

# Crisis-ready non-custodial sanctions and measures

## Lessons from the COVID-19 pandemic

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### Introduction

Two of the solutions many countries have turned to in managing the spread of COVID-19 in prisons have been to increase the use of non-custodial sanctions and measures<sup>1</sup> and adopt early or emergency release schemes in order to reduce prison populations. Such actions have been a response to the widely documented impact of the pandemic on prisons across the world, particularly the heightened risk of outbreaks among people detained and working in prisons. The consequent rapid expansion in the use of community supervision significantly increased the workload of probation agencies,<sup>2</sup> both in case numbers and added complexity.

At the same time, probation agencies were also responding to restrictions in the community that required changes to working methods and made supervision and fulfilment of conditions challenging, including restrictions on travel, face-to-face contact, group work, operations of community service partners and public services. Despite this, the impacts of COVID-19 and adopted response measures on the use, implementation and management of non-custodial sanctions and measures – including the experiences of persons supervised and supported by probation agencies during the pandemic – have received limited attention, especially on a global scale.<sup>3</sup>

This ten-point plan seeks to give probation agencies, practitioners and other service providers involved in the delivery of non-custodial sanctions and measures an evidence-based roadmap with guidance and tools for preparing for and responding to the current crisis and any that may follow.<sup>4</sup> Based on research that identified gaps in the implementation of alternatives to imprisonment during the COVID-19 pandemic (2020 and 2021),<sup>5</sup> this plan promotes responsive and adaptive probation systems that meet the needs of communities and those under probation agency supervision<sup>6</sup> – whether awaiting trial, serving community-based sentences or following release from prison. It aims to ensure that any adaptations to community supervision and release support in times of crisis are human rights-based, proportionate and do not discriminate.

“Valuable lessons can be drawn from the experience of probation agencies and other criminal justice stakeholders during the COVID-19 pandemic.”

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## Lessons learned

A number of key lessons can help systems to better prepare for and adapt in the face of crises. These include:

- When faced with sudden crises or adverse events that require changes to operations, the initial stage of adjusting working methods is most challenging, so **preparedness and planning** is important. This includes having necessary legislation in place to support flexibility in terms of deferring or altering the mode of execution of sentences;
- **Transparent and prompt communication** is key, both when it comes to informing staff of shifting operations or responsibilities and in terms of keeping clients and others involved in non-custodial sanctions informed of changes to services and requirements (such as required reporting to probation agencies);
- **Technology** is a valuable tool for flexibility in service delivery and communication, but remote services limit certain aspects of probation work and cannot always replace in-person services. This is especially true when it comes to initial assessment and individualised psycho-social support, and it also poses important concerns regarding privacy and procedural rights;
- The importance of **collaborative and multi-sectoral approaches**<sup>7</sup> to managing non-custodial sanctions and measures is underlined during turmoil and crisis, including strong, diverse partnerships such as those with non-governmental organisations (NGOs), community services and between state agencies;
- **Existing gaps and issues** in criminal justice systems – including prison overcrowding, under-resourcing, inadequate healthcare provision and data collection – are exacerbated during crises. The risks, changes, and uncertainty brought about by a crisis can also change or deepen individual needs and challenges. This can further increase the vulnerabilities faced by certain individuals or groups, such as persons with lower socio-economic status, pre-existing health conditions, including mental health, or those likely to experience compounded discrimination due to intersecting social and/or political identities;<sup>8</sup>

- People serving community-based sentences or under non-custodial measures tend to have **complex support needs**, including physical and mental health, rehabilitation and reintegration support. During crises, they are faced with particular difficulties accessing specialised services, given the overall reduction in services and possible redistribution of resources and capacities in line with emergency responses;
- Probation systems vary widely between countries, whether in scale, responsibilities or culture. What works and is applicable to one country's criminal justice system may not directly apply in another country. However, there are universal themes in supporting **flexibility and resilience** in the delivery of non-custodial sanctions and measures, and those responsible for their implementation must take steps to be better prepared for crisis situations and able to resume normal practices without unnecessary delays after the crisis has been resolved.

