

# CEP, Probation and the Digital Future

By Gerry McNally\*

*Its former president outlines the role of the Confederation of European Probation (CEP) in shaping how probation services navigate an increasingly digital world. CEP brings together probation agencies, researchers and practitioners from across Europe to promote rehabilitation, social inclusion and community safety through community sanctions. Gerry McNally highlights the centrality of the working alliance between probation staff and people under supervision and warns that digital tools, however sophisticated, must not erode this human relationship. Drawing on the Risk-Need-Responsivity framework and desistance research, he argues that technology should support, not replace, skilled professional relationships, hope-building and appropriate use of discretion.*

*The article reviews how artificial intelligence, data analytics, virtual supervision and electronic monitoring are expanding within justice systems, alongside European legal and ethical frameworks such as GDPR, the Law Enforcement Directive and Council of Europe standards on electronic monitoring and AI. It stresses the need for transparency, non-discrimination and “under user control” principles in all technology use. The Covid-19 pandemic is used as a case study of rapid digital transformation, showing both the value and the risks of remote supervision. The article concludes that probation must critically evaluate technological innovations, ensuring they are appropriate, proportionate, rights-respecting and firmly anchored in the rehabilitative mission of “turning lives around.”*

The Confederation of European Probation (CEP) is the established European organization for probation, and serves as both the voice and leading representative of probation services across Europe. It was founded in 1981 as a network of probation organizations, with the aim of sharing knowledge, exchanging expertise, and supporting developments in the field of community sanctions throughout Europe.

CEP seeks to promote the social inclusion of offenders through the use of community sanctions and measures, including probation, parole, community service, mediation, and conciliation. It is committed to enhancing the profile of probation, and to improving professional

standards and practice among its members and across Europe.

CEP advocates for respect for human rights, adherence to ethical standards in all probation practice, and fairness within criminal justice systems. It recognizes the importance of legitimacy and public support in creating confidence in probation services and community-based sanctions. CEP maintains that a society grounded in social inclusion offers the most effective protection against the harm and distress caused by crime.

For CEP and its members:

- Probation is about “turning lives around” through the rehabilitation and reintegration of those who have offended, by challenging and addressing the underlying causes of criminal behavior;
- Probation measures and community sanctions are more effective in reducing recidivism, and produce better outcomes for communities, victims of crime, and those who have offended;
- Probation measures and community sanctions are more cost-effective than custody;
- CEP and probation services play a crucial role in reducing reoffending, enhancing community safety, and reducing victimization and related harms.

Since 1981, CEP has worked with key European institutions, national authorities, member organizations, and partner bodies to promote the rehabilitation and

social inclusion of offenders through community-based sanctions and measures. For European bodies such as the European Union and the Council of Europe, CEP acts as both spokesperson and principal contact point for the probation sector, providing expertise, comparative data, and representation on behalf of its members.

Over the past four decades, CEP has grown and developed into the principal European network representing probation interests. It also provides support, advice, and guidance to national authorities and governments.

CEP’s membership spans the 46 Member States of the Council of Europe and includes organizations working in probation, as well as research and educational bodies, individual researchers, and other interested stakeholders. Together, these members form a unique network of knowledge and expertise focused on effective approaches to working with offenders in the community to promote rehabilitation, reduce reoffending, and enhance public safety. Importantly, CEP facilitates collaboration among its members, enabling them to share expertise, learn from one another, and provide mutual support.

The CEP Board—comprising a President and two Vice-Presidents, elected every three years at the General Assembly—represents the membership

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across Europe, including both large and small jurisdictions, and oversees the organization's activities. CEP's administrative center is located in Utrecht, in the Netherlands, and is supported by an experienced secretariat (secr@cep-probation.org). In addition, CEP employs two full-time policy officers, based in Barcelona and Prague.

