

## THE CIRAP CHRONICLES

## CIRAP

No. 33

Interdisciplinary Penitentiary Science Research Centre

## Technology and prisons: innovation in question

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Technology is omnipresent in our daily lives; its use has become commonplace and its limits less and less questioned. Redefining our relationship with time and space, it is often presented and perceived as promoting the productivity and giving us a sense of freedom, immediacy, and ease. The appeal of technology is not new, and it's growing all the time; this is particularly true of security technologies, which are increasingly present in public discourse, policy, and practice. This article looks at the deployment of technology in penitentiary environments through a socio-technical approach that goes beyond a functional study. It is based on a reflection from my doctoral thesis on the privacy of incarcerated persons<sup>1</sup> in Québec provincial prisons, which led me to question technology as a potential solution to intrusive practices. The text that follows is an extension of this reflection to the French penitentiary context and invites readers to question the use of technology in prisons: beyond their functionalities, what do they produce? It does not seek to engage in what would necessarily be a sterile and reductive debate for or against technology", but attempts to offer an analysis that goes beyond the material aspects of technology to understand it in all its complexity.

The advent of Big Data, artificial intelligence, and algorithmic rationality has helped to democratise the use of identification, surveillance, and traceability technologies, which aim to control movements, monitor individuals, analyse behaviour, manage risks, and predict future actions. They can be found in the law enforcement and security sectors, as well as in the corporate and medical fields and in private homes. This phenomenon now also extends to the whole of criminal procedure, probation, and detention, which have become prime customers for private companies and other start-ups that are riding the general trend towards modernising (or securing via modernisation) penal and prison institutions, putting the interests represented by these technologies

at the heart of their sales pitches. Beyond responding to the security imperatives of control and surveillance, they claim to meet managerial needs for productivity, efficiency, and security (Kaminski, 2013). They are also increasingly seen as a potential response to the requirements for both transparency and standardisation of detention practices, and even for the protection of detainees' rights, in conditions that reconcile the need for security in penitentiary institutions with the need to protect the privacy and dignity of the incarcerated.

The advancements promised by technology seem interesting at first glance. Yet this phenomenon – the widespread use and expansion of technology – produces a form of acceptance that leads us to stop questioning it beyond its technical characteristics. However, technology is neither neutral nor static, and its use can produce unintended consequences<sup>2</sup>, which are revealed by examining technology not only from a technical perspective, but through a comprehensive analysis that questions it in its entirety. By freeing ourselves from this "black box" perspective, in which we see these new technologies from a functionalist and deterministic point of view, the socio-technical approach is not restricted to assessing the effectiveness and productivity of inert technologies, but invites us to examine their design and their social and ideological integration through the political, scientific, strategic, and practical debates that accompany them, as well as to understand their effects at the individual, societal, and institutional levels, etc. In this way, we can shed light on the interactions between users and technology, the policies for the development, implementation, and use of these technologies, and the gaps between functionalities and uses that may arise.

Based on this approach, I ask the following question: what solution(s) can technology bring to the French prison system? The system has become a marketing target for the designers and promoters of security technologies, who present their products as solutions to identified problems. In 2011, Jean-Charles Froment wrote that 'the lobbying strategies of

<sup>1</sup> TSCHANZ, A. (2019). Dialectique de l'intimité dans l'espace carcéral: l'expérience des personnes incarcérées. Doctoral thesis, Université de Montréal.

<sup>2</sup> For example, the electronic bracelet has an impact on the prison experience of those who wear it, on their perception of social reintegration, their sentence, etc. (Devresse, 2007; Froment, 2011).

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the companies marketing these technological tools [...] represent powerful vectors for the development of their use, particularly at a time when the adoption of reactionary laws dictated to a greater or lesser extent by forced media coverage obliges governments to systematically seek immediate and spectacular responses to situations where previously developed responses have failed. 'We are therefore witnessing the convergence of a market – that of technology – and of political and institutional players around a problem-solving proposal – technology.

In June 2013, in a press release entitled *Prisons: an exceptional security plan*, the Ministry of Justice unveiled its security plan for prisons, based on the increased use of various security technologies and practices (anti-projection devices, detection technologies, canine teams, etc.). The then-Minister of Justice spoke of the need to make penal institutions more secure, recalling the context in which the plan was put in place<sup>4</sup>, and also addressed the balance between security and dignity (which she described as 'complex to implement'), which was at the heart of the practice of body searches. I will return to these two areas in which technology claims to be able to respond to the needs of the prison environment, namely standardising detention practices and respecting detainees' rights on the one hand, and making institutions more secure on the other. To illustrate my point, my analysis will focus more specifically on the detection technologies used in penal institutions to identify the presence of contraband, weapons, or prohibited items. These include hand-held metal detectors, walk-through metal detectors, and millimetre-wave scanners.