Relevant human rights standards such as the UN Standard Minimum Rules on Non-custodial Measures (the Tokyo Rules),<sup>9</sup> the revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>10</sup> the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>11</sup> the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),<sup>12</sup> the UN Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules)<sup>13</sup> and regional instruments<sup>14</sup> should underpin the provision of criminal sanctions at all times. Key principles including proportionality,<sup>15</sup> individualised treatment, non-discrimination and access to justice should support the identification of needed reforms and prioritisation of steps that probation services and other agencies take to ensure continued delivery of non-custodial sanctions and other core services during crises.

## **Systemic reform is needed for better crises response**

Sustained reform of probation and services provided for people in prison preparing for release (pre-release support) is needed for better preparedness and adaptability in the provision of non-custodial sanctions and measures in the face of adverse events, including the ongoing COVID-19 pandemic. As crises intensify existing shortcomings in criminal justice systems, ensuring that gaps are addressed, strong partnerships and standard operating procedures are in place and staff have the necessary tools and skills to allow for adaptability and quick action when crises occur will support:

- Better human rights protection for all, including individuals belonging to minority groups and with specific characteristics or in situations that can increase support needs and risk of vulnerability;
- Equal access to justice for all who come into contact with criminal justice systems;
- Sentencing practices that are supported by law and proportionate to the severity and nature of the crime, both in the imposition and implementation of sanctions and measures (see footnote 10 above);
- Interagency approaches and improved communication with and among service providers involved in probation work;
- Fewer disruptions and less pressure on the criminal justice system through improved effectiveness and continuity of services for those eligible for or serving community-based sanctions or measures;
- Reduced risks and operational failings in probation agencies (which may impact service continuity, the mental health of both staff and clients, reoffending).

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Better preparedness and flexibility allows non-custodial sanctions and measures to be continuously available and effectively implemented, even when faced with sudden crises and needs to adjust operations. This enables the ongoing rehabilitation of clients and the building of safe and healthy societies -the ultimate goal of prison and probation.

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## 10-point plan for crisis-ready non-custodial sanctions and measures

The following recommendations for the use and implementation of non-custodial sanctions and measures in a way that supports adaptability, effectiveness and non-discrimination in times of crisis have been designed to allow international applicability and replication. While largely based on research into the use, provision and experiences of non-custodial sanctions (as part of a sentence) during the COVID-19

pandemic, many of the points apply across all stages of the criminal justice process, including pre-trial measures and post-release support or supervision. Furthermore, many of the recommendations represent good practice when establishing or strengthening probation agencies in 'normal' times as well as in the face of varied crises.

# 01

## Ensure the legal framework facilitates reduced use of imprisonment

A national strategy should be implemented by government in collaboration with relevant probation leadership<sup>16</sup> and stakeholders, including justice agencies, academia and civil society, to reduce prison populations in a lasting manner. This should involve legal reform to reduce the use of imprisonment and develop and implement constructive non-custodial measures and sentences, not only in response to crises.

Times of crisis may also require emergency measures to reduce prison populations, which should be planned for. Legislation on early and temporary release that can be adapted or expanded when needed should be put in place or reviewed to flexibly define the criteria and circumstances for release. In the event of an emergency, the availability of existing legislation has the benefit of a considered design in "non-crisis" times. Development of legislation outside of emergency times for instance

allows for consultation with relevant actors, which helps to ensure fairness, effectiveness, and that procedural safeguards are in place. Their established nature means they are more likely to be known to and trusted by the judiciary, parole boards or other relevant authorities, as they already employ them in non-crisis times, and so they may be more likely to apply such legislation to greater effect during a crisis. This was seen, for example, in Italy, where judges turned to existing release mechanisms and alternatives to imprisonment to supplement emergency measures with limited applicability, using them 'from an emergency perspective' in order to facilitate releases from prison during the COVID-19 pandemic.

Utilising existing mechanisms also negates the need for pardons, amnesties or emergency legislation which is often passed very quickly (even in a single day) with little scrutiny, debate or oversight. Judges and other actors may therefore be less trusting or inclined to rely on such measures, and practical or logistical barriers may arise in their application due to the speed of design and implementation, which may reduce their impact or efficiency.