## Cybercrime

New technologies and systems not only influence and transform the way justice systems—including probation and other community-based measures and sanctions—are managed and delivered, they also contribute to the emergence of new and increasingly complex forms of crime and offending.

Cybercrime encompasses several categories of offending. These include traditional offences committed using digital means (e.g., fraud, forgery, and identity theft); content-related offences (e.g., the online distribution of child sexual abuse material, hate speech, or incitement to commit acts of terrorism); and offences specific to computers and information systems (e.g., attacks against systems, the spread of malware, and the hacking of systems to steal sensitive personal or business data and intellectual property, as well as denial-of-service attacks intended to cause financial loss and/or reputational damage). Cybercrime also extends to the online sale and transfer of illicit goods and services, including illicit drugs, child and adult sexual abuse material, and stolen banking data.

While these forms of crime are becoming an increasingly significant aspect of criminal justice practice—and of the work of probation professionals—they are not the primary focus of this article. Accordingly, this article does not examine in detail the impact of cybercrime on probation supervision, nor the associated demands on skills and resources.

Instead, the article focuses on the immediate practice and governance opportunities and challenges facing probation bodies in the use of new technologies for management and supervision.

## Probation and the Digital World

The central activity in probation practice is engagement with people who have offended, and the development of purposeful relationships to support change in attitudes and behavior, enabling individuals to become positive citizens within their communities. The Probation of Offenders Act 1907 in England defined this task as “to assist, advise, and befriend.” While this definition has since evolved to explicitly incorporate public protection and community safety, the core objective and underlying activity remain unchanged.

Individuals under supervision are supported in their efforts to make meaningful and sustained changes in their lives, with the aim of desisting from offending and redirecting their behavior. Probation is fundamentally concerned with “turning lives around” through the rehabilitation and reintegration of those who have offended, by addressing and challenging the underlying causes of criminal behavior.

In practice, probation work has traditionally taken place through face-to-face interaction, whether in individual or group settings. The Risk-Need-Responsivity (RNR) model has emerged as a leading framework for offender assessment and intervention. Responsivity concerns how interventions are delivered, encompassing both general and specific dimensions. General responsivity emphasizes the use of cognitive social learning approaches to influence behavior, while specific responsivity requires that interventions be tailored to individual characteristics, including personal strengths, learning style, and capacity.

Effective supervision skills are therefore central to the application of responsivity principles. Risk and needs assessment, together with associated intervention planning, may also be understood as a form of “technology” in a broad sense, insofar as they involve structured, systematic methods that directly shape practice and decision-making.

## The Working Alliance

The working alliance between the probationer and the probation officer

plays a central role in the effectiveness and outcomes of probation supervision. It provides a clear illustration of the intent of the responsivity principle, as well as the importance of hope, personal engagement, and the appropriate use of professional discretion.

The probation officer adopts a hybrid role in working with the client: that of a counsellor who provides support, and that of a supervisor who exercises authority, manages risk, and responds to breaches or non-compliance with conditions. The working alliance with mandated clients reflects this dual function.

This duality is well illustrated in the 1952 British semi-documentary feature film *I Believe in You*,<sup>1</sup> which portrays two probation officers in London working with individuals under supervision to achieve change over time through relationship-building, fostering hope, and supporting behavioral change as it emerges. The film emphasizes the enduring importance of the human element in probation practice.

A study conducted in the Netherlands<sup>2</sup> examined the development of the working alliance between probationers and probation officers from both perspectives. The study explored the significance of different aspects of the working alliance at the outset of supervision and after a three-month period, as well as the impact of critical incidents during supervision on the strength and quality of the relationship.

