
OPINION

of 17 June 2011

of the Inspector General of places of deprivation of liberty
on the supervision of prison and security staff

1 - Persons deprived of liberty must be assured of respect for their fundamental rights. This necessitates certain conditions, regarding not only the legislation as it applies to the physical state of the premises but also the organisation of deprivation of liberty, the standing instructions issued by the command structure, and the modus operandi of the executive staff. The Inspector General, as enjoined by section 9 of the Act of 30 October 2007, is alert to these various aspects.

2 – He has nevertheless consistently pointed out from the beginning of his assignment that observance of fundamental rights during imprisonment, remand, administrative detention or again hospitalisation without consent is also dependent on the working conditions of the staff. Determination of staffing levels, length of service, quality of basic and in-service training, arduousness of tasks, the isolation of some officers, the distances to be covered in travelling to and from work, the relations maintained within the professional community, and the development of technology providing or not providing alternatives to human presence (cf. Inspector General's report for 2009, chapter 3 on video surveillance) carry considerable weight in the perception of the missions to be accomplished. Consequently, these factors largely determine the relations between the public officer and the imprisoned person, to the extent that the human relationship always has a very prominent place in missions concerning deprivation of liberty .

3 – In this constant convergence between fundamental rights and working conditions, there are more immediate additional factors. The increasing youth of the staff, for whom recruiting drives have been conducted over the least twenty or twenty-five years, the raising of its educational standard, feminisation to a significant degree, the provisions made regarding compliance with rules of professional conduct (cf. decrees of 1986 and 2010 instituting a code of ethics for the national police and the state prison service), the increasing conflicts with the population catered for, especially the fact that recourse to violence against self or others is more prevalent among it, as psychologically as well as materially disoriented and unsettled persons, make the performance of the missions entrusted to state-appointed surveillance and security officers different, sensitive and sometimes very difficult, whether they belong to the police, the gendarmerie, customs or the prison administration. Many hardships at work are pinpointed in the relations maintained with the competent government departments, as well as in the issues raised by the professional organisations or in the confidential interviews extensively conducted by the general inspectorate at the places visited. This is an indisputable fact. It affects the officers inwardly regarding career choices, refusal of posts deemed uncongenial or hazardous, and dread of living through a number of situations.

4 – Traditionally, such symptoms are dealt with in security forces in two ways: by the chain of command, whose natural duty it is to provide workable answers to these difficulties, or by the solidarity that binds police, prison or customs officers or gendarmes together in the face of real dangers. The General Inspector has no judgment to pass on the present effectiveness of these two processes. He cannot, neither would he, meddle in what pertains either to the responsible departments or to the bonding processes among the officers.

5 – He nevertheless finds that today the firmer linkage of working conditions and respect for fundamental rights requires the further step of supervision applied altogether systematically to civil servants and military personnel vested with missions of surveillance and security. In that respect he conforms to a more general approach fostered throughout the civil service as witness the agreement on safety and health at work of November 2009, to perspectives sketched out at the ministerial level (for example the working group on the employment conditions of prison administration staff set up on 20 November 2008), and finally to the practices encountered during inspectorate visits (a certain establishment for juveniles in the Paris region, a certain prison in Eastern France, numerous closed reformatories...).

6 - Supervision is a matter of allowing officers, during or outside working hours, at the workplace or elsewhere, to talk in complete confidence, on an equal footing, about the manner of accomplishing their task in order to make its requirements more manageable, especially where it causes them particular difficulties that may reach as far as their private lives.

7 – Such arrangements exist today for certain professions or institutions: this applies to the health professions (psychiatric nurses for example) or correctional occupations (such as the special educators in closed reformatories) or facilitators (voluntary helpers in holding centres for instance). These arrangements, whose benefits have been demonstrated, should be comparable in extent and organisation for security officers.

Some elements of them do exist, as very fittingly illustrated by the staff occupational medicine and welfare services to begin with. Next, varied types of assistance (psychological in particular) are offered in a number of situations, viz. to officers who are victims of major incidents, assaults especially. Thirdly, in certain establishments or départements, there are administrations which have already been able to implement supervision as recommended here; their example is the basis for much of what follows.

Yet despite the efforts of the implementers, these initiatives are of a limited nature because they are exceptional, they can quickly acquire a ritual character by being inseparable from the chain of command (psychologist answerable to a regional directorate, for example), and above all because, as they are conceived, it represents an admission of weakness for an officer to resort to them. Staff thus have a choice between being taken for a fragile person and suppressing the serious inroads made by their working life.

8 - The Inspector General suggests that in the public security professions, advanced and systematic staff supervision arrangements be applied.

9 - These should take varied forms, presented and discussed in joint bodies; they should involve the development either of one-to-one interviews between the officer and a qualified talking-partner conversant with the techniques of dialogue, bound by professional secrecy, or of collective exchanges with other staff of like standing, occupation-based (within a given occupation) or inter-occupational or even cross-institutional (justice/health, police/care...) according to duty station. Interviews and exchanges are not meant to be recorded, solely to permit and resolve a confrontation between rule and reality, capabilities and achievements, wishes and fulfilment.

10 - Recourse to supervision must be founded on the officer's personal decision alone. Within naturally reasonable limits, compatible with the needs of the service, an officer must be allowed whatever time is necessary for this purpose. The content of the supervision is not to be subject to oversight from above; quite the contrary, in these entities with their justifiably pronounced ranking, the staff must be granted this share of complete freedom of expression concerning the service and how they perform it, provided that their expression remains confidential. What is more, supervision may conceivably be an expedient which the officer's superiors suggest but must not establish as an obligation, nor must they know the outcome of any proposal made.

11 – If recourse is had to supervision, it presupposes the permanency of channels of dialogue in the officer's neighbourhood, that is close to his duty station (or stations), accessible without protracted delay, under satisfactory conditions of discretion (premises, time slots...) and in varied forms. It is up to the administrations to provide the necessary means and to ensure their implementation, without further interference.

12 – It is desirable that the professional organisations should support these initiatives in such a way that their membership is encouraged to benefit. They by no means absolve the prison directors and administrative officials of their obligations to help in other ways to improve difficult working conditions, enhance labour-management dialogue and be attentive to human resources management generally. In the security professions, there is a tradition that compels everyone to be strong; it can indubitably be upheld without impeding possible reliance on a confidential counsellor and confidential disclosures for the pursuit of the profession. Lastly, supervision can help concentrate the leadership more on its duties towards its staff. One of the indispensable conditions for active observance of the fundamental rights of persons deprived of liberty would thus be more fully secured because the assignment is better handled by the professionals vested with responsibility for it.

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