



# Practice recommendations regarding technologies in probation



Confederation of European  
Probation

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# 1. Purpose of the practice recommendations

Probation organisations are dynamic organisations that usually have a tradition of accommodating and assimilating appropriate working methods commonly accepted within the society in which they operate. In a probation context, these working methods broadly aim to support both the essence and goals of probation. We can see evidence of this in the ongoing professional discussions, development projects, and technology being used and incorporated into probation practice.

The purpose of these practice recommendations is to support jurisdictions to reflect upon certain issues before developing and using technology, undergoing digitalisation or considering hybrid working models.

First, it is recommended for all organisations providing probation services to consider the goals of probation when considering using technology and digitising services.

The second recommendation is to consider the essence of probation and the goals of probation when choosing technology or digitalised working processes. In practice, this could mean, for example, that the chosen technology should enhance building a positive and constructive working relationship with the client and facilitating rehabilitation and undertaking change work with the probation client. Another practical positive impact could be that co-work with other stakeholders and service providers becomes more flexible.

The third aim of the practice recommendations is to share the benefits and good practices in using technology and digitalisation with members of the Confederation of European Probation (CEP) and other counterparts. The core purpose of these practice recommendations is to highlight the recommendations of the Council of Europe, such as the Probations Rules, Recommendations on community sanctions and measures, Electronic Monitoring and Artificial Intelligence defined, regarding the use of technology and digitalisation in probation.

The fourth aspect is that all members of the European Union must consider and comply with the EU Directive on Data Protection and Security (GDPR).

## 2. Definitions

The guidelines on using technology in probation include many terms. These are the definitions of the terms used in these practice recommendations. The purpose of defining terms is to have a common understanding of what we mean when we discuss matters regarding technology and digital probation.

**Remote working** is working from home or out of the office without contacting clients. It includes administrative work and using video conferences to facilitate meetings, phone calls and messaging, data systems, mobile applications, and online learning/education

**Remote supervision:** The probation staff works without face-to-face contact with the client that can be done from home, probation office or somewhere else. It includes the use of technology as a tool for client reporting, provision of services and communication purposes.

**Face-to-face supervision:** The probation staff meets the client in the same space without using any technological means of communication. Except where technology is required for the purposes of language interpretation or by staff/clients who require assistive technology, this can occur in the probation office, in the client's home, or at another agency or somewhere else.

**Hybrid working and supervision:** It is a combination of face-to-face supervision, remote supervision, and remote working. It might include the use of video conferencing in order to facilitate meetings, phone calls and messaging, data systems, mobile applications, taking part in online learning/education etc.3.



### 3. Principles on probation and technology

**The Council of Europe** has recommendations regarding probation and community sanctions and measures, as well as electronic monitoring and artificial intelligence. These are normative guidelines that are used in probation organisations in Europe. These recommendations include principles, definitions, and content descriptions in respect of probation work.

**Recommendation CM/Rec (2017) 3 on community sanctions and measures** states as a base principle that “Community sanctions and measures can provide just and effective supervision, guidance, and assistance to suspects or offenders without resorting to deprivation of liberty. They can enhance the prospects of social inclusion on which desistance from crime usually depends.” (Council of Europe, 2017, p. 4). This principle is important when using technology and digital tools in probation.

Another basic principle that is important to keep in mind is “Community sanctions and measures shall be implemented in a manner that upholds human rights and enables and encourages suspects and offenders to meet their responsibilities as members of the community. No community sanction or measure shall be created or imposed if it is contrary to international standards concerning human rights and fundamental freedoms.” (Council of Europe, 2017, p. 5).

When we consider digitalisation and the use of technology in probation, “There shall be no discrimination in the imposition and implementation of community sanctions and measures on grounds of race, colour, ethnic origin, nationality, gender, age, disability, sexual orientation, language, religion, political or other opinion, economic, social, or other status or physical or mental condition. Account shall be taken of the diversity and of the distinct individual needs of suspects and offenders.” (Council of Europe, 2017, p. 6). And when we implement community sanctions and measures, we shall respect the principles of dignity and the privacy of clients, their families, and others. No rights shall be restricted in implementing any community sanction or measure to a greater extent than necessarily follows from the decision imposing it. This is essential when considering the incorporation of technology in probation services.

Acknowledging the necessity of being just, discrete, understandable, and transparent, taking into consideration the individual needs of the client in all proceedings and decision-making, also includes all proceedings where technology is used. “Decisions

about the implementation of a community sanction or measure shall be explained clearly to the suspects or offenders in a language they understand. Instructions given to them by the implementing authority shall be practical and precise.” (Council of Europe, 2017, p. 13).

The core principles of developing a working relationship between the client, the probation staff and any participating organisations or individuals drawn from the community should focus on reducing reoffending and on social reintegration. Activities should take into consideration the individual circumstances of the client, including risk and needs factors and the rights and interests of the victim.

When using technology in probation, the aim of social inclusion, support giving, rehabilitation, using evidence-based methods that are consistent with established professional standards and work to support desistance from crime even where they involve high levels of surveillance or control and to work to support desistance from crime even where they involve high levels of surveillance or control are good guidelines when using and developing technology and digital tools for probation. “Programmes and interventions for rehabilitation shall be based on a variety of methods. The allocation of suspects or offenders to specific programmes and interventions shall be guided by explicit criteria.” (Council of Europe, 2017, p. 16).

The Council of Europe’s recommendation on community sanctions and measures includes recommendations on case records, data protection and confidentiality. Individual case records shall be kept up to date, and information in individual case records shall only encompass matters relevant to the sanction or measure imposed and its implementation. The probation staff shall ordinarily inform the clients of the content of the case record and any reports made and explain the content to them. The recommendation also states that “The suspect or the offender, or a person acting on their behalf, shall have access to their individual case record to the extent that it does not infringe the right to privacy of others.” (Council of Europe, 2017, p. 18) and “The suspect or the offender shall have the right to contest the content of the case record. The substance of any unresolved disagreement shall be written into the case record.” (Council of Europe, 2017, p. 18). Furthermore, it is necessary to consider, when saving and documenting information on data systems and applications, that “Information in any individual case record shall only be disclosed to those with a legal right to receive it. Any information disclosed shall be limited to what is relevant for the legitimate purposes of the authority requesting information.” (Council of Europe, 2017, p. 18).

When using the client data systems, it is good to have defined proceedings of saving, archiving, and deleting client information in the manner outlined in the Council of Europe’s recommendation that say: “At the end of the community sanction or measure, case records in the hands of the implementing authority shall be destroyed or kept in archives in accordance with national data protection legislation.” (Council of Europe, 2017, p. 18). “The kind and amount of information about individuals given to agencies which provide community service work placements or personal and social assistance of any kind shall be defined by, and be restricted to, the purpose of the particular action under consideration. It shall normally exclude information about the offence.” (Council of Europe, 2017, p. 18).

