration Law at Tilburg University, an Honorary Professor in Comparative Criminal Law at Krasnoyarsk State University (Russian Federation) and an Honorary Lecturer at Avans/Fontys University of Applied Sciences (Law Faculty).

Anton does lots of work at national level, including acting as the Vice-Chairman of the Board of the Dutch National Probation Service and the Vice-Chairman of the Dutch Organisation 'Justitia et Pax'.

Since 1993 Anton has acted as an expert for the Council of Europe, the Netherlands Helsinki Committee, the Open Society Institute of the Soros Foundation, the European Union and Penal Reform International. In this capacity he was a member of delegations to Armenia, Romania, Georgia, Azerbaijan, Lithuania, Estonia, Croatia, Russia, Czech Republic, Slovakia, White Russia, Bulgaria and Macedonia. Under the above mentioned organisations Anton wrote comments on the design Criminal Code, Code of Criminal Procedure and Penitentiary Regulations of Armenia, Azerbaijan, Estonia, Croatia and Slovakia. On behalf of the European Union a comment was written about the human rights in Hungary.

Anton is a legal advisor and project leader for the Surinam Government with regard to the reformation of sanctions system and prison system. Since 2008 he has been an expert for the Penological Council of the Council of Europe, in charge of drafting European Probation Rules and a member of the Committee for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment of the Council of Europe since 2006. Anton has published many papers in his field.

### **Kalpana Kapoor, European Projects Manager (London Probation Trust)**

Kalpana Kapoor joined London Probation Trust in 2008 as Diversity & Communities Officer. In 2010 she moved into her current role of European Projects Manager where she took on strategic responsibility for transnational work within the organisation. Prior to joining London Probation Trust, Kalpana worked with Local Government as Strategic Partnership Coordinator and as a Projects Officer for Essex County Council. Kalpana has also worked as an English teacher in France and Japan.

Kalpana has a deep interest and passion in equalities, diversity and human rights. She has acted as Secretary for a Black and Minority Ethnic staff support group and worked with SOLACE (Society for Local Authority Chief Executives) on Human & Child Trafficking.

Kalpana has a BA Honours Degree from Manchester University in French and European Studies; an MA in International Relations from Nottingham University; a Diploma in Local Government Management from Warwick Business School; a Certificate from Birmingham University in HMG Security & Justice; and a Certificate in Terrorism Studies from the University of St. Andrews.

### **Sabine Braun, Senior Lecturer (University of Surrey)**

Sabine Braun is Senior Lecturer in Translation Studies at the University of Surrey. She is a trained translator and interpreter (MA, University of Heidelberg; Dr Phil, University of Tübingen). Her research focuses on new forms of communication and interpreting, especially videoconference-based communication and interpreting. She has led several European projects in this area, including AVIDICUS I and II (Assessment of Videoconference Interpreting in the Criminal Justice System, 2008-13), IVY (Interpreting in Virtual Reality, 2011-13) and eVIVA (Evaluating the Education of Interpreters and their Clients through Virtual Activities, 2013-14) and contributes to other projects, e.g. BMT2 (Building Mutual Trust 2, 2011-13) and QUALITAS (Ensuring Legal Interpreter Quality through Testing and Certification, 2012-14). Sabine has also advised the Metropolitan Police Service on the introduction of videoconference-based remote interpreting. She teaches interpreting theory and practice, and applied linguistics, and has developed several MA programmes in Business and Public Service Interpreting.

### **Ernst Eilering, Innovation Business Consultant (Custodial Institutions Agency)**

Ernst started training for the Dutch Custodial Institutions Agency in 1978 after gaining qualifications in mechanical engineering. He worked as a prison guard for two years before becoming a warden at the new and very innovative prison at Amsterdam “Bijlmerbajes” PI OverAmstel in 1980. While working here, his interest for prisoners with mental health issues increased and in 1982 he started working as a warden/attendant at the special location (FOBA) across the Netherlands. From 1986 onwards Ernst has had a number of managerial interim-functions in a number of prisons where he then became interested in the growing possibilities of ICT within custodial institutions. Ernst completed a number of ICT training courses before returning to PI OverAmstel as an ICT-system supervisor in 1992. This was followed by a position as ICT-consultant for the newly built prison in Lelystad (1992) and for the new prison at Almere (1996). In 2001 Ernst became ICT-department-manager for Almere and Lelystad and obtained a degree as engineer of Business Administration. In 2005 Ernst completed a pre-master in information technology at the University of Amsterdam. This resulted in a position as account manager (personnel affairs, financial affairs and ICT) at the Shared Service Centre in Alkmaar where he participated in innovative custodial projects like the Detention Concept Lelystad. In 2007 Ernst became Business Consultant at Shared Service Center – ICT (SSC-I) - the ICT-department for all the Dutch custodial institutions. Ernst has participated in a number of projects around large biometrics, “telecourt systems” and more recently a project to enable prisoners to get (limited and secure) access to the internet for resocialisation and educational purposes. To educate about these (and possible new) projects Ernst also manages an innovation-lab in Gouda at the SSC-I.