At the outset, clarity regarding goals and restrictions was identified as the most salient issue for both parties. After three months, the working alliance had typically evolved into a more trusting relationship, strengthening the probation officer's role as a change agent. In this context, the probation officer's role

<sup>1</sup> <https://www.imdb.com/title/tt0044734/>

<sup>2</sup> <https://www.cep-probation.org/how-to-build-a-working-alliance-with-mandated-clients-situation-of-a-four-year-project-in-the-netherlands/>, Sturm A, de Vogel V, Huibers MJ. Two sides of the working alliance: A qualitative study from the perspective of both probationers and probation officers. *European Journal of Probation*, 2022;14 (1):40-59. <https://journals.sagepub.com/doi/abs/10.1177/20662203211056486>

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may be understood as one of change management, promoting desistance through a professional, sincere, and purposeful relationship.

While digital technology and communication tools can support this relationship—for example, where risk assessment instruments help to identify and priorities areas requiring attention—such tools must not obstruct or undermine the working alliance or the supervision relationship. Technology should remain a support to, rather than a substitute for, relational practice.

The development of trust requires transparency, openness, and co-production in working towards agreed goals. Although the use of technology for monitoring, data collection, evaluation, and decision-making can enhance efficiency and add value to certain aspects of supervision, the level of personal and meaningful engagement invested in the process remains decisive.

The appropriate use of discretion is a critical professional skill in probation practice. Research on desistance demonstrates that change is rarely linear or consistently progressive; rather, it often involves setbacks and periods of relapse. A rigid or overly technology-driven approach to supervision is less likely to foster the engagement necessary for sustained change, and may instead lead to increased technical violations, diminished hope, and a counterproductive “cat-and-mouse” dynamic between supervisor and supervisee.

Balancing the dual responsibilities of control and support requires a principled, transparent, and proportionate use of both digital and traditional methods, applied only where necessary and justified.

The expanding use of digital and information technologies—including data analytics, virtual reality (VR), and artificial intelligence (AI)—in probation practice raises a series of fundamental ethical questions, not only for probation services, but across the wider criminal justice system. Key questions include whether such technologies can be deployed in ways that are transparent,

minimize bias, preserve fundamental rights, and protect society, while also delivering tangible benefits to probation agencies, those under supervision, and the wider community.

Further practical questions arise. Can technology usefully support routine probation tasks, such as delivering health and safety briefings for community service orders? Are there areas of probation practice that could benefit from technological support where such support is currently lacking? Can self-directed learning and training be more effectively delivered through digital platforms?

The ethical challenges associated with the increasing use of digital technologies, data sharing across services, and remote monitoring require careful consideration. Probation services must make deliberate and principled decisions about when technological solutions are appropriate—and when they are not.

## Just Because We Can Doesn't Mean That We Should...

In 1992, Malcolm Feely and Jonathan Simon characterized the “new penology” as a model focused on the management, surveillance, and control of specific groups of people and their associated risks. Within this framework, the traditional goals of criminal justice—including probation and community sanctions—shift away from punishment or rehabilitation. Instead, the emphasis is placed on identifying and managing aggregates of higher-risk individuals, including those who have offended, or who are considered at risk of doing so. New techniques focus on groups rather than individuals, replacing earlier approaches cent red on individualization and equity.

Technological tools—particularly those involving information gathering and data analysis—fit readily within this paradigm. However, the reprioritization of the individual, and of rehabilitation as a central goal, risks diminishing the human engagement, support, and influence that are essential to probation and community-based interventions aimed at changing criminal and antisocial behavior.

Government agencies and public bodies, including probation services, have long used technological innovations to support their work. Online databases, email, videoconferencing applications, and automated data collection and analysis are now commonplace, though they were once regarded as advanced technologies. It is therefore reasonable to expect that, as more sophisticated technologies emerge, justice system authorities—including probation services—will continue to adopt them in pursuit of greater efficiency and, ideally, effectiveness.

However, it is important to recognize that the modes of communication, recording, analysis, and management associated with such technologies can influence the nature and quality of engagement with individuals—particularly those before the courts or subject to supervision.

The increasing use of technology has enabled the collection of vast volumes of personal and other data, as well as the analysis and application of that data at both individual and population levels. These developments support a range of functions, including case management, investigation, monitoring, resource allocation, and, in some instances, automated decision-making.