**Recommendation CM/Rec (2014) 4 on electronic monitoring** emphasises that “It is also intended to bring to the attention of national authorities that particular care needs to be taken when using electronic monitoring not to undermine or replace the building of constructive professional relationships with suspects and offenders by competent staff dealing with them in the community. It should be underlined

that the imposition of technological control can be a useful addition to existing socially and psychologically positive ways of dealing with any suspect or offender as defined by the relevant Committee of Ministers' recommendations and particularly by Recommendation Rec(92)16 on the European rules on community sanctions and measures; Recommendation Rec(97)12 on staff concerned with the implementation of sanctions and measures; Recommendation Rec(2006)2 on the European Prison Rules; Recommendation CM/Rec(2010)1 on the Council of Europe Probation Rules and Recommendation CM/Rec(2012)5 on the European Code of Ethics for Prison Staff." (Council of Europe, 2014, p. 2-3).

From the client and probation working process perspective, according to the recommendation, it is important to regularly review the type and modalities of execution of electronic monitoring to ensure that they are proportionate, in terms of duration and intrusiveness, to the seriousness of the offence, alleged or committed, and to consider the individual circumstances of the client.

The probation principles and approach regarding rehabilitation, support and social inclusion are part of the electronic monitoring recommendation: "Electronic monitoring may be used as a stand-alone measure to ensure supervision and reduce crime over the specific period of its execution. In order to seek longer-term desistance from crime, it should be combined with other professional interventions and supportive measures aimed at the social reintegration of offenders." (Council of Europe, 2014, p. 4).

The skills of the staff in handling data and knowledge about the principles of data protection is stated in the recommendation as follows: "Staff responsible for the implementation of decisions related to electronic monitoring shall be sufficient in number and adequately and regularly trained to carry out their duties efficiently, professionally and in accordance with the highest ethical standards. Their training shall cover data protection issues." (Council of Europe, 2014, p. 4) and "Staff shall be trained to communicate sensitively with suspects and offenders, to inform them in a manner and language they understand of the use of the technology, of its impact on their private and family lives and on the consequences of its misuse." (Council of Europe, 2014, p. 6).

**The Recommendation CM/Rec (2010) 1 on the Council of Europe Probation Rules** (in short, The Probation Rules) highlights the importance of the client's informed consent and cooperation regarding interventions that affect them. Probation organisations, their tasks and responsibilities, as well as their relations with the public authorities and other bodies, shall be defined by national law. Probation organisations shall respect the human rights of clients and activities shall be carried out without discrimination and take full account of the individual characteristics, circumstances and needs of clients to ensure that each case is dealt with justly and fairly. All interventions shall have due regard to the dignity, health, safety, and well-being of offenders. These principles are stated as a recommendation in the Probation Rules.

The aim of probation organisations is defined in the Probation Rules as: "Probation agencies shall aim to reduce reoffending by establishing positive relationships with offenders to supervise (including control where necessary), guide and assist them and to promote their successful social inclusion. Probation thus contributes to community safety and the fair administration of justice." (Council of Europe, 2010).



“Probation agencies shall take full account of the individual characteristics, circumstances and needs of offenders to ensure that each case is dealt with justly and fairly. The interventions of probation agencies shall be on any ground such as sex, race, colour, language, religion, disability, sexual orientation, political or other opinion, national or social origin, association with a minority ethnic group, property, birth, or other status.” (Council of Europe, 2010).

## **Legislation, Treaties and Recommendations on Artificial Intelligence Relevant to the Use of Technologies in Probation**

### **European Union AI Act**

The EU AI Act (EUAIA) came into force on 1 August 2024 and is anticipated that this act will have a significant impact upon those organisations who are either developing or currently using AI systems whether or not that is in the EU or further afield. The EUAIA effectively places obligations on organisations in respect of the risks posed by AI systems. Those organisations that design/develop and/or use AI systems in the EU or who are planning to import AI systems into the EU must comply.

It is beyond the scope of these practice recommendations to examine all the implications of the EUAIA for probation organisations however the following observations may be relevant to those developing or thinking about introducing particular technologies. These might include AI enhanced CCTV systems that monitor emotions, AI enhanced Biometric Reporting Systems, AI informed case management systems that might use sophisticated algorithms in order to score those affected, management information systems that monitor staff behaviours, automated electronic monitoring systems that use AI rather than human operators, and related technological developments. The EUAIA encourages the responsible and ethical use of AI.

AI systems using subliminal techniques or that seek to manipulate human behaviour or exploit human vulnerabilities thereby violating fundamental human rights are banned. AI used to facilitate social scoring systems in respect of persons or groups are prohibited. AI systems that use emotion recognition are banned including in law enforcement or in most circumstances in criminal justice settings. The EUAIA expressly prohibits AI systems use for biometric categorisation and identification of individuals and groups in the majority of instances based on their biometric data.

Under the EUAIA some systems are considered to be High-risk AI Systems (HRAIS). These include AI systems used in various law enforcement and judicial settings and AI systems used in recruitment and employment including systems for scoring candidates or reviewing job applications decisions. Systems that determine when someone is promoted or selected for an employment process, such as redundancy, or other process that may lead to termination of their employment, or that use AI to review the quality of a person’s work or professional behaviour, are all considered to be HRAIS and are subject to the most onerous obligations under the EUAIA. It is worth bearing in mind that the list of HRAIS is not exhaustive and can be added to if new AI risks emerge.

Those who deploy AI systems must ensure that their employees operating and using AI systems have sufficient and appropriate AI literacy and training in its use.

In relation to General Purpose AI (GPAI) that includes Generative AI (GAI) the EUAIA requires openness and transparency with regard to technical specification, compliance with EU regulation in respect of copyright and data use including training data.

Transparency also requires that AI systems that interact with persons are designed/ developed so that those impacted upon are aware that it is an AI system that they are interacting with rather than a human.

### **Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Framework Convention)**

On 5 September 2024 the Council of Europe published its [Framework Convention](#) on Artificial Intelligence and Human Rights, Democracy and the Rule of Law together with an [Explanatory Report](#) and [brochure](#).

The Framework Convention covers the use of AI systems by public authorities, private actors acting on their behalf, private actors and is legally binding.

“The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law is the first international legally binding instrument in this field. It aims to ensure that activities within the lifecycle of artificial intelligence systems are fully consistent with human rights, democracy and the rule of law, while being conducive to technological progress and innovation.” (Council of Europe, 2024, p. 2).

