



**MINISTÈRE
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*Conference of Directors of Prison and Probation
Services*

Net-widening in Probation

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Net-Widening in French Probation: A Closer Look



Traditional fishing in Martinique (France)

Introduction to Net-Widening: Net-widening refers to the **expansion of the criminal justice system's reach**, affecting more individuals than originally intended. In today's session, we'll delve into this phenomenon, particularly within the context of the French probation system.

Focus on France: France's **integrated management** of prison and probation services offers a unique lens through which to view net-widening. Together, we'll explore the intricacies of this system and its implications for individuals under supervision and for services.

French Probation System Today

Structure & Challenges

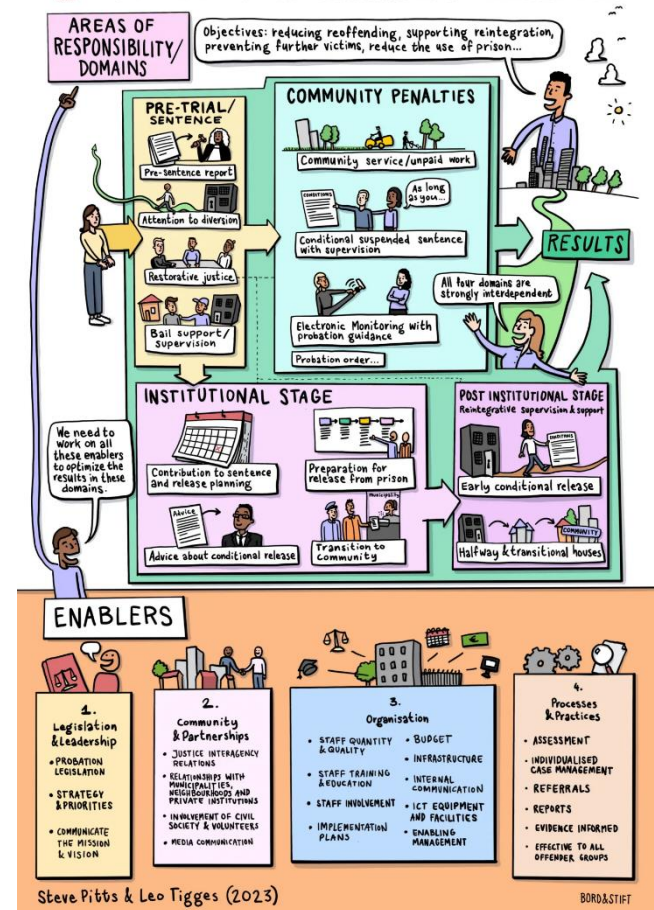
System Structure: The French probation system is structured to balance rehabilitation and control, with various roles contributing to its function

Prison+ Probation services

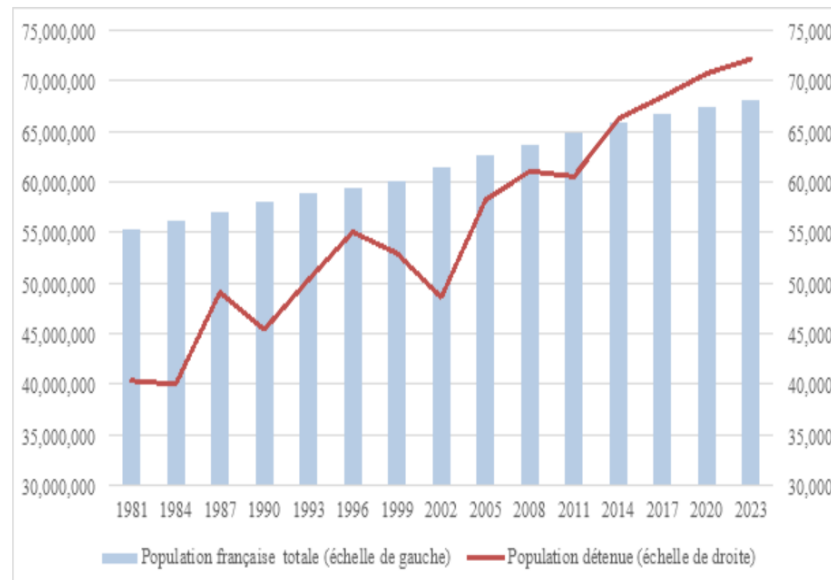


Direction de l'administration pénitentiaire

PROBATION CAPACITY BUILDING



Evolution of Prison Population in France



Source : ministère de la justice, séries statistiques des personnes placées sous main de justice 1980-2022 et INSEE, Bilan démographique 2022.

