

Island of Jersey

The Future of Probation: Making Society Safer

22nd June 2006

(speech Claude d'Harcourt)

President Scott
The Bailiff of Jersey,
My dear colleagues the Directors,
Ladies and Gentlemen,

I wanted to be present at this anniversary because I am certain of the need for exchange between European countries.

Our minister values highly 'exchange of good practice.' This is indeed the only reason why we allow ourselves to be deprived of Patrick Madigou's expertise regularly when he goes away to attend conferences in locations as exotic as Jersey.

Jersey is not an ordinary or boring place. I am very happy to return to the Channel Islands, for personal as well as professional reasons. I have a very bad memory of arriving at the port of the island of Alderney after nightfall in a sailing boat. Our anchor surreptitiously dragged while we were moored in the port. I hope the bulbs in the lighthouses of Jersey are bright enough and that visitors can now step onto proper pontoons.

Seriously, I am very happy to attend your conference.

1. In as early as 1980, France was one of the several pioneers who, in that same year, took part in the workshop organised in Ulm by a private organisation funded by the Dutch Ministry of Justice (the *Conférence des institutions de probation*).

It was there that the idea of creating a European *conférence* was born, as well as that of drawing up a manual of probation in Europe in two languages (English and French). Already it was about encouraging cooperation between the different probation institutions, exchanging working methods between professionals and carrying out comparative studies of different legislation.

On the initiative of a French participant (magistrate Jean-Pierre Robert), the seminar for the creation of the future CEP took place near Paris, in Royaumont in November 1981 and the adventure had begun. According to what I have heard this has been punctuated with fruitful exchange and periods of crisis, but the CEP is still going and we are here today to confirm our mutual interest in it.

The theme of the meeting is ambitious and could certainly bring consensus between all of us professionals.

We have to ask ourselves, however, what the general public and the media actually understand by this issue. It strikes me that almost all those who are familiar with the subject of prison and probation say the same thing and have the same approach. The wider question is how to ensure that civil society and the political world look at the issue intelligently, impartially and together.

2. If we all use an identical term, such as that of probation, it is clear that our national situations are diverse and stand on complex and mixed histories. Our answers to dealing with people convicted of an offence call upon structures or organisations that have been built up gradually and are the product of national cultures of administration. I can refer to two models:

- Either probation falls within the competence of state services, as in Spain, Italy, Great Britain and France;
- Or it is managed externally by private organisations or structures, which take responsibility for measures in collaboration with state services, as in Portugal or in the Netherlands.

3. In spite of our different histories, there are convergences, depending on the characteristics, evolutionary factors and risks of probation.

I will briefly touch on the French system: the prison service in France brings together under one authority its management of prisons (188) and everything relating to punishments outside prison, sentence reduction and the rehabilitation of detainees who are the responsibility of the 101 probation services (SIPs - *services pénitentiaires d'insertion et de probation*) spread out all over the country.

This grouping into one common department of services driven by different logics is the fruit of gradual evolution. It is the result of a client-focused approach.

4. To have a chance of succeeding, probation must be wholly directed towards the supervision of the person and adapted to the person. Probation does not exist for the sake of professionals, educators, judges or prison staff but for the human being who was admittedly convicted one day but whose resettlement must be thought of on the very day of his conviction.

We have taken 40 years to understand this by bringing together probation practitioners in a unique integrated provision within the prison service, working inside as well as outside prisons. There have been three separate stages:

4.1 – In the beginning, from 1958 to 1999, we had two distinct organisations: one in prisons (socio-educative services) and one outside (the CPALs – committees for probation and assistance for released offenders – placed under the authority of judges).

4.2 - In 1999, the two merged to form one probation service – SIP. The SIPs act as project managers or service providers for the policy of which the judges have ownership. The SIPs are integrated into the regional prison services, where they act as a sort of counterbalance to the necessity for security.

Merging resources into one service within a French *département* facilitates the relationship between the mission of reintegration and public policies on social action, developed in each *département* by the government. This reform has strengthened the prison service's ability to

act by making the administrative management of its services clearer and more consistent, particularly for its partners.

This evolution of services in France is the fruit of consultation with the professionals themselves, who have wanted to pilot new working practices since the 1980s. They have benefited from overseas research and, in particular, from the creation of alternative measures, such as community service.

For once, dare I say it, we were able to show pragmatism; for once also, this approach, led by professionals, moved away from the usual corporate thinking.

4.3 – The third stage was in 2003, with the relaunch of the integration policy, prompted by the realisation that alternative sentencing was not being applied and that services needed to be made more professional.

