

Living in Detention



Handbook for New Inmates

4th Edition



You are being held because you are either a remand prisoner or a convict. The decision to place you in confinement is a ruling of the justice system.

As an inmate, you must abide by the rules of life in detention. You also have rights. This handbook describes both.

The staff serving in the establishment is there to make your life in detention easier and to answer the questions you may have.

Prison Administration Directorate

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The words followed by * are defined at the end of the Guide, in the glossary.



If you are a man

STEP 1:

You will be taken to the Prison Registrar. Your identity and the document providing reason for your incarceration will be recorded, your fingerprints taken and a picture of you is taken for the biometric records*. You will be given a personal ID number, so that you cannot be confused with another person who might have the same name as you.

This number will be asked of you throughout your confinement. You may also be provided with an ID card for use within the facility, to be shown to staff members if requested.



STEP 2:

You will be taken to the changing room to hand in your ID papers and any objects you may have on you. You will be subject to a rub-down search*: you will be asked to remove all of your clothing, which will also be searched and a staff member will visually check you, without physical contact (except your hair, if necessary).

Whatever money and jewels you have (except wedding ring, watch, chain or religious object) will be duly recorded and placed in a safe in the accounting office.

You will be entitled to a shower (should you arrive late in the evening, this will be offered the following morning) and be given the necessary toiletries.



Upon arriving, before any meeting in the visitation area, your family members may bring you linens. Prior to or shortly after this, you will have a brief meeting with a director.

You may report any health problems or issues to him.

You will be placed in a cell for new inmates, alone or with others.

Within 24 hours, you will be convened by a director or a penitentiary officer, as early as possible by an integration and probation officer and as quickly as possible by a physician. You will be screened for tuberculosis within the shortest possible timeframe; screening for HIV/AIDS and Hepatitis B and C will be offered to you, but remains optional.

For more extensive information about life in detention, you may check the establishment's rules and regulations, one copy of which can be found in the library.

If you are a woman

All of the information contained in this guide applies to women.

In addition

In compliance with establishment rules and regulations, you will be detained in an establishment or establishment zone distinct from that of the men.

You will be searched only by female penitentiary staff.

Only the male staff specifically authorised to do so by the establishment director may enter the female detainment area.



If you are pregnant, you will be entitled to the appropriate medical care.

Your delivery will take place in a hospital ward.

You may subsequently request to keep your infant with you up to 18 months of age (if you do have legal parental custody). To keep your child beyond 18 months of age, you must file a request with the inter-regional director, who will make the decision based on the opinion of an advisory committee. All decisions regarding your child will be left up to you (and to the child's father, if he is indeed the legal parental guardian).



If you are a minor

All of the information contained in this guide applies to minors.

In addition

You will be detained in a specific accommodation area set aside for those under age 18.

Upon arrival, you will see the head of the minors' district (unless it is a weekend). He will inform your parents of how your detention will proceed.

The Judicial Youth Protection Service (PJJ) will be primarily in contact with your family during your detention.

On a day-to-day basis, you will be under the supervision of a team of wardens who work solely with minors. They will be your contact points.

PJJ educators will also work with your district.

You will take part in setting out your schedule and will commit to abide by it. It will include schooling hours (education is mandatory up to age 16), training, sporting activities and social and cultural activities.



In your cell, you will have a television, but in the evenings, you may watch it only up to the time specified by the internal rules and regulations.

You may not smoke, even in your cell.

Should disciplinary action be taken against you, your parents or legal guardians will be informed: they will specify whether they wish for you to receive the assistance of a solicitor or an approved designee.

The Children's Court judge has power to rule on any matters regarding you.

When it comes time for you to return to society, PJJ educators can help you.

When preparing to leave detention, you may request a meeting with the Children's Court Judge.

▶ Using the telephone

You may use the telephone when you have been convicted.

Convicts sentenced to incarceration in correctional institutions (maximum-security prison or reintegration-oriented centre) are allowed to use the telephone.

In prisons, inmates may use the telephone if the necessary technical systems are in place.



When and how may you use the telephone?

The rules and regulations set out the authorised frequency and duration of your calls, as well as the payment procedures.

If telephone booths are set up, you may request a personalised access code.



Your conversations may be monitored and recorded, except those in which you engage with your solicitor and the physiological support services (Red Cross hotline, etc.).

Your conversation may be terminated at any point if it entails danger for the establishment or individuals.