# 02

## Invest in non-custodial measures to secure real alternatives to imprisonment

Governments should invest in probation systems to ensure they can respond in a timely, flexible, and efficient manner in the event of crisis, including handling of an increased caseload. Probation systems should be established or, where existing, strengthened with increased political attention and resourcing to ensure they are fit for purpose and effective in supporting rehabilitation. This may involve increasing the number of probation officers to increase adaptability in times of crises, ensure continuity of effective services and that an increased or shifting workload (for example because of broader offence categories being considered for

non-custodial sanctions) does not degrade coverage and quality of supervision and support.

Where services to support rehabilitation are not freely available to a probation client, budget should also be allocated for services delivered by private sector providers or to award grants to NGOs who provide rehabilitation support services. This may include, for example, vocational training, job skills development, treatment for substance dependence, shelter or housing support. Additional funds should also be allocated to meet crisis needs of clients, such as access to food, medicines or vaccinations.

Increased human and institutional resources can also help to prepare individuals for release by implementing individual rehabilitation plans and supporting the process of social reintegration, including maintaining or re-establishing family relations.

## 03

### **Develop a contingency plan which protects human rights and supports ongoing operations of probation services**

Probation services should develop a contingency plan that provides a set of guidelines and procedures to be enacted swiftly in case of a crisis or emergency, including one requiring urgent measures in protection of public health. A contingency plan should protect the rights of people serving probation, including those leaving prison during the crisis and coming under the responsibility of probation services, and provide the means for probation services to continue as much as possible. The contingency plan should be based on a comprehensive risk assessment and scenario planning so that it is reactive to the specific requirements of varying crises, the mandates and core functions of the system and the capacities and vulnerabilities of both the service and the population.<sup>17</sup>

In addition to probation management, the development of the plan should also involve prison management, frontline probation personnel, criminal justice policy makers, members of the judiciary and justice system at large, civil society representatives, healthcare and public health professionals. Individuals in prison and serving probation should also be invited to participate in the process. This will ensure that the plan is as relevant

and responsive to needs and resources as possible and contributes to improved collaboration between these stakeholders, which is especially important for the enactment of any plan. For example, the National Council on the Administration of Justice (NCAJ) in Kenya, which includes State and non-State actors, has been recognised as central to the proactive and coordinated justice sector response to the pandemic, which saw the country's prison population reduced by 25 per cent.<sup>18</sup>

Contingency plans should ensure operational tools and standardised procedures are in place and can be implemented during a crisis. This should include communications plans (see point 5) and provision for deploying and distributing extra financial resources, staff and equipment (for example, computers and smart phones to allow staff to work remotely and people in prison and serving probation to remain in contact with families and lawyers, sufficient electronic monitoring equipment to enable increased demand during crises). Plans should also establish lines of command and decision-making responsibilities, including, for instance, allowing regional managers and front-line staff to make decisions within their remit depending on the situation locally. Importantly, contingency plans for probation agencies should be integrated with such plans in prisons and the broader criminal justice system in order to avoid disconnects and undue pressure on any single part of the system when crises arise.

## 04

### **Establish and strengthen partnerships for responsive and flexible non-custodial sanctions and measures**

The varied, often complex needs of people in criminal justice systems require a collaborative approach.<sup>7</sup> Management of rehabilitation, reintegration and monitoring activities should benefit from strong partnerships with a broad range of governmental and community service providers, including volunteers, and the possibility of inter-disciplinary teams. This supports continuity, flexibility and responsiveness and allows probation services and other involved agencies to better support the rights and needs of all persons serving a non-custodial sentence or under pre-trial measures.

When faced with a crisis and the need to adjust operations and service provision, probation agencies should work with partners to offer persons under their

supervision varied and flexible ways to continue meeting the requirements of their sentence purposefully, on time and in line with individual needs, risks and any identified victim concerns. The availability of varied placement options for community service, including open air work, should be prioritised, as was done in Georgia and the Netherlands, where Probation Services focused on partnerships with larger governmental organisations and NGOs to help secure sufficient placements, also in times of crises that may require social distancing or other adjustments. In Kyrgyzstan, participation in COVID-19 response efforts offered probation clients opportunities for continued and meaningful work placements during the pandemic.

Sentence commutations and opportunities to switch between programmes and community service placements should be available, supported by flexibility that is built into existing legislation (see point 1 above). Employment support and client empowerment should be prioritised, as financial instability can be a key trigger for re-offending. Remote communication and participation means (including online) can also offer meaningful

work opportunities and flexibility in meeting sentence requirements, while also supporting the development of valuable technological competencies among clients.