## STANDARDISING DETENTION PRACTICES: THE PARADOX OF HUMANISATION THROUGH TECHNOLOGY

The benefits of technology in prison environments may be seen through a paradoxically human dimension: using machines to serve human needs could improve working conditions for prison staff and detention conditions for prisoners. While the first point is debatable (with regard, *inter alia*, to technological malfunctions and biases), we will focus on the second, as technology is seen as a solution to the commonplace, routine, and yet degrading and humiliating practice of body searches.

Indeed, considering the controversies created by a security practice considered intrusive but necessary, Rule 52 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states that 'Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches,' paving the way for

<sup>3</sup> [1\\_Securiteenprison.pdf \(justice.gouv.fr\)](#)

<sup>4</sup> On 13 April 2013, Rédoine Faïd escaped from the Lille-Sequedin prison by helicopter.

<sup>5</sup> Information report submitted by the Committee on Constitutional Law, Legislation, and the General Administration of the Republic to conclude the work of a fact-finding mission on search policies in prison environments. Presented to the National Assembly on 8 October 2018. [RINFANR5L15B1295 \(assemblee-nationale.fr\)](#)

an alternative solution to the practice of body searches which would limit its use or even replace it completely. In France, the National Consultative Commission on Human Rights (CNCDH) recommended in 2008 that full searches be replaced by 'modern means of detection that guarantee respect for the dignity of the individual and his or her physical and mental integrity'. An information report on search policies in penal institutions submitted to the National Assembly in 2018 also questioned the potential for walk-through metal detectors to replace personal searches for those leaving visitation rooms.<sup>5</sup> Paragraph 1 of Article L225-3 of the French Penitentiary Code (which reproduces the former Article 57 of the French Penitentiary Act) states that 'Full body searches are only permissible if palpation searches or the use of electronic detection devices are insufficient', emphasising that full body searches should normally be conducted only as a last resort.

Given the degree of dehumanisation involved in body searches, the promise of a technology that could replace this practice seems quite seductive. However, while detection devices such as walk-through detectors would seem to guarantee non-intrusive and non-invasive detection in the sense that their use alone does not involve any contact, they cannot represent in themselves a solution to the practice of body searches. On the contrary, their use may justify a body search. On the one hand, a beep or the image of an object on the screen may constitute the necessary evidence to justify a search, in order to find the suspicious object detected by the scanner. In this configuration, we could see the benefit of technology, which could, without replacing it, limit such searches to cases where an object has been detected. However, that does not account for 'false negatives': when someone does not trigger an alarm, how can we be sure that no other object (which could not be detected due to its place of insertion or material) could be on his or her person? By producing information – the presence and location of an object – which is not in itself sufficient to detect the object, or on the contrary, by producing no information at all – which does not prove the absence of concealed objects – detection technologies in reality represent a double legitimisation of a practice for which they cannot offer the desired alternative.

## RESPONDING TO SECURITY NEEDS: RISK MANAGEMENT VIA TECHNOLOGY AND THE POLICY OF SUSPICION

Apart from the perception of security technologies as a response to managerial needs or a requirement to standardise detention practices, their primary objective in the prison environment is to satisfy the institutional security imperative aimed at protecting

infrastructure, staff, and prisoners, as well as society. Security technology has been adopted as part of penal policy in many countries, including France, for which significant financial resources have been made available.<sup>6</sup> Beyond physical security and movement control, these technologies seem to offer a solution for reducing prison traffic, combating violence, and managing suicide risk.

The unending search for the most effective, reliable tool – one with no blind spots – has led to the creation of a security arsenal consisting of various detection techniques (human or otherwise) and, as a result, the superimposition of physical controls on inmates. This policy of technology-based risk management gives rise to a certain logic of suspicion at the very heart of the effective use of technology in prisons: each individual, whether an inmate, visitor, or staff member, becomes a potential smuggler, whose every nook and cranny must be scrutinised to avoid any risk he or she may represent. Though suspicion pervades many aspects of the prison environment, technology gives rise to new forms of it; for example, in the case of detection technologies, the triggering of an alarm or, on the contrary, the absence thereof creates suspicion, in the sense that it may be subject to misuse or circumvention<sup>7</sup> which will always leave a doubt: the risk of an undetected object.