Contacting a solicitor

You may

- freely write to your solicitor by sealed letter – this is referred to as a confidential letter;
- receive, provided the judge’s approval, copies of documents relating to your proceedings, from your solicitor;
- receive, from your solicitor, a copy of documents relating to your sentence reduction proceedings;
- receive the visit of a solicitor on the days and during the hours set out in the establishment’s rules and regulations (such meetings are confidential);
- request assistance or representation by a solicitor when the administration plans an unfavourable decision on your rights (visits, confinement, etc.), except when the said decision results from a request on your part;
- request the assistance of a solicitor if you are seeking sentence adjustment.

You may not

- send personal letters or objects via the solicitor.

If you do not have a solicitor

- if you do not know any solicitors:

- ➔ Request an appointed solicitor from the President of the Bar of the Regional Court (tribunal de grande instance, TGI) with authority over your case;
- ➔ Check the list of solicitors posted at the Prison Registrar and in the Detention Centre.

- if you wish to name a solicitor whom you know:

- ➔ Contact the person directly by mail;
- ➔ If necessary, request legal assistance from the TGI with authority over your case.

The Penitentiary Integration and Probation Department can help you in this process.

Criminal status, filing for appeal, writing to the judge

Prior to the ruling,

the investigating judge, judge on release and detention (juge des libertés et de la détention, JLD) and the investigating chamber of the appeals court have the power to decide on release, where applicable; the investigating judge is in charge of investigations on your case prior to the ruling.

After the ruling,

the sentence enforcement judge (juge d'application des peines, JAP), has authority on all matters regarding the sentence's actual enforcement and the measures that apply to you (leave, temporary release, parole, additional sentence reduction, etc.).

Where minors are concerned, it is the Children's Court judge with the power to rule.

Should need be, the Prison Registrar can tell you which judge is responsible for your case.

You may

- within ten days after your ruling, notify the Prison Registrar that you wish to file an appeal;
- within five days after your ruling by a Court of Appeals, notify the Prison Registrar that you wish to file an appeal on a point of law;
- write to the public prosecutor, the Judge on Release and Detention or the Sentence Enforcement Judge by sealed letter;
- if you are convicted, you may request a hearing with the sentence enforcement judge to tell him of your post-release plan or your time in detention;
- ask that the Prison Registrar provide you with your inmate record; you will be expected to pay for the copy produced.

WARNING: the inmate record specifies the reasons for your incarceration. Please ensure that it is never in plain view.

You must

- write to the Prison Registrar for all information regarding your criminal status. You may request help from the warden, the senior staff member or an integration and probation officer if you have trouble understanding.



Meeting with the director/head

You may

- write to all departments in the establishment by sealed letter;
- request a meeting with the head supervisor, establishment coordinator or director, either in writing, specifying the subject of your request, or by notifying the warden.

A member of your family or one of your friends may request a meeting in writing, specifying the subject of the request, with a member of the supervisory staff or Penitentiary Integration and Probation Department.

Money

Upon your arrival, a personal account will be opened in your name. All incoming and outgoing funds will be recorded on the account.

The money you have upon arriving and which you receive each month is divided into three segments (available segment, release earnings and plaintiff compensation).

The first EUR 200 paid to your available segment shall form the monthly sustenance stipend (provision alimentaire mensuelle, PAM). It is not subject to any automatic deduction and thus remains at your disposal, for use at the canteen*, for example.

If you receive more than EUR 200 during any given month, the surplus amount also goes toward your available cash, once the accounting department has deducted:

- 10% for your release earnings, to facilitate your return to the mainstream upon release.

- another percentage to reimburse the “plaintiffs”, which will depend on what you receive (the more money you receive during the month, the more you will reimburse):

- ➔ up to EUR 400: 20% deducted on the segment between EUR 200 and EUR 400;

- ➔ up to EUR 600: 20% deducted on the segment between EUR 200 and EUR 400 and 25% deducted on the segment from EUR 400 to EUR 600;

- ➔ over EUR 600: 20% deducted on the segment between EUR 200 and 400, 25% on the segment from EUR 400 to 600 and 30% on the segment above EUR 600.

You may

- compensate the victims of the violations of which you have been convicted.

You must not

- hold any cash, check book or payment card while in detention.

You may

- receive money by bank transfer or by money order from your family, holders of a permanent visitation card or persons duly authorised by the establishment head. They may make the bank transfer from their home (online) or through their bank branch.