### **Emma Di Iorio, European Projects Officer (London Probation Trust)**

After completing her law degree at the University of Bristol and Katholieke Universiteit Leuven in 2009, Emma Di Iorio worked in European higher education projects, moving to London Probation Trust in 2010. Since then she has worked as European Projects Officer, assisting with various projects and conducting research. Previous work includes stints in both Westminster and European Parliaments. Emma is involved in the European Movement in London and has a keen interest in EU law and policy.

### **Leo Tigges, Liaison Officer (Dutch Ministry of Justice)**

After finishing his Masters Studies political science, sociology and criminology (cum laude) at the Free University of Amsterdam in 1973, Leo Tigges has worked at various management positions at the Dutch Ministry of Justice. He joined the Dutch Probation Service in 2001. From 2004 to 2012 he was Secretary General of CEP, a position that he combined with assignments as Consultant International and Academic Relations & Research to the Dutch Probation Service, and as Implementation Manager for the EU Framework Decision on Prison (2008/909/JHA) and Probation (2008/947/JHA) at the Dutch Ministry of Justice. As CEP Secretary General he was member of the managing Board of DUTT. Since 2012, he is the Liaison Officer for the criminal justice services on the Dutch Antilles, Bonaire, Saba and St. Eustatius to the Dutch Ministry of Justice.

### **Workshop Facilitators**

#### **Graham Wilkinson, Head of Foreign National Offender Policy (NOMS)**

Graham joined HM Prison Service in 1978 working in administration in two large London prisons before moving to Prison Service Headquarters in 1992. Since then he has held various posts dealing with international prisoner transfer, and the transfer of prisoners between United Kingdom jurisdictions.

In 1999, he became head of the Cross Border Transfer Section responsible for policy and casework in relation to international prisoner transfer, and in 2008 he became head of Foreign National Offender Policy at the National Offender Management Service responsible for foreign national offenders both in prison and in the community. Mr Wilkinson leads for the United Kingdom in the negotiation of international prisoner transfer agreements and was the UK lead negotiator for Council Framework Decision 909 on prisoner transfers.

#### **Saskia de Reuver, Project Manager (Custodial Institutions Agency)**

Saskia de Reuver graduated in Japanese language and culture and law (specialisation international law) at Leiden State University in 1996. She started working for a law firm with several Japanese clients, but soon decided to work for the public service. In 1997 she continued her career at the Ministry of Security and Justice. At the Immigration Agency she held several positions as case manager, policy officer and team manager. Since 2002 she has

been working at the Custodial Institutions Agency. As personal assistant of the director of the prison service she was involved in new developments and her interest in innovation and change was arisen. As deputy programme manager (2004-2006) she was involved in the modernization of the prison system where the possibilities of new techniques were also being explored. In a new prison facility in Lelystad touch screen facilities for ordering groceries, making appointments and telephone calls and electronic monitoring were introduced. As a programme manager (2007-2010) she was responsible for the transition and implementation of SAP HR, new HRM processes and Employee Self Service and Manager Self Service. All 19,000 employees and managers had to be reached in order to run the transition smoothly.

In December 2010 she started as project manager for the implementation of Framework Decision 909 on the mutual recognition and transfer of sentences. Within the Custodial Institutions Agency the Department of International Transfer of Custodial Sentences is assigned as the Competent Authority. As interim-manager she prepares the department for its task

### **Imants Jurevicius, Head of Supervision (Latvia State Probation Service)**

Imants.Jurevičius started his professional career in 2005 when he started to work as a community supervision probation officer in Riga Probation Office of the State Probation Service of Latvia. After less than a year of casework he was promoted to the Supervision Division in headquarters where his main duties included recruitment and training of probation officers, inspections of casework, development of community supervision, pre-sentence and parole reports, and procedures of risk and needs assessment of probation clients.

During 2009-2011 under his leadership a specialised system was developed nationally for work with sex-offenders in community and prisons (project “Development of Supervision and Treatment System for Sex Offenders in Latvia”, co-financed by Norwegian Financial Mechanism). Since 2011 Imants has held the position of Head of Supervision Division where he holds responsibility for community supervision and risk and needs assessment procedures nationally.

Until today he is deeply involved in development of network of international cooperation of the State Probation Service, international projects and received multiple awards for significant contribution into the development of probation services in Latvia. He also is a founder and board member of Latvian Labour Union of Probation Officers, which founded in 2012 and already unites more than half of all probation officers. Imants recognises himself as a versatile

professional strongly focused on a development of probation services and criminal justice system in general with particular interest in correctional work with sex offenders. His educational background is science of politics.

### **Iuliana Carbutaru, Director of Probation (Romania Probation Service)**

Iuliana Elena Carbutaru, born in Romania, worked in the Romanian probation system from its early stage until today. Through her multiple professional roles within the probation field she contributed together with her colleagues to the development of the Romanian probation system.

