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Panel discussion on keynote

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Q1 - In your jurisdiction, do you experience overcrowding or net widening?

Before I turn to the question of overcrowding and net widening, let me begin by acknowledging the extraordinary commitment of our prison and probation staff. Just two days ago, on 22 September, the Ministry of Justice in France marked the National Day of Remembrance for those who have died or been injured in service. Across France, the penitentiary family gathered to honour their sacrifice. Their daily engagement is not an ordinary commitment, it is total, constant, and deeply human. It is thanks to their dedication that our system continues to function, even under the toughest conditions.

The first question asks whether prison overcrowding or net widening exists in France. The answer is: both.

Overcrowding is visible. France now has nearly 85,000 people in prison for just over 62,500 places. That means an average occupancy rate of almost 136%, with some establishments exceeding 200%. Mattresses on the floor, double-bunking, staff shortages, violence, and suicides are daily realities.

Our own Parliament, in its 2023 report on alternatives to detention and prison regulation, called this structural overcrowding; driven not by rising crime, but by sentencing patterns: longer terms, high pre-trial detention, and limited early release.

Net widening is less visible, but just as real. Today, more than 180,000 people are under supervision in the community: probation, electronic monitoring, community sanctions. Add that to the prison population, and nearly a quarter of a million people in France are under penal control. That is not a smaller correctional footprint, it is an ever-expanding one.

Alternatives to custody are often used as alternatives to alternatives. That is exactly what we see in France: measures intended to reduce imprisonment end up capturing people who would otherwise have received a fine, a warning, or nothing at all.

Alternatives to custody, instead of reducing prison use, have often extended supervision to people who would once have been free. The same Parliament report put it bluntly: "Alternatives bite into liberty, not into prison."

International research confirms this. Probation rates can rise even as crime falls, because alternatives are imposed in addition to custody, not instead of it.

The cost is enormous. One day in prison costs about €120 per person. Multiply that by nearly 85,000 prisoners, 365 days a year, and you reach more than €3.7 billion annually. And yet, despite this investment, overcrowding persists, and reintegration outcomes remain poor.

By contrast, probation and community sanctions cost a fraction of that amount. They are more effective in reducing reoffending, and they allow people to maintain family ties, employment, and housing.

And let me add one more perspective.

This is not only a French or European issue; it is a global issue.

In the United States, we see not only mass incarceration but also mass supervision in the community. In Brazil, the challenge is different: a prison system holding far more people than it was designed for, with promising but still emerging alternatives to custody. Worldwide, more than 12 million people are held in correctional facilities. This is not just about numbers, it is about the kind of justice systems we want to build. And it is one more reason why we, in Europe, must work together to show that there are alternatives, that there are smarter, more sustainable ways forward.

Overcrowding or net widening: which is the real challenge in France?

The truth is: both.

And unless we change sentencing culture, build alternatives that truly replace custody, and invest in the human systems that sustain them... the net will only keep expanding.

Q2 – Can you provide solutions or promising examples on measures to prevent or reduce overcrowding/net widening (legal, operational)?

If the first question was about diagnosis, the second is about solutions.

And here, too, we can learn from each other.

Across Europe, the goal is not just fewer people in prison, but a smaller correctional footprint overall, fewer under penal control, with greater public safety and stronger reintegration.

First, the legal levers.

Some countries, like Finland and Belgium, have abolished short custodial sentences, replacing them with genuine alternatives.

And just yesterday, a Finnish colleague reminded me why Finland has been one of the “good guys” on overcrowding like the other Nordic countries.

For years, they have pursued evidence-based policy, and crucially, politicians stayed out of it. That separation allowed reforms to be guided by data, not by fear or electoral cycles.

But things are not static, even in the Nordics. Sweden, for example, is now facing severe overcrowding and has even had to rent prison cells abroad in Estonia.

It is a reminder that no system is immune. Evidence-based policy can keep us on track but when politics and panic take over, even the most admired systems can stumble.

Pre-trial detention can also be reduced with stricter criteria and supervised release. Others have introduced population caps, never allowing occupancy to exceed 100%.

Second, the operational approaches.

The Dutch model shows what is possible: every person entering custody gets a reintegration plan within days covering housing, income, health, and ID.

Reintegration centres secure jobs and housing before release.

Step-down facilities allow people to work outside during the day and keep that job after release.

Third, the political momentum.

Last year, all 27 EU Justice Ministers endorsed small-scale detention houses.

This is a turning point. Instead of relying on 19th-century institutions, detention houses represent a 21st-century approach: small, differentiated, and community-integrated.

Fourth, the vision.

As Fergus McNeill reminded us in Antalya last May, reintegration is about building lives worth living. And legitimacy cannot be built through public relations, it requires engagement with civil society, credible messengers, and people with lived experience.

Fifth, the shared innovations.

Since February, France and the Netherlands have been working together in an informal taskforce, joined by colleagues from Belgium, Scotland, Ireland, Switzerland, Sweden, Italy, England and Wales, and Finland.

We are exploring ways to reduce inflow, accelerate outflow, pilot new detention concepts, enhance systems analysis and forecasting, and just as important, to create a space for senior practitioners and policymakers to exchange experiences.

But let me be frank.

At the end of the day, the ones who decide are politicians and most of them are not in this room. Too often, they justify punitive approaches by saying: "This is what society wants." Maybe it is time to turn that around. Maybe it is time to educate society. To show that prisons do not just cost €120 a day per person. They cost billions in lost opportunities, in broken reintegration, in communities that are less safe when people return without housing, without work, without hope.

Because except for the most serious and dangerous offenders, sooner or later, they will come back.

And when they do, they will not return to prison. They will return to our neighbourhoods. They will be our neighbours. The real question is: how do we want them back?

And here, in this room, we have the CPT, the Council of Europe, CEP, EuroPris.

This is energy we can use to change the dynamic. Not just mapping overcrowding, but building something bigger; perhaps an EU-funded project that goes beyond diagnosis, that pilots real alternatives, that shows the public and politicians alike that there are smarter, safer, more sustainable ways forward.

A colleague and friend once told me I was like a spider in the net, able to connect academics, prison staff, probation officers, policymakers, defence lawyers, across borders. But this is not about me. It is about what all of us can do together: weave a stronger collaborative net. One that catches ideas, not people. One that binds our shared innovations into something that can truly shift the culture.

And let me return to the question of cost.

Investing in smaller, smarter, more human systems is not only the right thing to do — it is also the cost-effective thing to do.

Every euro we spend on mass incarceration is a euro we are not spending on housing, education, mental health, or reintegration.

Taxpayers deserve a system that addresses the roots of crime, not one that endlessly pays for its symptoms.

So the solutions are clear:

- Legally, make prison the last resort.
- Operationally, resource probation to address people needs and reintegration properly.
- Politically, invest in small-scale, community-integrated detention houses.
- Culturally, build trust in non-custodial measures.
- Psychologically, embed trauma-informed, human-centred practice.

Countries like Finland, Norway, and the Netherlands show it is possible to reduce both prison and probation rates.

France and indeed all of us can do the same, if reforms are designed to replace custody, not expand control.

The common goal is a smaller, smarter, more human correctional footprint; one that protects the public, upholds justice, and supports lasting reintegration.

And let me end on this: there is no magic wand.

But there is vision.

There is leadership.

And there is audacity.

And above all, there is the daily courage of our staff, and the trust of the society we serve.

That is our shared strategy for change and that is how, together, we build systems worthy of the societies we serve.