Probation services and other involved agencies and providers should work together to ensure clients are not put in danger and are consulted and clearly informed of any changes to the requirements of their sentence during crises.

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## 05

### **Establish and maintain good lines of communication and share timely and appropriate information with probation clients, their families and the public**

Probation (and prison) services must ensure good communication with all relevant persons, criminal justice agencies and service providers involved in the management and care of probation clients. Communication to family members and the public should also take place. While this should be a standard management practice, transparent communication in a variety of formats (such as online, through text messages, by establishing hotlines and provided in a variety of languages) is especially important in a crisis when there is uncertainty and situations can change rapidly. At the heart of this must be good communication with probation clients as well as people in prison nearing release, including on changes in any procedures, additional services that can be accessed

and any measures brought into the community which they need to follow (such as 'stay-at-home' orders or other required public health measures).

Standardised and regular sharing of information to clients will contribute to building trust, which is especially crucial during a crisis or emergency when there can be added pressures to the system and changes in policy and practice which can cause uncertainty. Special provision should be taken to ensure that messages are communicated in an accessible manner, including for individuals with limited literacy, language barriers, disabilities or other needs that may require special communication modes.

Relevant ministries (such as the Justice Ministry) must also make efforts to communicate changes to sentencing laws and policies and any measures taken to reduce prison populations to the public. This could include why changes have been brought in, the benefits of non-custodial sentences and the criteria for who is released from prison. Such communication will also improve public trust in criminal justice systems.

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## 06

### **Use available information and communication technology to support continuity and adaptability in probation services**

Staff involved in delivering non-custodial sanctions, measures, assessments and other community-based activities should be enabled to use technology and remote communication means in order to maintain contact with clients and provide continued services during crises and restrictions on in-person meetings. Similarly, clients should be supported in using technological tools necessary for complying with sentence requirements and accessing services, whether through skills training or provision of necessary resources. This may include, for example, facilitating access to mobile phones, computers or the internet, as seen in Georgia where probation offices were made

available to family members of persons in prison in order to facilitate video calls during restrictions on visitation in response to the pandemic.

While technological tools cannot replace the human contact required for effective and individualised assessment and support activities, particularly at the onset of probation work and with clients with higher need- and risk levels, and while there are limitations to the use of technology in criminal justice settings, it can play a role in offering people serving community-based sentences or those to be released from prison flexible and individualised ways to access programming and services and maintain necessary contacts.

Added flexibility can support improved outcomes for clients, both by making it easier to meet sentencing requirements and by broadening the range of measures available to support rehabilitation and social integration. During crises, technology can facilitate service continuity.

Probation services should harness the experience in using varied technologies gained in the context of the COVID-19 pandemic to expand and modernise service provision. Key areas in which technology can complement in-person probation work include:

- Record-keeping and management (including the use of comprehensive electronic record management systems);
- Regular supervision activities (including remote check-ins and electronic monitoring in appropriate cases);
- Required programming, delivered either fully or in part remotely (including the adoption of virtual learning);
- Pre-release support through facilitating communication with family members and legal representation during detention;

- Added flexibility for staff through expanded working from home, knowledge-sharing and training opportunities (professional learning and capacity development).

In considering sustained and broader use of technology in the context of non-custodial sanctions – or criminal justice services in general – the right to privacy of both staff and clients should always be considered. Remotely delivered supervision should bear in mind the principle of proportionality, in that it should not be harsher than necessary and appropriate (for example in decisions regarding the use of electronic monitoring in cases of emergency or early release). To ensure proper uptake and use, staff training and institutional capacities must be in line with any technological tools that are introduced (see point 9).

## 07

### **Ensure individualised and comprehensive release support from the start of detention**

To support successful reintegration into society – also in times of crises when emergency and early release measures may be adopted with little notice – preparation and release planning should start upon admission into prison, include regular review and revision of individual plans and continue into post-release support, as required by the UN Nelson Mandela Rules.<sup>19</sup> Ensuring personal documents and details are up to date and there is regular communication between prison and community services helps to ensure important support is not disrupted at the time of release.