“The Framework Convention complements existing international standards on human rights, democracy and the rule of law, and aims to fill any legal gaps that may result from rapid technological advances. In order to stand the test of time, the Framework Convention does not regulate technology and is essentially technology-neutral.” (Council of Europe, 2024, p. 2).

The Framework Convention has emerged after a process starting in 2019, led by the Committee on Artificial Intelligence (CAHAI) and later the Committee on Artificial Intelligence (CAI) in 2022. It was drafted by 46 member states of the Council of Europe, along with observer states including the USA, Canada, the Holy See, Japan, Mexico, as well as the EU. Non-member states such as Australia, Argentina, Costa Rica, Israel, Peru and Uruguay also participated. The Council also involved 68 industry, academic, and civil society international representatives, plus various international organisations.

The Framework Convention consists of overarching Fundamental Principles and also Remedies, Procedural Rights and Safeguards, and Risk and Impact Management Requirements.

In respect of the Fundamental Principles all the activities within the lifecycle of an AI system must comply.

The Fundamental Principles are:

- Human dignity and individual autonomy;
- Equality and non-discrimination;
- Respect for privacy and personal data protection;
- Transparency and oversight;
- Accountability and responsibility;
- Reliability;
- Safe innovation.

In respect of Remedies, Procedural Rights and Safeguards the Framework Convention requires those operating AI systems to document relevant information and make it available to those persons affected. This information must be sufficient to enable those affected persons to be able to challenge a decision made by the system or based on its use and be able to challenge the use of the system itself and make a complaint to competent authorities. There must also be effective procedural guarantees, safeguards and rights afforded to affected persons regarding the application of an AI system particularly if such a system impacts upon the enjoyment of human rights and fundamental freedoms. There must also be a notification that affected persons are interacting with an AI system and not with a human.

In respect of Risk and Impact Management Requirements Risk and impact assessments must be carried out in respect of human rights, democracy and the rule of law and done so repeatedly. As a result of the implementation of impact assessments sufficient prevention and mitigation measures must be established to ensure these are effective. The Framework Convention also provides for the possibility for competent authorities to introduce 'red lines' or ban certain AI applications.

It is recommended that all probation organisations examine their existing practices in relation to AI use and ensure compliance with the Framework Convention.

**Recommendation CM/Rec(2024)5 of the Committee of Ministers to member States regarding the ethical and organisational aspects of the use of artificial intelligence and related digital technologies by prison and probation services**

The recommendation, which is considered to be relevant to these practice guidelines, was adopted by the Committee of Ministers of the Council of Europe on the 9th October 2024.

The recommendation lists relevant conventions and legislation such as the European Convention on Human Rights and the case law of the European Court, legislation concerning data, the European Convention for the Prevention of Torture and Inhuman and considering the specific conditions under which prison and probation organisations operate. The recommendation does not mention the EUAI Act or the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.

The recommendation acknowledges the existence of strong public powers in respect of penal sanctions imposed on individuals that "[...]may interfere deeply with their human dignity, human rights and privacy, including the collection and processing of personal data." (Council of Europe, 2024, p. 2).

The recommendation then mentions the rapid development and deployment of digital technologies including the use of AI in all areas of social life noting that the collection of data including biometric data and the use of algorithms is increasing and becoming ubiquitous across the criminal justice system.

The recommendation also mentions the need for greater literacy among key actors such as policy and decision makers in respect of AI and emerging technologies to benefit their everyday work to the benefit of others and those subject to them.

The recommendation also advises caution about how technological tools are commissioned in respect of design, development and maintenance from carefully selected manufacturers and suppliers ensuring that "[...] high ethical standards and principles and strict professional rules should be respected, and that the main objectives should be community safety and rehabilitating offenders, not making profits." (Council of Europe, 2024, p. 2).

The recommendation goes on to emphasise that not only should AI and related digital technologies be developed at pace and their use regularly reviewed and principles and norms revised when necessary but also that high ethical and professional standards need to be maintained. Not only should AI and related digital technologies be used for safety and security purposes but also to facilitate social inclusion and reintegration. Use of AI and related digital technologies “[...] should not undermine the human-centred approach and should avoid contributing to discrimination and economic and social inequalities.” (Council of Europe, 2024, p. 2).

The recommendation includes a useful appendix that firstly sets out the general provisions of the recommendation.

In section 2 of the appendix (Council of Europe, 2024, p. 3) also helpfully provides definitions of both “artificial intelligence” and “related digital technologies”:

- “artificial intelligence (AI)” means a machine-based system that for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment;
- “related digital technologies” is a generic term that refers to all electronic devices, automatic systems and technological resources that generate, process or store information and data which are being used by AI.’

In appendix 3 of the recommendation, it sets out 9 basic principles (Council of Europe, 2024, p. 3-4). These are:

1. When designing, developing, providing, using and decommissioning AI and related digital technologies, respect for human rights and the dignity of all persons affected by this use should be ensured (**principle of respect for human dignity and fundamental rights**).
2. All processes related to the design, development, provision, use and decommissioning of AI and related digital technologies to be used by the prison and probation services and the private companies acting on their behalf should be in conformity with the relevant international standards and with national law. Liability for any unlawful harm caused by the use of AI and related digital technologies should be ensured (**principle of legality, legal certainty and liability**).
3. Biases should be avoided when designing, developing, providing, using and decommissioning AI and related digital technologies. Measures should be taken to ensure equality and to prevent or resolve the creation or intensification of any discrimination or inequality between individuals or groups of individuals (**principle of equality and non discrimination**).
4. AI and related digital technologies should be used only in a manner that implies the least negative impact on human rights and if their intended use and intensity correspond to the purpose and the expected results. In addition, this should be done only if strictly necessary (**principle of proportionality, efficacy and necessity of AI**).
5. The process of designing, developing, providing, using and decommissioning AI and related digital technologies should be transparent to public scrutiny and monitored on a regular basis, and the logic behind and the outcomes of their use should be explainable at a reasonable level (**principle of good governance, transparency, traceability and explicability**).

6. When a decision based on the use of AI and related technologies affects the human rights of potential users, a procedure should be put in place for a human review and an effective complaint mechanism in accordance with national law **(principle of the right to a human review of decisions)**.
7. Reliable and accurate AI and related digital technologies should be based on certified sources, tangible data and validated scientific methods and values. Data should be accurate and the samples sufficiently representative of the key characteristics of the general population and minority groups, including the target groups that might be affected. The design and use of AI and related digital technologies should be done in a secure and audited technological environment in order to ensure the safety and security of these tools, their users and those affected by their use **(principle of quality, trustworthiness and security)**.
8. AI and related digital technologies should be used in a manner which preserves and promotes positive and beneficial human relations between staff and offenders, as these relations are instrumental in changing behaviour and in ensuring social reintegration **(principle of human centred use of AI and related digital technologies)**.
9. The basics of AI and related digital technologies, including how they should be used and for what purpose and the ethical rules to be respected, should be made understandable to the users **(principle of AI and digital literacy)**.