As regards the money order, they must file it with the postal bank.

- send money by money order to your family, with the approval of the establishment head;
- make voluntary payments to compensate the plaintiffs;
- open a savings account (or maintain the one you already had) and make payments to it from your account;
- give proxy to a member of your family for all outside bank transactions, or continue to personally handle your account, except with the outside world (unless the court ruling denies you of this right);
- should any problems arise on the account opened in your name, write to the Head of the Accounting Department.

You may not

- make any voluntary payments toward your release earnings;
- receive money in a letter;
- receive money in the visitation area.



Purchases

Purchases are to be made through the canteen*.

Canteen vouchers for everyday purchases are handed out (personal hygiene products, food, tobacco, newspapers, cleaning products).

Orders and in-cell deliveries take place in accordance with a weekly schedule (see establishment rules and regulations).

Your purchases are deducted from the available cash on your account.

If you are recognised as destitute*, personal hygiene and cleaning products will be provided to you free of charge, on a regular basis.



You may

- receive a canteen voucher for basic necessities upon your arrival;
- request grants from the committee on destitute inmates*, if you have no income;
- request work by applying to the establishment head;
- request a change of clothing if you do not have one, from the establishment head;
- warn and meet with the establishment's Penitentiary Integration and Probation Department to assess your situation.

You may not

- receive an advance or loan for your purchases in the canteen*.

▶ Personal effects

You may

- keep a wedding ring and necklace with small religious medallion on you;
- keep your watch, unless you wish to place it with your other jewellery in Accounting or have it entrusted to your family;
- keep any object purchased through the canteen, provided space in the cell allows and subject to the internal rules and regulations;
- keep your own clothing provided space in the cell allows and subject to the rules and regulations (hooded apparel and apparel resembling staff uniforms are prohibited in detention);
- keep photographs of your family, unless they are ID photos;
- keep any items or documents necessary for your training;
- keep your personal creations, provided space in the cell allows, unless you wish to have it placed in the cloakroom or have it entrusted to your family.



You may not

- keep your ID papers;
- keep overly cumbersome items or items in excessively large quantities;
- keep jewellery (other than your wedding ring and necklace with religious medallion).



Showers/Linens

You must

- attend to your personal hygiene.

You may

- benefit from a shower at least 3 times per week and after participating in sport or returning from work, to the extent materially possible;
- have clean laundry brought to you in the visitation area in exchange for the laundry to be washed;
- request that personal hygiene and cleaning products be renewed when need arises.



Should you be destitute*,

You may

- request laundry and a change of clothing (in particular for sport or work) if you have none;
- request writing materials for your correspondence.



▶ Changing cells

Your assignment to a given cell is determined by the establishment head. It may be based on your work, vocational training, schooling, health condition, criminal status, etc.

Refusal to enter your cell gives rise to disciplinary action.



You may

- write a letter to the building head, explaining why you are asking to change cells or make a spoken request;
- write to the director to request placement in confinement, providing grounds for your request.

You may not

- be placed in the same cell as someone under investigation in the same case.



Cleaning and arranging your cell

You must

- keep your cell clean and orderly;
- report any material deterioration in the cell.

Any intentional damage will subject you to disciplinary action.

- leave the windows easily accessible so that they may be inspected and take care not to place objects in such a way that they might hinder access to the cell.

You may

- ask wardens to provide you with 12° chlorine free of charge, every two weeks;
- arrange what you have purchased from the canteen inside your cell, provided space allows;
- put up pictures or photos, solely on the boards provided for this purpose;
- arrange your cell in accordance with the procedures set out in the rules and regulations. In lower-security establishments, you may arrange your cell more personally, taking care not to damage the infrastructures (walls, furniture, etc.).

You may not

- hang your laundry on the window bars.

Upon assignment to a cell, you will be convened to an inspection to verify the condition of the furnishings and cleaning equipment (such as broom and dustpan, waste basket, floor cloth), the condition of the linens provided to you (sheets, towel, dish towel) and utensils for your meals. The same is true when you leave the cell.

Negligence or failure to keep your cell clean is a violation of the rules and may subject you to disciplinary action. The same is true if you throw waste through the window.

Your cell may be searched at any time. During the search, the warden will place you in another unit, after searching you as well.

▶ Having a television

You must

- make your request in keeping with the procedure set out in the rules and regulations;
- keep and return the television set in good working order, barring which you shall be required to pay for the repairs;
- keep the television set in the place provided for it in the cell;
- turn off your television set upon leaving the cell.