Particular attention must be paid to continuity of healthcare and rehabilitation services, including medications, drug treatment and mental health support, also when specifically related to the crisis at hand (such as COVID-19 vaccines<sup>20</sup>). In the event of a sudden crisis, increased social turmoil and uncertainties are likely to increase support needs and make steady access to necessary services all the more important for persons recently released from prison or serving a sentence under probation supervision.

No person should be released into homelessness, but the absence of a permanent place of residence should not directly disqualify an otherwise eligible individual from early release or other non-custodial alternatives to imprisonment. Community partners, including providers of facilities such as half-way houses, should be involved in crisis planning and preparations to ensure responsiveness to housing and other post-release support needs.

In crises, clear and frequent communication is necessary (see point 5), both when it comes to legal representation or other official contacts and in terms of family support and contact. Whenever possible release support should extend to include additional communication support (for example, added calling credits and phone or video calling opportunities while detained, distribution of smart phones or additional financial support upon release). In consideration of the central role technology plays in many aspects of life and social reintegration, particularly when in-person services are limited, pre-release support should include skills development and education on its use and opportunities for online programming or services.

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# 08

## **Consider the specific needs and circumstances of marginalised individuals to ensure equal access to non-custodial sanctions and measures**

All individuals are made vulnerable by contact with criminal justice systems and the consequences of arrest, a criminal sanction or record. Yet some, often intersecting, factors and characteristics leave certain groups of people with disproportionately low access to non-custodial sentencing options and support services, or with unmet needs and greater burdens while working to meet the terms and aims of their sentence. Research has shown that existing systemic issues and social inequalities become more pronounced during times of crisis.<sup>21</sup>

In order to respect the rights of all people serving a sentence and offer individualised, proportionate and effective supervision and support during the delivery of non-custodial sanctions and measures, probation agencies must be aware of and consider the specific needs of certain minority groups or individuals in vulnerable situations and address the disproportionate barriers and challenges they face. Client needs and risks can also change in shifting circumstances and crisis situations, such as the heightened risk of

domestic violence noted during COVID-19 lockdowns. Probation services should be alert to any such changes, assessing, prioritising and taking action accordingly. In Kyrgyzstan, for example, probation officers sought to identify most vulnerable clients during the COVID-19 crisis, and targeted support, including food assistance, was provided. Periods of remote supervision were also coupled with more intensive support in recognition of heightened mental health support needs during the pandemic.

In non-crisis times, services should offer flexibility both in the types of measures or programmes available and in the means to access them (in-person versus remote). Any changes to operations, services and sentencing options or requirements that may be adopted during crises must not result in discriminatory practices. Policymakers, criminal justice leadership and frontline staff alike – supported by strong partners in the community and across governmental agencies where needed (see point 4) – must pay particular attention to individuals who are potentially vulnerable or disadvantaged in the face of proposed measures. Special attention should be paid to, for instance, individuals without financial or technical means to communicate remotely, women or other persons more likely to have caretaking responsibilities, individuals without permanent accommodation, or those relying on health services, including mental health or substance-related services.



## 09

### **Ensure staff are equipped to respond to crises**

The capacity needs within the probation service should be assessed and addressed, including examining caseloads and recruiting more staff where needed (see point 2 above). In addition to the delivery of services, sufficient capacity is needed to provide relevant training, professional supervision and psycho-social support for staff, volunteers and justice actors. The psychological wellbeing of staff should also be supported through counselling and professional support provided by external independent services, particularly during times of uncertainty or crises.

When shifts in working methods are required (such as a need to work from home, adjusted or flexible hours) and when the impacts of crises extend beyond the workplace (like added caretaking responsibilities due to school or other service closures in the community), staff should be supported through varied means and flexibility offered where possible. Any physical safety concerns that might arise from crises or revised work methods

should be mitigated, and continued efforts should be extended by managers and probation leadership to help all staff maintain a healthy work-life balance.

Guidelines, methodologies and training should be developed to support probation staff to adapt work methods purposefully, including the use of relevant digital tools, teleworking and remote management. This could include training on how to deliver a mix of in-person and remote supervision and support while ensuring consistent respect for clients' right to privacy. In practical terms, staff should be provided with the appropriate equipment to conduct their duties remotely when needed.