In section 4 of the appendix important points are made about data protection and privacy emphasising that when AI and related technologies are used persons should still enjoy their fundamental rights and freedoms and only be subjected to limitations in respect of these when this is necessary and lawful. All key actors should comply with data protection law. Data that allows personal identification should be stored for no longer than necessary and data collected should be kept to the minimum level required to fulfil the task for which it was collected.

Section 5 of the recommendation concerns the use of AI and related digital technologies. The topics covered are; A use for the purpose of safety, security and good order, B use for offender management, risk assessment, rehabilitation and C reintegration and the use of AI and related digital technologies for staff selection, management, training and development.

Section 6 of the recommendation covers research, development, evaluation and regular revision. This mentions that "The design and development of, as well as research in, AI and related digital technologies should be sufficiently well funded and supported." (Council of Europe, 2024, p. 6). The use of AI and related technologies should be evaluated at regular intervals and procedures and resources used to mitigate possible risks.

Finally, under appendix 6 it is recommended that the recommendation is regularly reviewed and revised "[...] in order to continue working to protect the human rights and fundamental freedoms of its users and the safety and security of our societies." (Council of Europe, 2024, p. 6).

The recommendation provides a useful set of principles and rules that should serve to guide governments in forming legislation, criminal policy and practice in this fast developing and emerging area.



## 4. Digital probation

When we consider the use of digital technologies in probation, it soon becomes apparent that there are significant differences between jurisdictions, not only in the type of technologies used but also in how, where, when, and in what circumstances. Some jurisdictions digitise their services as rapidly as possible, while others do so relatively slowly. Yet, others that may have already digitised are now horizon scanning for the newest developments, such as how best to use AI or advanced surveillance technologies to leverage potential efficiencies and more effective solutions.

Probation work involves assessing a client's risk of reoffending and also their strengths and support factors, particularly during the pretrial phase. Digital solutions are often used for these tasks, offering efficient and effective alternatives to in-person meetings.

The approach used in a particular jurisdiction by those providing probation services may well reflect that specific jurisdictions' relative freedom/ability to choose to implement a particular technology, the prevailing cultural norms in respect of their adoption, and the use of technologies, or something as fundamental as whether short- or long-term funding is available to establish and maintain necessary facilities and infrastructure on a temporary or more permanent basis.

There are also variations between jurisdictions regarding willingness or scope for innovation, the degree of flexibility in approach, and permissions to use certain technologies, such as AI systems, in different ways. In some jurisdictions, there is tight regulation, whereas in others, there is a more creative, innovative approach.

An excellent example of this concerns the approach taken towards automated decision-making. While restricted in certain circumstances in some jurisdictions, this does not necessarily severely restrict or prohibit the use of automated systems to assist and advise in decision-making, creating either an opportunity or a grey area, depending on the perspective taken.

Clearly, there are many ways that probation work can be carried out using available digital technologies, and what is preferred/required and considered to work well in one jurisdiction may not necessarily be preferred/required or considered to work well in another. The appropriate, careful, and responsible implementation and use of digital technology in probation may well increase the options for working differently. Still, as

far as we know, even recent advances in AI and emerging technology functionality have so far failed to offer a magic bullet solution that substantially improves upon existing practice.

What is perhaps universally desirable across jurisdictions is that probation organisations must make full use of the advantages and potential benefits of digitisation and the technologies that digital applications make possible without attempting to supplant or otherwise impacting negatively upon the fundamentally important process whereby probation practitioners establish meaningful and trusting professional relationships with their clients and assist them in making progress towards their positive life goals on their journey towards desistance.

New and emerging technologies such as AI sometimes present unforeseen challenges, not least because of potential bias and discrimination that may be inbuilt. There is, therefore, an urgent need for robust regulatory frameworks and the establishment of guidelines and agreed-upon principles concerning their use in criminal justice settings.

A key to ensuring that digitisation is acceptable, accepted and successfully implemented is that both staff and clients should be, as far as is reasonably practicable, included in the process. Including both staff and clients in the design of systems and tools is potentially very useful and effective. There are several examples of where this has been done successfully, with considerable benefits to design teams. Peláez and Kirwan suggest that six phases can be identified in digital projects: Actively listening, Participation in the definition of problems and design solutions, Ensuring design intervention strategies are consistent with those defined by all participants involved, The development of online activities to involve participants (including games and WhatsApp Groups), Evaluation of the project/intervention and Proposals for improvement. (Peláez and Kirwan, 2023).

It is important to maintain knowledge value chains during periods of disruptive change, which are sometimes damaged as organisations transition to digitised services.

The following gives some indication of the probation technologies landscape, with examples of how technologies are already being used creatively and how their use might be extended, redefined, or used entirely differently.



## 4.1 Probation Offices as Technological Hubs

Some jurisdictions might strongly prefer a traditional office-based/centralised approach to future service design. Of course, that is a matter for individual jurisdictions. However, it might be worth considering that offices can potentially provide so much more. This is particularly the case if digital technologies are fully utilised to make office spaces both smarter and more efficient places from which to work and provide probation services.

A major advantage of using purpose-built probation offices is that they can be designed to be fit for purpose. This enables the establishment of controlled and safer environments/confidential spaces where technologies, such as CCTV and electronic locking security systems and alarms, can be integrated into the building fabric to help manage the security of staff and clients.

Emergency services will usually respond faster to alerts if an incident occurs if directly linked priority alarm systems are installed. Clients' free movement and presence/absence can be logged, and interviews and/or group sessions can be monitored or recorded. This reassures those responsible for probation services, as they have a duty of care to staff, partner organisations, and others required to visit probation premises.

Staff may have access to a modern workspace that enables the use of larger monitors, cameras for video conferencing, intelligent whiteboards and other shared services and equipment such as printing, technology-enabled meeting spaces and other office facilities and conveniences that might not necessarily be available to staff working from home or other non-probation workspaces. Using offices also ensures that those staff who require assistive technologies can be fully catered for and reasonable adjustments made. This can facilitate more efficient and effective use of technology.

Unfortunately, the increased use of hard security can make the interiors of probation offices and prisons indistinguishable.

A slightly different approach might be to view the use of offices as an opportunity to democratise the use of technology and aim to share technology with clients so that they can help themselves to overcome barriers regarding technology. Technologies such as managed wired and wireless networks can be sufficiently hardened to ensure security. These can, for example, be safely offered to clients as a free service to assist with rehabilitative activities. Robust terminals/kiosks with internet access, information and services can be available.