In 2000, after graduating The Philosophy Faculty in Iași, Ms. Carbutaru started in the same year her activity as a social worker, in an NGO -The Romanian Group for Human Rights Defence - GRADO (November 2000 – September 2001) which along with several NGOs from other regions of the country were experimenting at that time the first probation activities.

In 2001, when the experimental stage of the probation activity was ended, the first probation legislation was adopted and a national probation system was established, she started her work as a probation counsellor in Bucharest County Court (September 2001 – December 2002, November 2005 – March 2006), being seconded for 3 years in the Probation Department within the Ministry of Justice (December 2002 – November 2005).

While working as a social worker and as a probation counsellor, she continued her studies and graduated in 2002 a Master program on Community Justice Administration developed by Bucharest University – Sociology and Social Work Faculty in partnership with Tiffin University, Ohio, USA (2000 – 2002).

After gaining experience in the probation field at local and central level, she became probation inspector and performed her activity in The Probation Department within the Ministry of Justice (March-August 2006 and December 2007-April 2009). Starting from August 2006 until November 2007 and from April 2009 until present, she holds the position of Director of the Probation Department.

## Transfer of Custodial Sentences

In brief, Framework Decision 2008/909/JHA extends mutual recognition between Member States to criminal sentences that include a custodial sentence or measure which deprives the citizen of their liberty. It states the procedure for the recognition and enforcement of these judgements and its aim is to facilitate social rehabilitation of those sentenced.

Member States must have competent authorities for both issuing judgements to the competent authorities of other Member States and for executing judgements received from the other Member States. The competent authority of the issuing state must forward the judgement and certificate to the competent authority of the executing state, with permission from the sentenced person needed in some circumstances.

In order for enforcement in the executing state to occur, the issuing state must ensure that the social rehabilitation and reintegration is furthered by the sentence being transferred. The competent authority of the executing state has a limit of 90 days in which to decide whether or not to recognise the judgement and enforce the sentence.

Various grounds may be used to invoke the non-recognition of a judgement and sentence, including problems associated with the certificate (which may merely result in a postponement of recognition); the executing state not recognising the offence (with some exceptions), enforcement is statute-barred, or immunity is provided for; contravention of *ne bis in idem* (double criminality); short length of remaining sentence (less than six months); psychiatric or other health care needs to be provided, which the executing state cannot provide etc.

The Framework Decision lists offences which must be recognised and enforced without a double criminality check (maximum of three years deprivation of liberty in the issuing state), whereas when other offences do not constitute an offence under the national law of the executing state, it might not recognise and enforce it. If the incompatibility is with regard to the length of sentence, it may be adapted. The same is true for the nature of the sentence. However, the adaptation must correspond as closely as possible to the original sentence (and can never be harsher).

The consent of the sentenced person is not required for the forwarding of a judgement and certificate to the executing state for recognition and enforcement when they are a national or live in that member state; are being deported to upon release; or they have returned to pending or following conviction in the issuing state.

If the sentenced person is still in the issuing state, they must be allowed to provide an oral or written opinion.

When the sentenced person is on the territory of the issuing state, they must be transferred to the executing state within 30 days of the recognition of the judgement by the executing state.

## **Transfer of Alternative Sanctions**

Framework Decision 2008/947/JHA encourages the recognition and supervision of probation measures and alternative sanctions between Member States. Its aim is also one of social re-integration and the prevention of reoffending, as well as the addition of the improvement of the protection of victims. It defines the rules for the supervision of the covered offences.

Member States can refuse to recognise a judgement of supervise a probation measure or alternative sanction if they are discriminatory and can continue to apply bi- or multilateral arrangements should they wish to (the Council and Commission must be informed of these).

The probation measures and alternative sanctions covered by the Framework Decision include where the sentenced person must; report to the relevant authority; compensate for the harm caused; complete community service; undergo addiction or therapeutic treatment; cooperate with a probation or social worker; not leave the Member State or enter certain defined geographical areas etc. Member States can inform the Council of other measures they are willing to supervise.

Details of the competent authorities must be given to the General Secretariat of the Council.

The executing state may adapt the duration or nature of the probation measures or alternative sanctions, should they not correspond with those applied under national law. However, the measures need to be as consistent as possible with those imposed by the issuing state, they cannot be more onerous than those imposed by the issuing state and they must be notified (in writing) of any adaptation.

Verification of dual criminality is not needed for certain offences, but for others the executing state can make recognition and supervision of the measures conditional on the judgement relating to acts that constitute an offence under its national law.

The executing State may refuse to recognise a judgement or probation measure for various reasons, including; problems with the certificate; the criteria for forwarding are not met; there are double criminality issues; the action is statute-barred; supervision cannot occur because of immunity; medical treatment has been ordered which the state cannot provide; the sanction is less than six months long; the offence was committed on the executing State's territory etc.

The executing State has 60 days after the judgement or probation decision and certificate has been received to decide whether or not to recognise it and inform the issuing State.

Should the executing State take on the responsibility of the probation measure or judgement, the issuing State must be informed if certain changes or problems occur in the course of the execution - i.e. modification of the measures; revocation of part of the decision; impossibility of supervision; and other jurisdictional obligations.



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