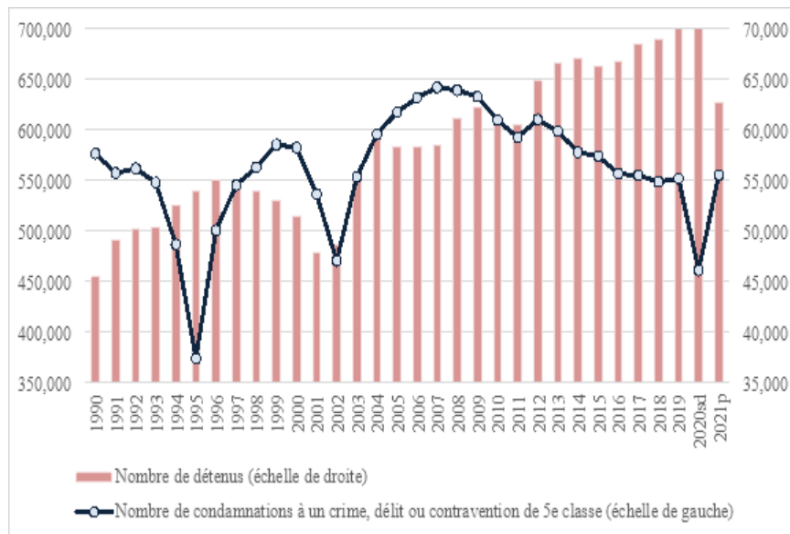
- **Growth since 1980:** +98% (1980-2023) vs. general population growth of +23% (1981-2023)
- **Prison Overcrowding:** Despite new prison spaces, the density remains high (119% - SPACE 2023)
- **Key Data:**
 - **1980:** 36,913 inmates / 55M population
 - **2002:** 48,594 inmates / 61M population
 - **2023:** 73,162 inmates / 68M population

Exception: Decrease during the Covid-19 pandemic (2020-2021)

- **Criticism from European Court:** The European Court of Human Rights has criticised France for these conditions, highlighting the urgency of addressing this

Analysis of Criminal Convictions vs. Incarceration Rates (1990-2021)

Evolution of the Number of Criminal Convictions and Incarcerations (1990-2021)



Source : ministère de la justice, Études et Statistiques Justice n° 20, Les condamnations, 2023.

- **Justice Ministry Statistics:** Show no correlation between the number of criminal convictions and the growth of the prison population.
- **Steady Delinquency:** Despite unchanged delinquency rates, convictions leading to imprisonment have increased.
- **1990-2021 Convictions:** Fluctuated between 550,000 and 650,000 annually, with a downward trend, excluding amnesty years of 1995 and 2002.
- **Incarceration Numbers:** Rose from 45,420 in 1990 to 69,448 in 2022.

Significant Changes:

- **2007 Peak:** 641,678 criminal convictions, predominantly for misdemeanours, decreased to 555,078 in 2021, a 13.5% drop.
- **Incarceration Increase:** From 58,402 in 2007 to 69,448 in 2022, marking an 18.9% rise

Alternatives to Imprisonment: Recent Key Reforms

Balancing Retribution and Rehabilitation

2009

- **Penitentiary Law of November 24, 2009:**
 - Recognised detainee rights (e.g., work, education, family ties, voting).
 - Emphasised individualised sentences based on offender profiles.
 - Promoted alternatives to pretrial detention to address prison overcrowding.

2014

- **Law of August 15, 2014, on Individualisation of Sentences and Strengthening Penal Sanctions:**
 - Prioritised reintegration of individuals.
 - Abolished minimum sentences for repeat offenders and violent crime convicts.

