

RESOLUTION (70) 1

(Adopted by the Ministers' Deputies on 26 January 1970)

**PRACTICAL ORGANISATION OF MEASURES FOR THE
SUPERVISION AND AFTER-CARE OF CONDITIONALLY
SENTENCED OR CONDITIONALLY RELEASED OFFENDERS**

The Committee of Ministers,

Recalling the Resolution (65) 1 on suspended sentence, probation and other alternatives to imprisonment;

Considering that effectiveness of treatment measures presents in all member states a most important aim of criminal policy;

Considering the desirability of avoiding the imposition of prison sentences whenever that proves possible;

Considering that probation, conditional release and similar measures providing treatment in freedom are being developed in most member states;

Considering that it is advisable to devise the most suitable legal framework and the most effective services and methods of treatment in respect of these measures;

Considering that the establishment of common principles for the use of conditional measures is desirable for the profitable development of these measures; and in addition that this will help the implementation of the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders,

Recommends governments of member States :

1. (a) To consider their legislation in order :

- to examine the advisability of introducing, developing and improving the various forms of suspended sentence and related measures, or of adjusting the methods of carrying out such measures;

- to examine the possibility of abandoning or reducing limitations for the application of conditional measures (concerning categories of offenders or categories of offences) which hinder individualisation of sentences;

(b) To envisage that, so far as possible, a pre-sentence investigation which provides useful information on the offender's character and social circumstances should be ordered each time pronouncement of probation or a related measure implying supervision is considered;

(c) To employ for such investigation personnel trained to obtain and present objective information on the offender's needs and treatment potentialities;

(d) To provide guarantees against unjustified intrusion into privacy in the course of the social enquiry as well as against improper use of the information obtained;

2. (a) To review and, if necessary, amend the legal provisions attached to the granting of conditional release such as those relating to the length of the sentence imposed, the minimum period to be served before release, or limitations concerning certain categories of offenders, for example, recidivists;

(b) To ensure that those serving life sentences have the possibility, by means of periodical review, of being granted conditional release or at least clemency after due consideration of their personality and the need for the protection of society;

(c) To require of the probation service, or such other services as may be competent in the matter, the duty, in addition to statutory after-care, to offer after-care even to offenders unconditionally released;

(d) To ensure that any procedure for conditional release provides for each offender to have his case fully examined and make known his own views, for prompt decisions, for due account to be taken of the offender's treatment needs and for the protection of society;

(e) To review and develop, especially in the light of current innovations, the means intended to facilitate the transition from institutional life to freedom on release. In particular specific and detailed plans for release should be begun at an appropriate moment during the sentence;

3. (a) To secure the development of methods of supervision which further the creation and utilisation of a relationship between the probation officer and his client

in their social context through which help may be given with personal problems;

(b) To review and, if necessary, initiate legislation so that any requirements accompanying probation, conditional release and similar measures may enable the most effective individualisation of treatment to be achieved, whilst also ensuring that these requirements fully respect human rights and personal dignity;

(c) To examine the existing provisions for the treatment of offenders presenting special problems (such as drug or alcoholic addiction) and if necessary extend such provisions;

(d) To examine, and if necessary develop, the residential provisions for those on probation or conditional release;

(e) To ensure that modification of requirements laid down in orders of conditional sentence or release may be possible in the light of changed needs or circumstances;

4. (a) To ensure no matter what the administrative framework in which probation, parole and prison services are placed, that there is full integration of their methods for dealing with offenders;

(b) To ensure the recruitment of a professionally qualified personnel as the essential basis for an effective probation service;

(c) To consider the value attached to the using of voluntary workers in collaboration with professional staff;

(d) To give attention where necessary to the improvement of probation officers' conditions of service in view of the special difficulties inherent in their work;

(e) To arrange for initial training of professional staff which shall complete any pre-entry training undertaken as well as for in-service training to improve theoretical knowledge and practical experience;

(f) To secure effective procedures of selection and instruction for voluntary staff as well as reimbursement of their expenses;

(g) To consider case loads of professional and voluntary officers in order to arrive at the most effective treatment and the most suitable employment of human and material resources;

5. (a) To provide for a general administrative inspection of the probation and parole services;

(b) To provide supervision in order to secure control of the enforcement of orders of probation or conditional release;

(c) To ensure that casework supervision is provided for individual officers so as to maintain and develop professional standards;

(d) To secure efficient case recording;

6. (a) To ensure that requirements imposed under orders of probation or conditional release shall be observed by enabling appropriate sanctions to be used to this end;

(b) To consider their legislation and practice so that any sanctions invoked, where the probationer or the parolee without relapsing into criminality evades supervision or disregards requirements, may take account of, not only the breach of the conditions imposed, but also the offender's overall attitude and the needs of his treatment;

(c) To consider their legislation and practice in order to secure that where there is relapse into fresh criminality there shall be the choice of :

- imposing an unconditional sentence for both the new offence and that which previously resulted in a conditional measure;

- maintaining the initial conditional measure possibly with modifications of some conditions laid down in it and imposing a second penalty, but this time unconditional in respect of the new offence;

- pronouncing a second conditional measure covering both the original and the new offence;

7. To promote research on selection of offenders for probation as well as on the working of probation and conditional release systems;

8. To secure wide dissemination of the Council of Europe report on the practical organisations of measures for the supervision and after-care of conditionally sentenced or conditionally released offenders in particular in their appropriate services;

Invites governments to report to the Secretary General of the Council of Europe every three years informing him of the action taken by them on these recommendations.