At the request of the Justice Minister, the French MP Jean-Luc Warsmann drew up 87 concrete proposals for improving ways of carrying out short sentences and alternatives to incarceration. Three new priorities were identified:

- To bring back credibility and effectiveness to punishments other than prison so that judges could more often make use of them
- To allow the fast application of measures not involving prison
- To carry out short prison sentences in a fair and appropriate way and to develop sentence adjustment for people who do not present a danger (short prison terms are costly and often of little benefit)

In 1975, there were more people in prison (27,032) than were being monitored in the community.

Since this date the number of offenders being monitored outside prison has not stopped growing: in 2005 this number (125,000) was twice that of those in prison (59,000).

The institutions' response is clear and, we think, relevant. It makes the service's activities more straightforward and reinforces the credibility of sentences carried out in the community as a result.

At the same time, the Ministry of Justice has confirmed its political priority of developing measures in the community by boosting the budgets and recruiting large numbers of social workers. Today there are around 3,000 social work positions, compared with 23,000 prison officer positions.

5. Nevertheless, when French people are interviewed about the prison service they only talk about prison and continue to be unaware of the work of the SPIPs.

This, without doubt, is a situation in which many European services must find themselves, because of the 'clandestine' nature of the work. Probation officers are specialists who are unrecognised by public opinion. They work with offenders outside prison but the public only hear about what is done by the judge or the court. This could allow probation practitioners a working comfort zone that excludes them straight away from any media pressure.

This translates into an obvious lack of communication and a reticence on the part of professionals. Probation is not selling itself well, performance indicators and management tools are not being used enough and, as a general rule, probation officers are still resisting communication and the idea of making their work more public.

6. Having laid out the facts, we all know that certain parameters will cause probation services to change:

6.1 – Prison overcrowding, which is reaching record numbers in Europe with increased rates of imprisonment: Spain has 144 prisoners per 100,000; Italy 96; UK 135 and France 90.

The priority of European member states is to make conditions of detention more respectable and to battle against the overloading of the prison system; they are also committed to building new prisons. Creating alternatives is a crucial response to accompany these measures, as long as their results are credible, which is to say that the punishments are carried out effectively. There must therefore be real control over the application of these measures, which allow offenders to make the punishment theirs and to take an active part in their rehabilitation.

6.2 – Added to this is the economic aspect; the fact, shared by most European countries, is that the price of incarceration is high. In France, one day of detention costs €3 but serving a sentence in the community is less expensive. In an age when economic constraints and budgetary cutbacks are a reality for most services this argument is gaining weight even for the most hard-line amongst the general public.

6.3 – Finally, we can look at the inescapable facts about preventing recidivism; research has shown that methods of release have an impact on the figures for second offences. In brief, a planned, monitored release, rather than a sudden push into the open, guarantees better social reintegration.

All alternatives to prison sentences follow this logic, either beforehand by avoiding incarceration or afterwards by reducing the length of detention. In prison this is by preparing offenders for release and helping them to find a place in society again. Outside prison, social workers have the role of monitoring, advising and signposting to other relevant organisations.

In cooperation with public and other services, the prison service has put into place various systems for integration, including creating reception centres for those placed outside prison, increasing the range of community service positions and building open prisons.

Alternatives to prison sentences (and, therefore, probation) are currently being influenced by two negative levers: overcrowding and the cost of detention.

We need to ensure that probation is rooted in the positive objective of preventing reoffending, which has three consequences:

- 1) Giving more voice to probation within our prison system, which is a matter of great importance for politicians and technocrats;
- 2) Improving the professionalism of probation services;

- a) There is the question of the aim: for prison, everybody knows that the resulting aim is preventing escape. For probation services it is much more difficult to define an aim.
 - b) There is the question of the relationship with the judge, who by definition does not delegate much of his power. Magistrates should recognise that they are piloting a policy – not implementing it – and should delegate its application, as well as rely on probation service support.
 - c) This is where information technology tools come in. We are now using a system for dealing with files in ‘workflow’ which links probation services to judges using one shared piece of software. Judges still need to agree to use this, which is not easy.
- 3) Making the work of the probation services visible and intelligible. We lack statistical studies: for example, we do not know the levels of recidivism for offenders carrying out sentences in the community. We are also unable to enter into a debate about these questions without stirring up controversy.

The battle against crime is not lost and the work done in probation ensures the safety of the public. We must simply sell our image more, stop hiding our work and be less reluctant to use more modern techniques, such as electronic tagging.

Handing out sentences which are understood and taken on board by the offender, taking the victim into account and allowing the offender to return to society with dignity is also working to make society safer. It guarantees at the same time that victims will be considered more, with greater effectiveness.

Making society safer means finding the right balance between control and assisting rehabilitation, which is exactly the role of probation.