2019

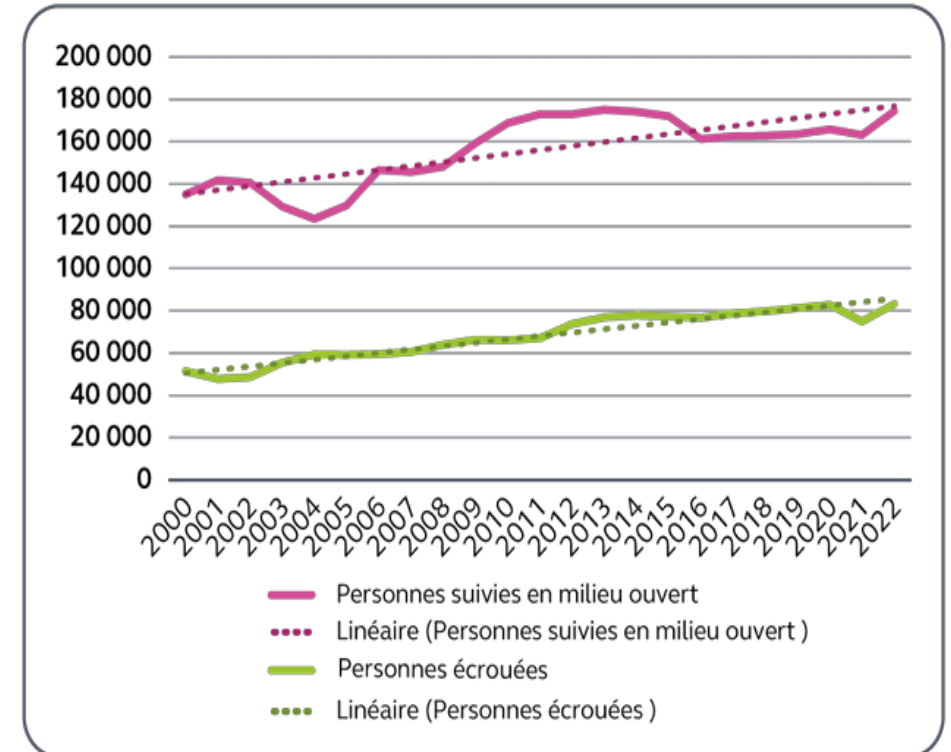
- **Law of March 23, 2019: 2018-2022 Programming and Justice Reform:**
 - Encouraged use of alternative penalties (e.g., home detention, community service).
 - Modified the scale of prison sentences

Net-widening Effect in Probation

Unintended Consequences

Development of Alternatives to Incarceration in France

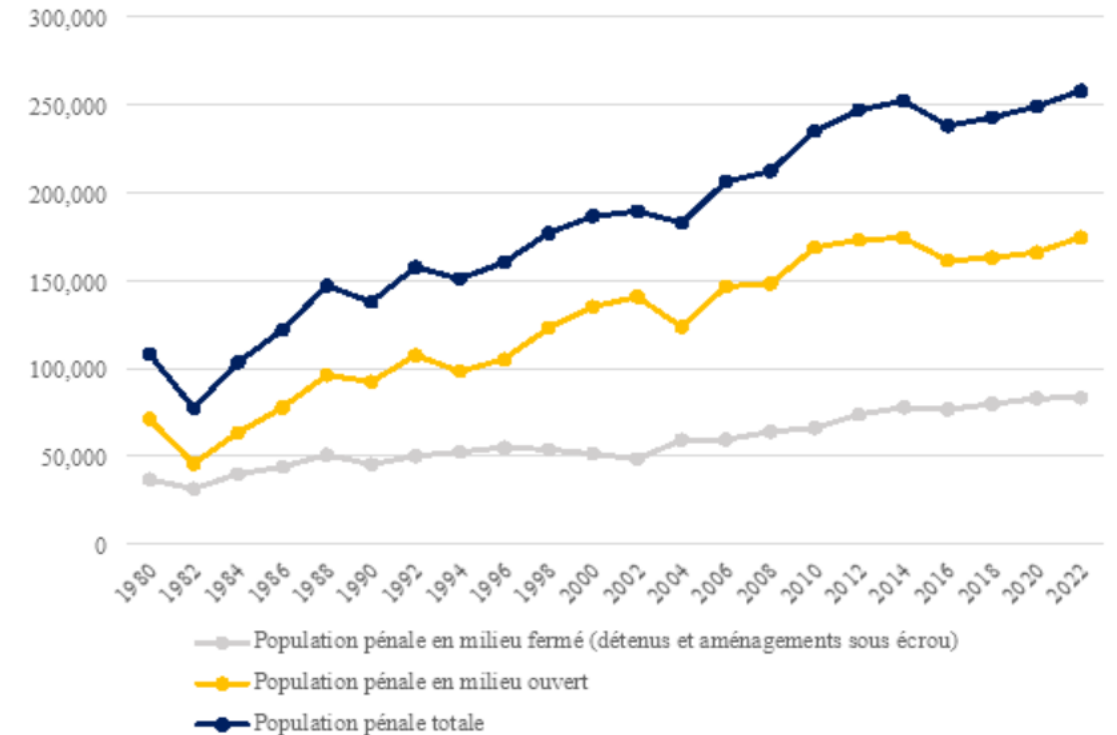
- **Proactive Policy:** Strengthening of probation measures
- **Growth in Supervision in the Community:** Continuous increase over the past 20 years, with a notable acceleration recently
- **Statistics:**
 - **1980:** 71,000 individuals under supervision
 - **2022:** 174,000 individuals under supervision
- **Increase:** 145% from 1980 to 2022