Probation offices can also be intelligently designed to be both secure and welcoming/inviting places to work in and to attend. The minimal and unobtrusive use of security technology and the use of colour and light to make visitors feel relaxed does work. In this respect, there is much that can be learned from high street banks that, in many cases, have taken down barriers where possible and attempted to use design to maintain necessary security. Both create technologically sophisticated spaces and improved places for humans to be in.

Offices can also effectively be seen as technologies in that they can act as tech-enabled hubs for probation activity, engagement, and interventions. They can facilitate integration with local communities by allowing digital technological-enabled facilities to be used by other trusted groups/agencies and those providing services to clients to assist in rehabilitation. Offices are also good places to locate other digital technologies, such as biometric self-service/reporting kiosks enabling clients to pay fees and court fines, fulfil legal reporting obligations, and access relevant services.

Offices can also be used as modern, flexible resource bases for staff using the technology and facilities in several offices to allow flexible and convenient working. This supports alternative ways of working, such as agile working using the most convenient workspace when interviewing or meeting room facilities are required. This can be facilitated by online room booking software and scheduling applications facilitated by smartphone apps. There are simple, affordable systems and high-end premium systems



that connect to intelligent desks that facilitate the customisation of workspaces to individual requirements.

Modern mobile computing and communication technologies enable other ways of working as an alternative to individuals and teams in probation offices.



## 4.2 Use of technology by frontline probation staff

Concerning frontline probation staff, there appears to be some consensus regarding the desirability of using standard mobile office technologies such as laptops and smartphones and sometimes a security device to enable safer lone working. Depending on the area or terrain covered, a vehicle might also be necessary as essential equipment. The laptop should be secure to protect data and connect securely to the organisation's case management system and other shared resources, such as a service centre that facilitates processes necessary to perform their roles. This might be considered a minimum level of hardware technology. It is generally agreed that all devices must be robust, of good quality, secure, and easily portable. Staff welcome good quality, up-to-date, convenient technological devices as their provision enables them to work reliably and reasonably flexibly in or out of the office without work interruptions.

In an increasing number of jurisdictions, staff are issued laptops that are then taken to a probation office where they may be connected to a monitor screen, keyboard, mouse and probation network via secure connections. At the end of the working day, the laptop is usually disconnected and stored securely at the office or the staff member takes it home with them. It is common practice in some jurisdictions, mainly where caseloads are high, for staff to continue to work outside office hours, accessing the organisation's systems remotely. This raises concerns about staff wellbeing but is rarely discouraged by probation organisations keen that administrative work is prioritised.

To record and monitor work that has been completed, staff must have access to a case management system. Case management systems have varied considerably from very simple systems, consisting of a searchable database, to highly complex systems, such as those that incorporate algorithms to predict risk and also integrate management information and analytical oversight functions with the ability to produce customisable reports. It is crucial when considering such systems that, ideally, users need to spend as little time as possible using them, and systems should be designed to maximise the time frontline probation staff spend working with clients. Some systems currently in use place extra administrative burdens on staff, who spend a considerable amount

of time inputting data. This is mainly due to the fact that the more sophisticated systems are attempting to combine both the functions of a case management system with a management information system and use the system as a means for work to be recorded and also measured in detail so that managers can monitor the performance of staff and other measures.

Systems should be ergonomically designed and tested to not harm users by minimising keystrokes and by being designed to be intuitive and intelligent. It is sometimes unclear when specifying a system regarding whether what is being ordered is primarily a management information system -requiring practitioners to use their time and energy maintaining this administratively for the organisation- or a system that is designed to be staff and practice-friendly and intended to assist in freeing staff from administrative tasks to concentrate on quality probation work with clients. The key to success in this area may be that frontline probation staff need to be involved and consulted regarding the specifications and the functions of a new or upgraded system rather than a system being imposed upon them that has been designed by those who may never have worked or are no longer working at the frontline.

Smartphones have become increasingly used in probation work in recent years due to advances in technology and the development and availability of specialised apps, including client apps. Although no specific evidence appears to be available regarding the extent of probation client smartphone use, the majority of clients are likely to use smartphones approximately in line with trends in the general population.

Staff and clients in different jurisdictions have utilised smartphones in different ways. From a staff perspective, simply having access to an electronic diary, the organisation's email system and the ability to communicate in different ways with colleagues and partner organisations is often sufficient. However, smartphones have also allowed the development of apps, including client and scheduling apps that can, for example, be used by clients to book their own appointments/unpaid work at a mutually convenient time, communicate with appropriate staff, and access information and resources that can assist with their rehabilitation.

It has been noted by several probation organisations that have developed client apps that are well-designed and user-friendly, clients enjoy using them and, in many instances, feel empowered by them. They report feeling more in control of their lives, valued as individuals and tend to develop more normalised and mutually respectful less dependent relationships whilst in contact with probation organisations. Further systematic evaluation and research is however required in this area to independently examine user experience in more detail.

Smartphones that use tethered sensor devices can also potentially replace more traditional forms of electronic monitoring, even allowing clients to access their own data concerning their location, movements, behaviour, and alcohol use. This might lead to clients exercising greater self-management and increased involvement in their supervision. AI might be used to intelligently manage feedback from sensors in real time responding appropriately and proportionately and assisting them to make different choices when faced with situations that may lead to reduced risk of reoffending. Such a system has the potential to be utilised extensively to influence and reinforce behaviours likely to reinforce successful attempts by clients at desistance and bring about rehabilitation.



## 4.3 Agile working

Agile working suits many people who prefer to work whilst on the move, rather than primarily working in a probation office. This way of working can make full use of modern communications technology. It also means that probation staff working in an agile way can be physically more widely distributed rather than concentrated in a particular location such as an office. Working in this way requires well-designed and integrated management and IT support systems to keep everyone on track and connected so that staff can use the available technology to communicate frequently with other team members. It is also important that staff does not work more than their hours and finds appropriate places to conduct work such as interviews, phone calls, and complete records to ensure clients' privacy and confidentiality.

There is a need for technology such as a secure laptop and a smartphone that can be tethered to a laptop. Staff should also be issued with a personal security device and a laptop backpack/wheeled case. This way of working relies heavily on good quality and reliable portable technology. It can work very well and is potentially more environmentally sustainable if this leads to less travel and smaller offices.

Agile working suits those working in multi-agency specialist teams, such as drug and alcohol teams. Traditionally, many more external meetings with partner organisations and frequent home or street-homeless visits are involved with this type of work. Working in an agile way can be effective in facilitating good practice.