Justice services should follow any guidelines and implement public health measures advised by the World Health Organization or national health authorities in relation to a given crisis, including the provision of adequate testing and protective equipment alongside any associated training. Probation staff, volunteers and justice actors should also be considered as essential service providers in any crisis response and prioritised for vaccination or other measures to protect vulnerable populations.<sup>22</sup>

## 10

### **Identify and adopt lessons learned for ongoing and future development of legislation, policy and practice on probation**

During and after crises, justice ministries, probation agencies, service providers, including civil society, and monitoring and oversight mechanisms must endeavor to monitor the impact of emergency response measures that are brought in, including successes, gaps and failings in policy and procedure. A debrief (and ongoing briefings during the crisis if it is long-term) involving clients, civil society and academics can also help the analysis of gathered data and development of recommendations to inform contingency planning for future crises. Furthermore, this learning can contribute to building institutional knowledge and providing evidence for improved planning and practices at large.

In Portugal, for example, a multidisciplinary thematic forum is being planned, initiated by the Inspectorate General of Justice Services (IGSJ), to facilitate discussion and collaborative engagement on systemic improvements in the criminal justice system, including sharing and assessment of lessons learned from the COVID-19 pandemic to support greater use of non-custodial sanctions in the future.

During a crisis, probation agencies should initiate internal communications channels so that staff can share their experiences and good practice with each other. Probation Services can also provide support to adopt and roll out any particularly relevant and implementable practices nationally. Furthermore, stakeholders should endeavor to share their experiences and knowledge internationally, particularly across regions and with countries with similar probation models.<sup>23</sup> This can assist both the management of ongoing crises and future crisis preparedness.