Source : services statistiques - ministère de la justice

Net-widening Effect in Probation Unintended Consequences

**When Alternatives Bite into Freedom Instead
of Bars**

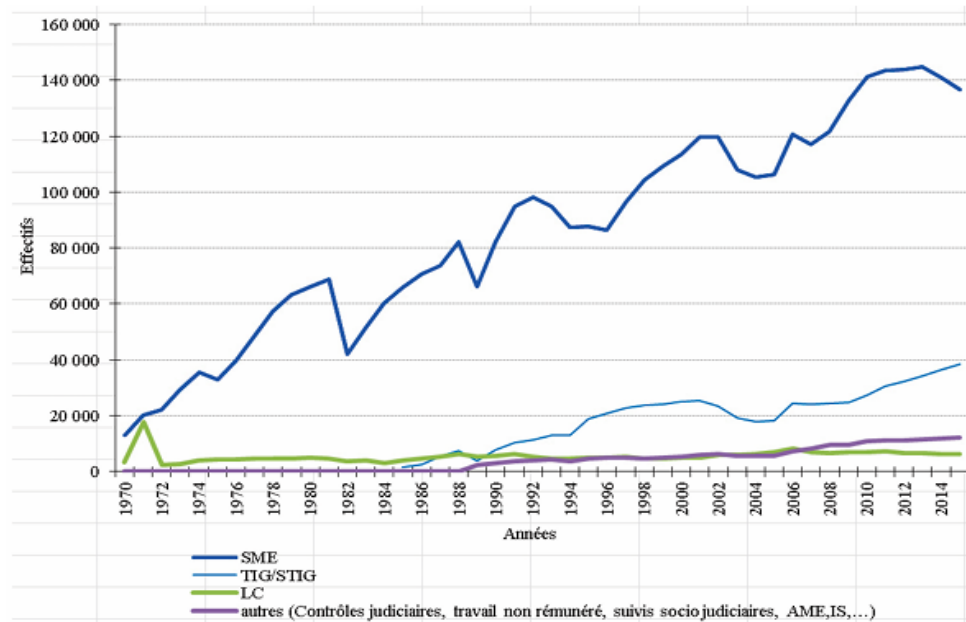


Source : commission des Lois, d'après les données de la direction de l'administration pénitentiaire.

Diversification of Alternative Measures

Beyond Incarceration

Source : Statistiques trimestrielles de la population prise en charge en milieu ouvert (DAP/SDMe5)



Expansion of Detention Alternatives in France (1970-1990)

- Development of Alternatives:** Gradual implementation of measures alongside probation, such as community service sentences since January 1, 1984, pre-sentencing judicial supervision, and other less common measures like deferred adjudication.
- Stable Supervision Duration:** Since 2006, the increase in individuals supervised in the community by French probation services(SPIP) is linked to new case intakes, with the average duration of supervision remaining relatively stable.

Focus on Electronic Monitoring

Net-widening?