Those equipped for agile working are already well-placed and prepared to deal with future events, such as a global pandemic, where they may switch to working from home. During a situation such as urban unrest or a conflict, as long as communication networks remain intact, they can, in theory, work remotely from any suitable location.



## 4.4 Working from home

During the COVID-19 pandemic, other ways of working were developed out of necessity, using available technologies to provide services. Those jurisdictions that were in the process of digitising their services, and for instance, were not yet using laptops and mobile phones extensively in an integrated way, immediately found themselves at a technical disadvantage in providing services remotely and safely. Many probation organisations have continued to digitise post-pandemic to allow staff to work effectively from home for at least some of their work, whilst some organisations have preferred to return to pre-pandemic working practices regarding the use of technology to work from home primarily as a contingency.

Using a staff member's home to undertake probation work is not ideal, and it should never be assumed that working from home is suitable in every case. The essential requirement when working from home or remotely is contingent upon the availability of a suitable workspace in the staff member's house that allows for an acceptable standard of privacy and confidentiality to be maintained when making work-related calls and engaging in other sensitive communications. It is possible to perform most work with appropriate technology, including a stable internet connection, but this also requires that corresponding systems be implemented.

Most administrative tasks can be completed remotely, and many staff members prefer to do administrative tasks whilst working from home, free from workplace distractions.

Another pandemic will likely occur in the future, so it is probably appropriate for all jurisdictions to consider carefully how they might adequately prepare for this eventuality. One way to do so is to build and develop an infrastructure using appropriate digital technology that is as robust as possible.



## 4.5 Remote Supervision

A surprising number of tasks, such as prison interviews, can now be conducted via a video link where this technology exists, with all booking done online using secure systems. This saves a lot of time and travel costs. Kiosks, as a remote supervision tool, can facilitate client reporting and payment procedures, thereby allowing probation staff to concentrate more effectively on rehabilitation work. Other probation tasks, including supervision and even unpaid work, can, to some extent, be supervised remotely. In the case of contact with clients, it must always be remembered that they must also have the requisite technology available.

However, despite the convenience of working remotely, it must be understood that providing some services to clients in this way will not be as effective as providing services in person, where a richer form of human interaction is more likely to occur. This is particularly the case when assessing a client. That is not to say that working remotely with a client is ineffective. Still, some form of blended supervision is more appropriate when a client is being supervised and has assessed needs and complex matters that must be addressed. Where clients can use smartphones, using a client user/scheduling app that allows clients to book appointments can be helpful and enabling.

Interestingly, some clients have expressed a preference for remote supervision and, from an equal opportunities perspective, have expressed the view that they can better organise their lives by engaging in remote supervision, especially when travel to and attendance at a probation office becomes an onerous activity in itself. Face-to-face supervision can disproportionately impact already disadvantaged or vulnerable groups, such as those with disabilities or those with childcare or caring responsibilities.



## 4.6 Electronic Monitoring (EM)

There are two main types of electronically monitoring currently in use: the first is Radio Frequency (RF), and the second is Global Positioning System (GPS) based positioning and tracking. RF technology enables monitoring of an individual at a specific location; RF only informs if an individual is at their designated location, unlike GPS, which enables real-time tracking of the person being monitored. Both technologies collect data of the monitored person. In addition to Radio Frequency Identification (RFID) and Global Positioning System (GPS) monitoring, other types of electronic monitoring are being used in some jurisdictions, such as that used to monitor alcohol use and also monitoring via smartphone-tethered devices that can be more convenient and discrete.

To compare the practice of electronic surveillance in Europe, a European Commission funded research project entitled “Creativity and Effectiveness in the Use of Electronic Monitoring as an Alternative to Imprisonment in EU Member States” was carried out between 2014 and 2016. The report outlines that “GPS was viewed as more effective than RF EM [...] because it was perceived to act as a greater deterrent.” (Hucklesby et al., 2016, s.14). Another finding was, that “In all jurisdictions using GPS it is targeted at offenders who pose the highest risk of harm either because of the seriousness (usually sexual or violent offences) or persistence of their offending.” (Hucklesby et al., 2016, s.17). In these cases, GPS based EM is not only used for real-time tracking, but also to monitor or enforce exclusion-zones.

There are however wider issues that must be considered, particularly when it comes to legal and ethical concerns regarding the regulation of, use and storage of the generated data. This becomes even more challenging when the EM providers are external companies who, in some instances, are based in another country. The recommendations of the European Commission-funded research project mentioned above should be considered:

- “EM should be used according to the principles of proportionality and necessity, in the least intrusive way, and incorporating support so that it positively influences individuals and assists them in leading meaningful lives.” (Hucklesby et al., 2016, s.34).
- “Measures should be taken to ensure effective yet restricted data sharing between agencies about data protection protocols.” (Hucklesby et al., 2016, s.34).

Whilst public safety and public protection must be prioritised, there should be no misuse of the data generated during EM. The respective technologies should be used sensibly and in accordance with the purpose and the goals of installing EM. It should be noted that public safety cannot be guaranteed via EM alone, and neither can risk reduction, reintegration, or rehabilitation. Therefore, the use of EM needs to be well thought through by appropriately trained persons. EM alone cannot replace the support provided by probation staff. But both components together create a coherent picture in which not only the sentence is served, but also work can be done regarding offending behaviour and building up protective resources.

## 5. Good practices

The Expert Group on Technology recommends that implementation and any increase in the use of digital and technological tools in probation work and supervision, in general, should be evidence and research based. This is important when we discuss digital probation.

In designing and using digital tools in probation, attention should be given to CEP objectives in general and consider how technologies can support the execution of the EU's juridical training plans to support the incorporation of digital tools and work methods in the field of juridical work. This is in line with the development plans and daily performance in the field of probation. Some examples of how to incorporate digital tools as part of the daily work in probation organisations are the use of Probation Apps, digital short interventions (such as CBT, MI), self-service and reporting kiosks, online programs, remote victim-offender mediation, digital treatment and rehabilitation platforms, online support and consult meetings, and educational platforms as well as electronic monitoring.

Probation supervision will always remain a relationship-based activity. Changing operating environments, including the introduction of hybrid working, mean that how we interact with those we supervise has also changed.

Below is a guide for the use of remote supervision.

- 1** Remote supervision should, where possible, be via video call (e.g. MS Teams, WhatsApp) to allow the probation staff to see the client and the environment the client is in. Potential changes in the client's circumstances or situation can be ascertained by assessing the client's presentation and non-verbal communication. Any changes will not be as evident during a voice call.
- 2** Before arranging or facilitating an appointment via remote supervision, the staff must consider whether the client has a safe space to receive the video call. If there are concerns about the client's well-being, increase in risk-taking behaviour or deterioration in their presentation or attitude, a face-to-face appointment should be arranged.