In March 2022, the Justice and Home Affairs Committee in England published its report, *Technology rules? The advent of new technologies in the justice system*.<sup>3</sup> The report examines the use of artificial intelligence (AI) and other advanced algorithmic tools in activities designed to detect, deter, rehabilitate, or punish individuals who breach the law in England and Wales. While acknowledging the potential benefits of such technologies, the report cautions against the rapid pace of their deployment and highlights the absence, in some cases, of adequate safeguards.

The Committee warned that, “without sufficient safeguards, supervision, and caution, advanced technologies may have

<sup>3</sup> Justice and Home Affairs Committee *Technology rules? The advent of new technologies in the justice system* <https://publications.parliament.uk/pa/ld5802/ldselect/ldjusthom/180/180.pdf>; <https://publications.parliament.uk/pa/ld5802/ldselect/ldjusthom/180/18002.htm>

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a chilling effect on a range of human rights, undermine the fairness of trials, weaken the rule of law, further exacerbate existing inequalities, and fail to produce the promised effectiveness and efficiency gains.”

Within Europe, the General Data Protection Regulation (GDPR)<sup>4</sup> establishes a framework for protecting individuals’ privacy rights in relation to personal data. It confers rights on individuals, and imposes obligations on organizations that collect, hold, and process such data. In addition, EU Directive 2016/680<sup>5</sup> (the Law Enforcement Directive, or LED) sets out specific rules governing the processing of personal data for law enforcement purposes, including by probation agencies. The Directive aims to facilitate data sharing between authorities and Member States, while ensuring a high level of protection for fundamental rights.

As with all forms of innovation and systemic change, technological developments raise important ethical questions. The increasing capacity to collect and analyze data creates risks relating to governance, access, and the potential misuse of information. These developments underscore the need for robust ethical safeguards to ensure that data is used responsibly and in a manner consistent with fundamental rights.

The Council of Europe’s probation framework provides important guidance in this regard. The Council of Europe

<sup>4</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

<sup>5</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L0680>

Probation Rules,<sup>6</sup> together with recommendations on electronic monitoring, emphasize that monitoring technologies should support, rather than replace, rehabilitative work. Rule 57 specifies that external control should be used as a means of developing self-control, and that technology should not determine the character of probation practice, but instead serve to support its core functions.

In 2018, the European Commission for the Efficiency of Justice (CEPEJ), a body of the Council of Europe, published the *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment*.<sup>7</sup> This Charter establishes a framework of principles intended to guide policymakers, legislators, and justice professionals in responding to the rapid development of AI within judicial systems.

The Charter sets out five key principles governing the use of AI in the processing of judicial data and decisions:

- **Principle of respect for fundamental rights:** ensuring that the design and implementation of AI tools are compatible with fundamental rights;
- **Principle of non-discrimination:** preventing the development or reinforcement of discrimination against individuals or groups;
- **Principle of quality and security:** ensuring that data processing relies on certified sources, robust methodologies, and secure technological environments;
- **Principle of transparency, impartiality, and fairness:** ensuring that data processing methods are accessible, understandable, and subject to external audit;
- **Principle “under user control”:** ensuring that users remain informed and retain control over decisions, avoiding overly prescriptive or automated approaches.

<sup>6</sup> <https://www.cep-probation.org/knowledgebases/council-of-europe-rules-recommendations/>

<sup>7</sup> European Commission for the Efficiency of Justice (2018), *Ethical Charter on the use of artificial intelligence in judicial systems and their environment*, <https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c>

These principles are designed to ensure compliance with fundamental rights protections, including those enshrined in the European Convention on Human Rights and Convention 108 on data protection, as well as related European legal standards. They are directly applicable to probation agencies in their use of technology and data within criminal justice systems.