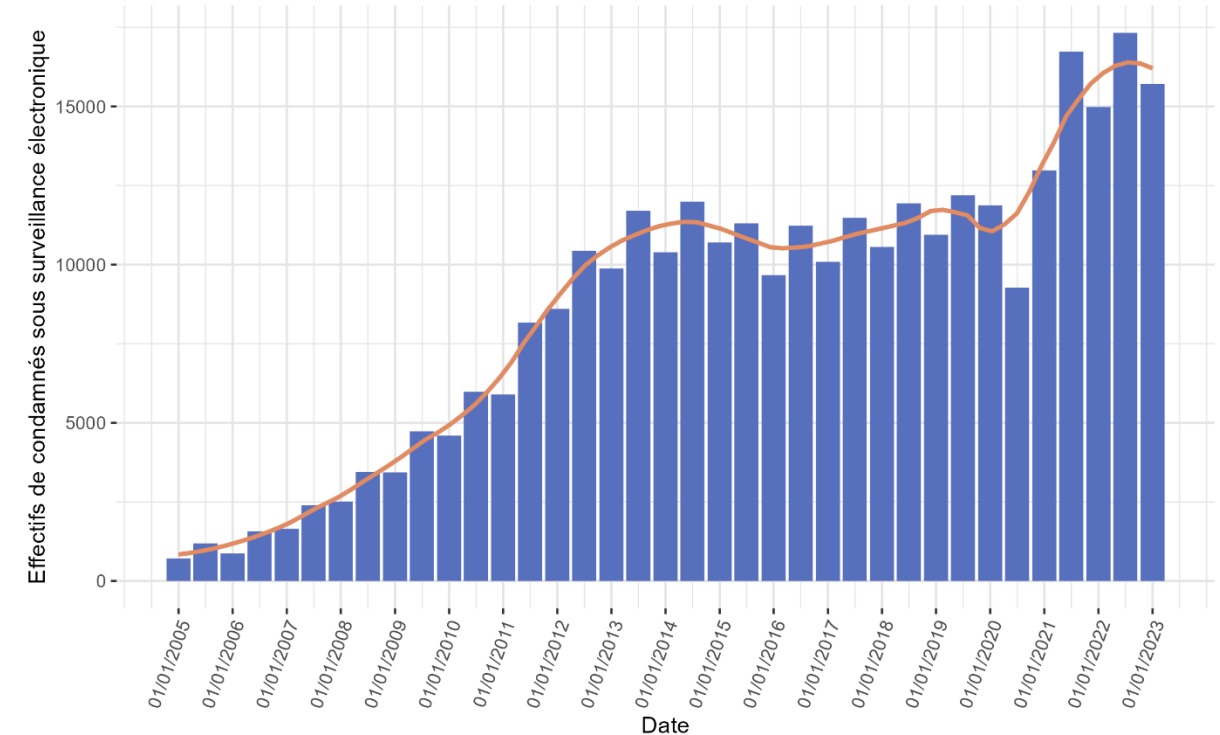
Evolution and Expansion of Electronic Monitoring

EM in the French Criminal Justice System

1. Pre-sentencing - Assignment to Home Confinement with Electronic Surveillance (ARSE)
2. During Criminal Proceedings - As a Sentence Since the Implementation of the “Bloc Peines” (Sentencing Block) of the 2018-2022 Programming and Justice Reform Law (LPJ)
3. Post-sentencing - Sentence modification, Conditional Release, or Sentence Conversion

These measures aim to balance public safety with alternatives to incarceration.