### 3

In order to promote and improve social inclusion remote supervision should be avoided during the initial stages of a community sanction or measure to allow the professional relationship to develop and to assess the appropriateness of using remote supervision. If a remote supervision appointment is considered appropriate then this should ideally be followed by a face-to-face appointment, e.g. where appropriate alternate appointments.

### 4

Given that the breakdown of risk levels varies from jurisdiction to jurisdiction, to avoid divergent interpretations and to promote a common approach, we encourage the avoidance of specific guidance, but instead the inclusion of general principles that should be taken into account:

- The results of the risk and needs assessment;
- The digital skills of the client;
- The consent of the client;
- The need to maintain the Working Alliance between the client and staff;
- The ability of the client to ensure secure and seamless video communication;
- The ability of the client to ensure the remote submission and signing of the documents;
- The duties and obligations of the client and staff within the scope of community sanctions;
- The objectives and measures contained in the supervision plan.

Pre-sentence reports: Where possible initial interviews for pre-sentence reports should be conducted in person and face-to face. This may not be possible if someone is remanded in custody or if a member of staff or the client is prevented from participating in a face to face interview for a good reason such as health concerns. It may be appropriate to conduct subsequent interviews remotely preferably via videoconferencing rather than by telephone.

### 5

Some suggestions of protocols when using technology in probation:

- Establish the basic protocols for using technology and digitalisation;
- Identify ethical processes that should be in place when using remote supervision and digitalisation as part of probation work;
- Inform the client of how the technology will be used and the scope of data protection;
- Steps should be taken to assess that the client has the necessary digital skills to use the chosen technology and, if not, provide suitable training;



- Obtain the informed consent of the client to use the chosen technology;
- Remote video calls should occur when the client is alone or an acceptable degree of privacy can be ensured;
- Proactively enhance the client's data skills, if possible;
- Be as open and transparent with the client as possible regarding case records or assessments in data systems and reports provided that this does not compromise the safety of the client, staff, other person or society.

## 6

### Examples of Technology and digitalisation that are/can be used in Probation

- Client case management systems;
- Client risk and needs assessment systems (e.g. OASys, LSI-R);
- Digital and online programmes (e.g. anger management, domestic abuse);
- Digital and online interventions (e.g. counselling, legal advice, crisis interventions);
- Digital and online rehabilitation services (e.g. misuse, finance management);
- Electronic Monitoring solutions (i.e. information systems, apps, devices);
- Alcohol and drug testing solutions (i.e. breath sweat, patches);
- Probation Smartphone Apps (for information/communication/scheduling such as Changing Lives and Go NEUSTART);
- Self-service and reporting solutions (e.g. dedicated-governmental solutions, kiosks such as PROBBOX);
- Online tools (e.g. AI ChatGPT, AEG, MS Copilot, translation);
- Online simulation training for staff and clients (e.g. DialogueTrainer);
- Staff and client training and learning platforms (e.g. Moodle);
- Staff and client VR training and rehabilitation technologies;
- Videoconferencing (e.g. MS Teams, Zoom, Skype Business);
- Secure video links for remote calls (e.g. Prison Link, secure video links for government agencies);
- Administrative platforms (for organisational decisions in HR, finances, procurements).

## **A checklist for probation organisations when using digitalisation in probation:**

- To raise awareness of the benefits of new technologies;
- Holistic approach - the use of technologies should be coordinated with other processes and activities of probation organisations;
- To be informed and critically evaluate and choose technology fit for purpose;
- Prior to application, an assessment of the benefits and risks for each technology is necessary;
- Functional and responsible use of technology as a prerequisite;
- Necessity of continuous evaluation of effectiveness in relation to probation goals;
- Specific training of staff for the application of certain technologies is necessary (competences for the application of digital technology in probation, digital management competencies and so on);
- For the use of each technology there have to be internal guidelines aligned with European guidelines and approved by senior management;
- The use of technologies should be appropriate to the IT skills and capabilities of the client.



## 6. Discussion

### **The future: Everything automated Opportunities and Risks**

The use of algorithms in assessing risk in probation can be traced back to at least the 1980s when attempts were made to apply actuarial statistical techniques to predict reoffending risks. (Hamilton and Ugwudike 2023). In 2001, OASys (Offender Assessment System) was first introduced in the UK justice system after extensive piloting. OASys integrated and combined predictive actuarial algorithms with clinical assessment, becoming a model for similar developments in other jurisdictions. (NOMS 2015). Recently, concerns have been raised about OASys and similar algorithmic-based predictive systems such as the Compas and Pattern algorithms because of alleged evidence of bias. (Hamilton and Ugwudike 2023).

Modern systems may draw on larger data sets, although this is by no means an entirely accurate and precise science, as several statistically adept academic researchers have concluded. (Ansbro 2010). Increasingly sophisticated AI-powered tools will likely be used to improve upon current predictive analysis. As previously mentioned, the use of AIs, however, is not unproblematic and even advanced AI systems can suffer from an unfortunate tendency to hallucinate, i.e., see patterns or connections where there are none and create conclusions based on these that may sound entirely plausible, but may not be accurate and may therefore be unreliable as data sources. This is a serious concern to consider when using AIs to inform decisions.

Powerful publicly available AIs are at an early stage of development, and they will likely continue to improve as problems become apparent and solutions are introduced to address them. With improved data and algorithms, they should get much better at recognising that the data they are working on has errors and may automatically compensate for this in the future. There is already some promising work in several fields that uses AIs to identify the errors or biases produced by other AIs. However, it is generally accepted that if AIs are trained using unbiased algorithms and data in the first place, then it would then be possible in theory for them to make decisions purely based on facts, eliminating the influence of personal biases that arise from using data sources such as internet search engine results. For example, the raw, unfiltered, unanalysed data from probation organisation databases is highly likely to contain personal bias. If this was used to help decide whether a particular sentence was suitable for someone or not, this could result in injustice.

Automated decision support systems using machine learning have existed for over a decade. In some jurisdictions, they are used to assist hard-pressed probation staff in deciding whether someone on their caseload deserves their attention. This is a valuable facility if it is purely used to flag cases that may be of interest for a probation practitioner to review. On the other hand, there are reports that systems are being used in China for decision-making concerning sentencing and other critical legal decisions that are apparently made without human oversight. However, no official evidence is currently available to corroborate these reports (Wang and Tian 2023). Systems of this type can make exciting observations and, for instance, be used to check for potential errors. Still, they should not be entirely relied upon as reliable and autonomous decision-making solutions, given the complexity of human behaviour and the current need for human oversight. Whilst systems that automate decisions are generally not permitted, systems that advise and assist are usually permitted and, in some jurisdictions, guidance has recently been given to sentencers on their use. (CTJ 2023).