What's more, although this policy of suspicion affects everyone, it is nonetheless potentially discriminatory. Indeed, as pointed out by MacKenzie (2019) in an article on ion scanners used in Canadian prisons, the procedure and its outcome depend on the operator of the machine more than the technology itself. While detection technologies may be seen as "democratic" tools that indicate the presence of an object regardless of individual considerations, the suspicion here is merely displaced. As Kaufmann (2016) reminds us, this depends on the one hand on the operator – who chooses who will be scanned – and on the other hand on the particular context, which determines whether the information produced is sufficient or not. The policy of suspicion that motivates the use of technology therefore precludes the neutrality and objectivity it is supposed to provide.

## INNOVATION AND TECHNOLOGICAL SOLUTIONS

By suggesting that we go beyond a deterministic approach to technology, examine its interaction with institutions, actors, and practices, and reflect on the rationale for its implementation and effects, this text supports the need to reach beyond questions of functionality, efficiency, and apparent productivity. Technology cannot be seen as a solution

<sup>6</sup> On this subject, see the press release entitled *prisons: exceptional security arrangements, op. cit.*

<sup>7</sup> This brings to mind techniques developed to circumvent machine detection, such as the concealment of mini-mobile phones or undetectable ceramic weapons.

to a problem without considering the intentions, appropriations, and uses to which it is subject. Indeed, technology may produce effects differing from those initially envisaged when demonstrating a genuine capacity for autonomous action, its use extending beyond the intention behind its design (Lyon, 2001) in order to respond to the political and institutional logic of risk management. For example, instead of representing a "more humane" alternative to the practice of body searches, technology legitimises its use and consolidates its place as an unavoidable security practice in prisons.

In examining the implementation of security technologies in prisons, we can also look at the bigger picture:

- > On the phenomenon of technological solutionism which, in addition to its spread within society (Morozov, 2013), has definitely reached the penal and prison spheres. Without questioning the value of certain technological tools, the observable trend is for a technological solution to be provided as soon as a particular problem or issue is raised. Terrorism and radicalisation, preventing recidivism, domestic violence, violence in prisons, etc. have all featured prominently on the political agenda in recent years, systematically leading to a technological response (here we refer to electronic surveillance, anti-approach bracelets, the growing use of virtual reality, and even portable cameras for prison guards). We are then witnessing a certain cumulation of technologies with a view to zero tolerance.
- > On the question of innovation through technology: as technological systems are often described as innovative, we must ask ourselves what we mean by "innovation" – is something new automatically innovative if it perpetuates the existing institutional logic, or must it have a transformative effect to be described as such? If the use of technology does not bring about real change, the question that arises, according to Marie-Sophie Devresse (2007), is: 'with such a tool, are we doing something new or are we doing the same thing differently?' In other words, does technology make it possible to do something other than we've already done?

In the end, the introduction of new technologies in prisons mainly contributes to reinforcing the security measures already implemented by the prison system, as well as adding to the workload of prison staff. In this sense, technology may give the illusion of addressing a problem, but by displacing it rather than eliminating it.

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## Further reading

> *La prison et ses modules de respect : quel sens du travail chez les surveillants ?* Lucie Hernandez in *Nouvelle revue de psychosociologie* 2023/1 (No. 35), pages 167-179  
<https://www.cairn.info/revue-nouvelle-revue-de-psychosociologie-2023-1-page-167.htm?modal=share-tap&tap=hyiqalevpotjin>

> *Journal de terrain pénitentiaire* Antoinette Chauvenet, preface by Cécile Rambourg  
Collection : Controversies  
[JOURNAL DE TERRAIN PÉNITENTIAIRE, Antoinette Chauvenet - livre, ebook, epub - idée lecture \(editions-harmattan.fr\)](#)

> Monday 3 July: Lecture by Nicolas Sallée, Professor of Sociology at the Université de Montréal  
*Le suivi socio-judiciaire à l'âge actuariel : que nous apprend le traitement québécois des jeunes délinquants ?*  
Invited by Cirap to mark the publication of his book *Sous la réhabilitation, le contrôle. La justice des mineurs au XXI<sup>e</sup> siècle*, sociologist Nicolas Sallée gave a lecture at Énap on Monday 3 July.



### THE CIRAP CHRONICLES

**Director of publication:** Sébastien Cauwel - **Editor in chief:** Paul Mbanzoulou  
**Written by:** Anaïs Tschanz, Teacher, Researcher at Énap

**Design, Printing:** Énap - DRD - Publishing / graphics unit  
**Contact:** [magalie.cazanobes@justice.fr](mailto:magalie.cazanobes@justice.fr)

**ISSN:** 2266-6796 (print); 2681-4463 (online) - Legal submission: July 2023  
**Electronic version:** [www.énap.justice.fr/les-chroniques-du-cirap](http://www.énap.justice.fr/les-chroniques-du-cirap)

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