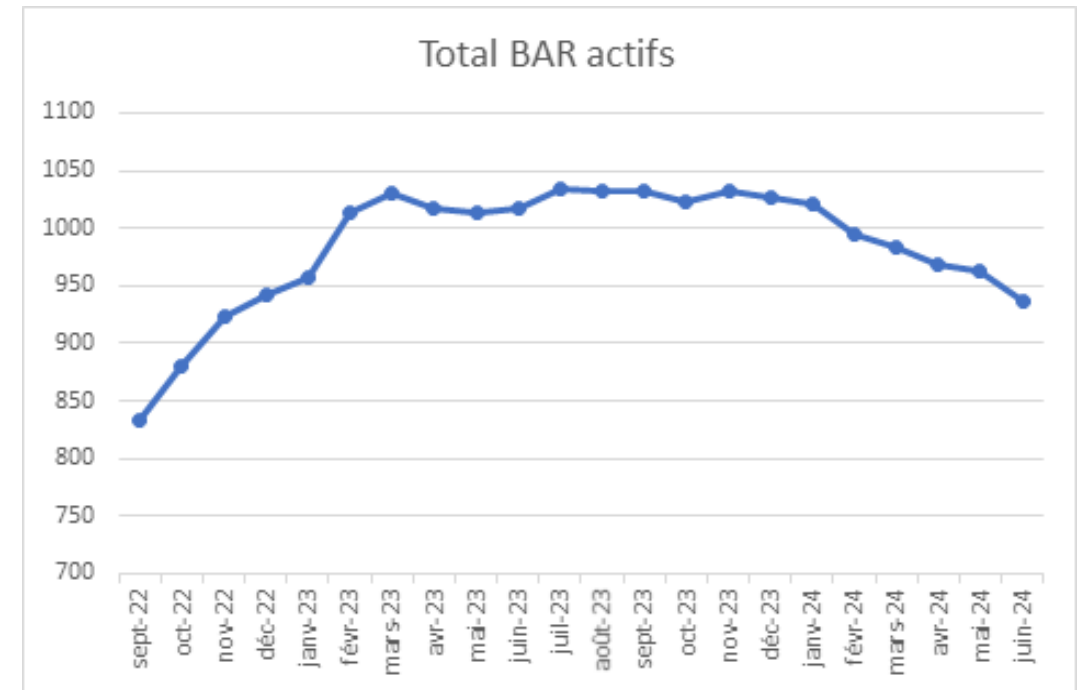
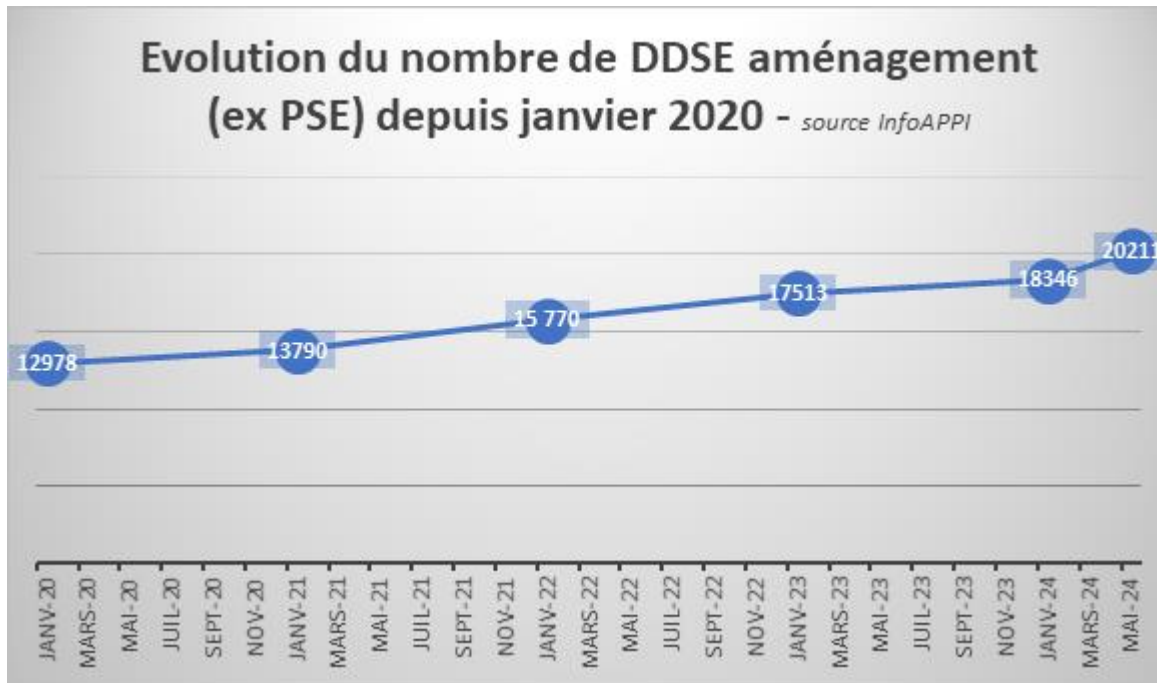
-> Focus on Domestic violence



Sources :

DDSE sous écrou : Ministère de la Justice / DAP / EX3 / Statistique des établissements des personnes écrouées en France
 ARSE et DDSE peine : - jusqu'à 2016 : Ministère de la Justice / DAP / EX3 / Statistique trimestrielle du milieu ouvert
 - à partir de 2016 : Ministère de la Justice / SG / SEM / SDSE / Fichier statistique APPI

Focus on Electronic Monitoring Net-widening?



GPS tags to fight domestic violence

Consequences of Net-widening in Probation



1. Increased Caseloads:

2. Larger number of individuals under supervision.
3. Strains probation resources.
4. Quality of supervision may be affected.



1. Justice System Overreach:

2. Extends control into individuals' lives.
3. Privacy and autonomy concerns.
4. Blurs institutional and non-institutional boundaries.



1. Risk Factors in Electronic Monitoring (EM):

2. Mass Supervision: EM applied to more offenders.
3. Resistance: Some resist EM, leading to enforcement efforts.
4. High Caseloads: Challenges for probation officers.

Reflections? Questions?

Merci de m'avoir écouté !!!



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