## Endnotes

1. Throughout this document, the term non-custodial sanctions and measures is used to encompass community-based sanctions or measures imposed by the courts as part of a sentence, pre-trial measures and any additional measures following release from prison (such as supervision of conditional release).
2. We use the term probation agency to refer to the authority responsible for implementing non-custodial sanctions and measures, which may have different names in individual countries or jurisdictions and can include prison administrations, police or local or municipal governments.
3. For regional resources see, for example, the Confederation of European Probation (CEP) *COVID-19 Knowledgebase*, available at: [www.cep-probation.org/knowledgebase/covid-19/](http://www.cep-probation.org/knowledgebase/covid-19/); this issue of the American Probation and Parole Association (APPA) journal *Perspectives*: [www.appa-net.org/eWeb/docs/APPA/pubs/Perspectives/Perspectives\\_V44\\_N4/#page=1](http://www.appa-net.org/eWeb/docs/APPA/pubs/Perspectives/Perspectives_V44_N4/#page=1).
4. In the context of this document, a crisis is a disruption or (often sudden and unexpected) breakdown in the usual functioning and operations (at the agency, criminal justice system or societal level), resulting in instability and/or danger and requiring some type of a response in order to maintain safety and security.
5. This includes PRI's COVID-19 briefings, available at: [www.penalreform.org/covid-19/](http://www.penalreform.org/covid-19/), a comparative study across 21 EU Member States, available at: [www.penalreform.org/resource/eu-study-impact-of-covid-19-on-non/](http://www.penalreform.org/resource/eu-study-impact-of-covid-19-on-non/), as well as in-depth research conducted in Georgia, Hungary, Kyrgyzstan and Portugal, available at: [www.penalreform.org/resource/country-reports-covid-19-impact-non-custodial-measures/](http://www.penalreform.org/resource/country-reports-covid-19-impact-non-custodial-measures/).
6. Also referred to as 'clients' throughout this document.
7. For example, the Council of Europe (CoE) has recognised the crucial role of cooperation in meeting the complex needs of persons serving non-custodial sanctions and measures. CoE, *Probation Rules*, 2010, available at: [www.coe.int/en/web/prison/conventions-recommendations](http://www.coe.int/en/web/prison/conventions-recommendations).
8. For more on intersectionality, see for example: [www.unwomen.org/en/news/stories/2020/6/explainer-intersectional-feminism-what-it-means-and-why-it-matters](http://www.unwomen.org/en/news/stories/2020/6/explainer-intersectional-feminism-what-it-means-and-why-it-matters).
9. The Tokyo Rules, 1990, available at: [www.penalreform.org/issues/alternatives-to-imprisonment/international-standards/](http://www.penalreform.org/issues/alternatives-to-imprisonment/international-standards/).
10. The Nelson Mandela Rules, 2015, available at: [www.penalreform.org/issues/prison-conditions/standard-minimum-rules/](http://www.penalreform.org/issues/prison-conditions/standard-minimum-rules/).
11. The Bangkok Rules, 2010, available at: [www.penalreform.org/issues/women/bangkok-rules/](http://www.penalreform.org/issues/women/bangkok-rules/).
12. The Beijing Rules, 1985, available at: [www.ohchr.org/documents/professionalinterest/beijingrules.pdf](http://www.ohchr.org/documents/professionalinterest/beijingrules.pdf).
13. The Havana Rules, 1990, available at: [www.penalreform.org/issues/prison-conditions/4616-2/](http://www.penalreform.org/issues/prison-conditions/4616-2/).
14. See for example: the European Rules on community sanctions and measures, 2017. Available at: [www.coe.int/en/web/prison/conventions-recommendations](http://www.coe.int/en/web/prison/conventions-recommendations).
15. The principle of proportionality requires that any infringement to individual's rights – including and beyond imprisonment – must be limited to the extent that is appropriate and necessary for achieving a legitimate aim. With regard to sentencing, the principle of proportionality requires a range of available sentencing options, and the Tokyo Rules clarify that 'to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of noncustodial measures, from pre-trial to post-sentencing dispositions. The number and types of noncustodial measures available should be determined in such a way so that consistent sentencing remains possible' (Rule 2.3). For more, see the full Tokyo Rules, available at: [www.penalreform.org/issues/alternatives-to-imprisonment/international-standards/](http://www.penalreform.org/issues/alternatives-to-imprisonment/international-standards/).
16. This may include National Probation Committees and other bodies overseeing the implementation of non-custodial sanctions.
17. See Penal Reform International *Natural hazards and prisons: Protecting human rights of people in prison in disaster prevention, response and recovery* (December 2021) for more guidance on planning and preparedness and the development of contingency plans. Available at: [www.penalreform.org/resource/natural-hazards-and-prisons-protecting-human-rights/](http://www.penalreform.org/resource/natural-hazards-and-prisons-protecting-human-rights/).
18. For more, see: [www.judiciary.go.ke/about-us/affiliate-institutions/national-council-on-administration-of-justice-2/#1519390513887-796cc690-ee30](http://www.judiciary.go.ke/about-us/affiliate-institutions/national-council-on-administration-of-justice-2/#1519390513887-796cc690-ee30) and upcoming work by PRI on good governance during the COVID-19 pandemic (to be published in February 2022).
19. Rule 87, Rule 94, Rule 108. (See endnote 10 for the full Rules).
20. For more on the importance of coordinated vaccination efforts between prisons and community service providers, see Harm Reduction International & Penal Reform International. *COVID-19 vaccinations for prison populations and staff: Report on global scan*, December 2021, p. 26 (Case study: Malta). Available at: [www.penalreform.org/resource/covid-19-vaccinations-report-on-global-scan/](http://www.penalreform.org/resource/covid-19-vaccinations-report-on-global-scan/).
21. See for example Bas van Bavel and Marten Scheffer, 'Historical effects of shocks on inequality: the great leveler revisited', *Humanities and Social Sciences Communications*, Volume 8, Article 76, March 2021, [www.nature.com/articles/s41599-021-00763-4](http://www.nature.com/articles/s41599-021-00763-4); Ian Goldin and Robert Muggah, 'COVID-19 is increasing multiple kinds of inequality. Here's what we can do about it', World Economic Forum, 9 October 2020, [www.weforum.org/agenda/2020/10/covid-19-is-increasing-multiple-kinds-of-inequality-here-s-what-we-can-do-about-it/](http://www.weforum.org/agenda/2020/10/covid-19-is-increasing-multiple-kinds-of-inequality-here-s-what-we-can-do-about-it/).
22. See for example Penal Reform International & Harm Reduction International, *COVID-19 vaccinations for prison populations and staff: Report on global scan*, December 2021.
23. In Europe, experiences and practices from both probation leadership and practitioners during the COVID-19 pandemic have been gathered by the CEP, facilitating knowledge-sharing and learning across the region.

## **10-point plan: Crisis-ready non-custodial sanctions and measures**

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