Probation officers and related personnel have a particular responsibility to apply these principles in practice, ensuring that appropriate ethical safeguards are in place when deploying technologies and engaging in data collection, including electronic monitoring. This responsibility is especially significant given that individuals subject to supervision are often socially vulnerable, and rely on the professional judgement, discretion, and integrity of probation staff.

Probation practitioners exercise substantial authority in implementing court orders, supporting individuals, enforcing compliance, and safeguarding the community. The integration of technology into these functions must therefore be approached with care, ensuring that it enhances, rather than undermines, ethical and effective practice.

## Covid-19 Pandemic

There has been, from the origins of probation in the nineteenth century and earlier, a continuous evolution in probation policy and practice, broadly aligned with wider social and cultural change. The Covid-19 pandemic accelerated this process, introducing rapid and largely unplanned changes that are likely to lay the foundations for a digital transformation—and potentially a broader “paradigm shift”—in probation practice as societies adapt to new ways of working and living.

The impact of the pandemic is likely to be long-lasting. In the process of recovery, it is important to recognize that a simple return to previous practices is neither possible nor desirable. Instead, there is a need for deliberate reflection to ensure that future approaches are more effective, resilient, and purposeful.

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Following the outbreak of Covid-19 in early 2020, probation services across Europe adapted their supervision practices with remarkable speed in order to comply with public health guidance issued by national authorities. These adaptations were designed to protect probation staff, individuals under supervision, and the wider community. In doing so, probation officers demonstrated considerable agility and creativity in maintaining professional relationships with colleagues, criminal justice partners, and those subject to supervision.

The rapid shift to remote supervision, increased reliance on technology, and the imposition of public safety restrictions led to profound changes in the mode and delivery of supervision. Assessment practices were altered, and the establishment and maintenance of relationships through remote means proved challenging.

Face-to-face meetings between probation staff and those under supervision were largely replaced by remote contact via post, telephone, or videoconferencing. In some jurisdictions, guidance was developed to support remote supervision, including protocols on communication, the types of questions to be asked, and the information to be gathered, including health-related enquiries.

Individuals under supervision—particularly those who were vulnerable or at risk—faced reduced access to services and support, while also coping with increased isolation, anxiety, and distress. The combined effects of the pandemic and these changes in practice have had a significant impact on probation organizations, their staff, and the individuals they supervise. It is unlikely that probation practice will return entirely to its pre-pandemic form.

In his paper *Penal supervision in a pandemic*,<sup>8</sup> Fergus McNeill offers valuable insights into both the broader

challenges of living through the pandemic and the specific experiences of supervisees and supervisors engaged in predominantly remote supervision via telephone, video links, and other technologies. For probation practitioners, Covid-19 restrictions required rapid adaptation to home-based working and technology-mediated supervision.

McNeill found that the effectiveness of telephone-based supervision often depended on the strength of the pre-existing relationship between supervisor and supervisee. He also observed that pandemic conditions may have intensified the “pains” of supervision, making it more akin to a form of home detention. Furthermore, telephone-based supervision may make it more difficult to establish and sustain legitimacy. The blurring of boundaries between professional and personal life also presented challenges for practitioners. While digital technologies and increased flexibility provided an essential response to pandemic conditions, they also highlighted the limitations and complexities of delivering meaningful and responsive probation practice remotely.

Similarly, Jane Dominey and colleagues identified comparable issues in their study of remote supervision.<sup>9</sup> Key findings from their report include:

- Supervision cannot rely solely on telephone contact;
- However, telephone supervision has a valid role within a broader framework;
- Professional discretion is essential in determining appropriate modes of supervision;
- Video communication offers significant potential for future practice;
- There is scope to expand the use of internet-based resources in supervision;
- Flexible working arrangements for staff are increasingly feasible through remote supervision.