The risk at present is operator dependence, and the challenge is to ensure that such systems do not foster user dependence and stifle the appropriate use of professional judgement, curiosity, inquisitiveness and insight gained from experience. When staff are busy, they may rely too much on intelligent support systems and simply endorse the system's decision without applying sufficient professional oversight and/or an investigative approach. This is mainly found to be the case if the system has previously appeared to confirm human assessments, and current reports appear to be of a satisfactory standard. When a decision may have serious consequences for clients, such systems present a risk if they are not subject to regulation, scrutiny and oversight. Safeguards such as mandatory regular impact analysis concerning their decision-making must be built into processes.

Automated court report writing has been around for some time in various forms. It can be part of risk assessment systems, whereby a form is filled in by a practitioner and at the end, a draft report is generated that they then edit. In the case of OASys, this relies upon the information to be up-to-date in each section and for all scoring to be recent and complete. The resulting report can then be edited. Information is further checked and refined by professionally skilled staff during the editing process. However, AIs can now be used to generate reports from multiple data sources related to a client. What the AI might not do is accurately interpret the source material and produce something that sounds credible but is factually flawed.

Online rehabilitative programmes may at first seem attractive for several reasons. When training budgets are under pressure they are an inexpensive alternative to face-to-face training and interaction with live trainers and other learners. They certainly have their place in terms of delivering expertly prepared content at a time chosen by users and can provide a useful service for instance where there are long distances involved and clients are unable, for different reasons, to travel for face-to-face appointments. However, the experience is not the same as being supervised by a skilled human or experiencing the dynamic experience of being in a group of peers, which is probably more likely to be a more meaningful and impactful experience than that of a virtual or online one. The more interactive and participative rehabilitation programmes are the more likely that they will be effective and modern programme design seeks user feedback and input. This means that we need to ensure that, where possible, we provide sufficient and appropriate opportunities for clients to participate in the design and content of rehabilitative programmes.

Virtual reality (VR) has been piloted in some jurisdictions including England and Wales, Finland, the Netherlands, Croatia and Sweden. One use for such systems is facilitating interactive simulation training in carefully constructed environments. This is one area where the technology used in the gaming industry, developed for military use, has meant the rapid development of systems that can be repurposed in probation settings. The good thing about this technology is that the possibilities are effectively limitless, and, for example, a drug or alcohol rehabilitation programme might be delivered via VR by a person in prison in preparation for their release and face-to-face sessions with a drug worker. Other examples might be to train probation staff to conduct home visits safely, bringing to virtual life policy and processes.

There is also increasing interest in the use of chatbots. This is particularly interesting to jurisdictions that may have introduced service centres to automate processes as much as possible, freeing up staff to work with clients. Sophisticated chatbots have been available for some time that mimic human responses to queries, and it does not appear too far-fetched to suggest that these may be used in the not-too-distant future to provide probation services. It is not too much of a stretch from biometrically equipped self-service kiosks to chatbots that clients might even be able to access out of hours as and when they need assistance. It has been suggested that chatbots might appear as computer-generated avatars that might eventually be virtually indistinguishable from staff. This also opens the possibility of certain vulnerable clients potentially being provided with virtual personal assistants that they might befriend and talk to as a means of reducing risks of self-harm and suicide. Again, this might seem far-fetched, but there is some evidence that a virtual friend is better than no friend and may help reduce anxiety when, for example, someone has been released after a long sentence.

Several jurisdictions are also preparing to use AI assistants to assist with administrative tasks like virtual administrative assistants. This idea appeals to staff in jurisdictions where they spend much time doing their administration. A chatbot might be instructed to manage an appointment diary, book face-to-face and video conference meetings, prison visits or training events, and lunch reminders, and prepare relevant documents for appointment meetings. Such systems have recently become available and are being improved with use. Of course, this requires a considerable amount of integration of systems to function effectively.

More generally, the introduction and development of digital processes in organisations can be a demanding and long-term task that requires the commitment of all staff. Feelings of uncertainty and of being deskilled due to a lack of knowledge and understanding by all staff are a natural consequence of bringing about significant change. They should not be seen as a major hurdle to progress. To help overcome these feelings, probation organisations need to constantly inform their staff about the progress of developments and ideally involve and engage with staff appropriately at every stage of the change process.

Staff need to understand why change is needed in favour of digital solutions and the tangible benefits of using new technology to improve their efficiency and effectiveness and amplify the impact of their work. Guidelines that comply with international and national legal requirements and regulations, such as those concerning data protection and alignment, with expert advice regarding principles and recommendations with respect to specific technologies, are needed.

Finally, when introducing technologies, this should be continuously and carefully researched and evaluated. The benefits and risks of introducing technology should be carefully assessed beforehand and compelling evidence supporting its introduction should be produced. Technology should never be introduced without careful consideration and should always be introduced and implemented with a clear purpose that is a priority need for the probation service. Any new technology should, as far as possible, be able to work with existing technologies and systems. Incremental technological change is usually preferable to large-scale transformations and modernisation, unless there is a strong and compelling case for working at scale. Any technological change must also take into consideration the development of staff digital skills. The introduction of technology should be comprehensively evaluated. The safe, responsible, and ethical use of technology is paramount.

Technologies should be introduced for positive and constructive reasons, such as to improve responses to diversity and inclusion or free up staff from administrative tasks so that they can spend more time working face to face with the clients. Technology should not be introduced and used with the intended aim of reducing or replacing human interactions. Technology is best used to supplement or enhance human interactions and communication not to reduce it. The use of technology in probation with the sole intention of reducing the number of frontline probation staff required is reprehensible. It should instead be used to increase quality and effectiveness.

Technologies should not be used if their use is unlawful or in breach of human rights and other protections to keep humans safe.

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# Glossary

Applications (apps)

Artificial Intelligence (AI)

Cognitive Behavioural Therapy (CBT)

Electronic Monitoring (EM)

European Union AI Act (EUAIA)

EU Directive on Data Protection and Security (GDPR)

Frontline probation staff (doing the client work including volunteers)

Generative AI (GAI)

General Purpose AI (GPAI)

Global Positioning System (GPS)

High-risk AI Systems (HRAIS)

Information Technologies (IT)

Probation client (client)

Probation organisations

Probation staff (persons employed by probation organisations)

Radio Frequency (RF)

Radio Frequency Identification (RFID)

Supervision plan (includes sentence / supervision / execution / rehabilitation plan etc)



Utrecht, November 2024

CEP is the Confederation of European 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.



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