The CEP Technology in Probation Expert Group, established in March 2017, focuses on the development and implementation of digital and technological innovations in probation practice. Its purpose is to enhance coordination and cooperation among CEP members in relation to ongoing technological initiatives. The group provides a forum for experts—including policymakers, project managers, and ICT specialists—to exchange knowledge, discuss challenges, and share solutions.

The biennial CEP Electronic Monitoring and Technology Conference—now in its twelfth iteration—serves as an important platform for learning and exchange regarding developments in digital technologies, as well as for discussions on “future-proofing” probation practice in a rapidly changing environment. Materials from these conferences and Expert Group meetings are available via the CEP website.

The digital environment has become an increasingly valuable resource for communication and collaboration among CEP members, particularly in response to pandemic-related constraints. One of the most widely used resources is the CEP website,<sup>10</sup> which provides an extensive knowledge base, including media presentations, newsletters, reports, and other materials related to probation and community sanctions. The website is regularly updated with information on conferences, publications, and developments within the field.

During the pandemic, many meetings, events, and workshops transitioned to online formats. While a significant proportion of these activities is likely to remain online, the importance of in-person engagement has been reaffirmed, particularly in maintaining professional networks, delivering skills-based training, and facilitating collaboration among experts.

CEP has also invested in expanding its digital presence through social media platforms, including Twitter and LinkedIn, as well as through its YouTube

<sup>8</sup> Penal supervision in a pandemic <https://www.cep-probation.org/wp-content/uploads/2020/07/Penal-supervision-in-a-pandemic.pdf>

<sup>9</sup> Remote Supervision: Getting the Balance Right. Dominey, J., Coley, D. Ellis-Devitt, K and Lawrence, J. <https://www.ccgj.crim.cam.ac.uk/research/RemoteSupervision>

<sup>10</sup> [www.cep-probation.org](http://www.cep-probation.org)

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channel, which hosts webinars, podcasts, interviews, and presentations. These digital platforms have become invaluable tools for professional networking, enabling practitioners across Europe and beyond to connect, collaborate, and share knowledge more effectively.

## The Future

There are clear benefits and significant potential in the development of digital technologies and resources as part of probation supervision. The ways in which we work and live continue to evolve, but these developments are not without risks.

In his book *Pervasive Punishment*, Fergus McNeill examines the scale and social distribution of probation supervision, how it has been legitimized, how it is experienced, and where it may lead in a technologically driven future. While at times presenting a bleak and cautionary account, McNeill's work ultimately

emphasizes the importance of maintaining a commitment to purposeful and proportionate justice. The existence of advanced digital technologies, data capabilities, and professional expertise does not, in itself, justify the continued expansion of the criminal justice net or mechanisms of social control—even where such expansion is subject to critical evaluation.

Technology, and the ways in which it is applied, is reshaping both the practice of supervision and the broader context in which it occurs. At its most positive, technology can enable the efficient collection, processing, and dissemination of information to support timely and well-informed decision-making. It can also support greater engagement by individuals under supervision, enhance communication with professionals and other stakeholders, and assist individuals in taking responsibility for their actions, changing their behavior, and moving away from offending.

However, technology is neither neutral nor value-free. To avoid unintended and potentially harmful consequences in

probation supervision, its implementation must be carefully planned and thoughtfully designed, guided by respect for fundamental human rights and by principles of proportionality and parsimony. Rigorous and informed scrutiny is essential to ensure that any digital tools, systems, or media deployed in probation practice are safe, necessary, proportionate, and effective.

Without such safeguards, there is a risk of unintended consequences, including overreach, erosion of rights, and diminished trust in probation services. Careful governance is therefore required to ensure that technological innovation enhances, rather than undermines, the ethical foundations of probation practice.

As the American author and philosopher Aldo Leopold observed, “Ethical behavior is doing the right thing when no one else is watching—even when doing the wrong thing is legal.” As probation practice continues to evolve, it will be essential not only to assess the effectiveness of technological innovations, but also to evaluate them against clear ethical principles. ■



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