The television set will be provided to you in exchange for an amount deducted directly from the available cash in the account open in your name. The establishment's rules and regulations set out the rental price (by week, by two-week period or by month). Any damage to or unauthorised use of the television shall subject you to disciplinary action, deprivation from the device and a financial deduction should a repair be necessary or if the set is no longer in working order. In the zones set aside for minors, the rules and regulations specify by which time the television should be put out.

▶ Having a radio

You may

- purchase a radio from your establishment's canteen. It is possible, with the establishment head's approval, to buy hi-fi equipment through the special canteen.

You may not

- have devices capable of recording or receiving messages from the outside.

You may not

- rig the wires of your device;
- leave the volume of your television or radio on too high such that it disturbs the other inmates. Failure to comply with this rule will subject you to disciplinary action.

Having a computer and IT equipment

You may

- purchase a personal computer and IT equipment provided certain conditions, through the special canteen;
- exchange non-modifiable IT materials (games on CD-ROM, films on DVD, etc.).

You must

- secure prior approval from the establishment head.

Approved IT tools are those of educational, socio-cultural or professional nature having given rise to an agreement between the prison administration and the training institutes.

You may not be in possession of

- photo or audio devices;
- portable computer accessories enabling the recording of information (CD-ROM burner, USB key, etc.);
- IT tools, such as photocopy machines or scanners, used to copy or modify the content of documents;
- wireless communication tools (Wi-Fi board, modem, fax, etc.).

You may not exchange IT materials (diskette, CD-ROM) with the outside world.

You may not remove the security seals placed on your computer by the prison administration.

Any failure to abide by these rules will subject you to disciplinary action and your IT equipment may be taken from you.



Having books

The library is freely accessible, during the hours posted in your building, or accessible by catalogue and roving unit in the buildings.



You may

- ask the warden or CIP how the library works or read the rules and regulations;
 - find, in the library:
 - the rules and regulations, Criminal Code and Criminal Proceedings Code,
 - novels, accounts, periodicals, dictionaries and comic books;
 - have paperback books brought to you in the visitation area, in accordance with the terms set out in the rules and regulations;
 - exchange books of your own with another inmate (not those from the library), provided warden approval and supervision;
 - purchase newspapers or books. You may order through the canteen. A list of books and publications is available from the penitentiary establishment.
- Any publications containing specific threats to the safety of individuals or that of penitentiary establishments may be, at the request of the establishment head, withheld, upon decision from the Ministry of Justice.

You must

- keep the books in good condition: you are personally responsible for the books you borrow from the library.

In the event of damage to a book, you may be asked to reimburse it;

- return books to the library or to the wardens before leaving the establishment.



Tobacco and alcohol

You may

- smoke cigarettes in your cell and on the walking paths (unless you are a minor);
- ask the establishment head to be placed in a non-smoking cell.

You may not

- drink alcohol while in prison;
- smoke in the hallways or collective facilities.

Being inebriated, being in possession of alcohol or attempting to sell alcohol are all considered violations of discipline.



Drugs

It is prohibited to bring in or consume drugs while in detention.

Police inspections are carried out on a regular basis and unannounced, during visiting hours.

Being in possession of drugs is a criminal offence which will be reported to the public prosecutor. It is also considered a severe violation of rules and can lead to your being placed in the disciplinary zone.



Substance abuse treatment

Incarceration may prove the opportunity for you to undertake treatment to lower or cease your consumption of psychoactive products such as tobacco, alcohol or drugs.

Associations specialised in providing care for addictions operate in many penitentiary establishments. In some establishments, there exists a substance abuse outpost to the medical unit.

You may

- request that the medical unit physician (UCSA*) provide you with drug cessation or substitution treatment, nicotine substitutes being available to you free of charge;
- request the assistance of a psychiatrist or a psychologist, from the medical unit;
- ask the Penitentiary Integration and Probation Department or healthcare staff to put you in contact with specialised associations.





Protection from HIV/AIDS and hepatitis

Condoms are provided by the penitentiary establishment free of charge. You may also request condoms from the medical unit (UCSA*).

You may request 12° chlorine every two weeks, by asking the wardens. This will enable you to decontaminate any objects that might come in contact with blood (razor, needle, shaver, etc.). As to objects which you cannot clean using chlorine (a toothbrush, for instance), the best way to protect yourself is to refrain from sharing them.

If you have any questions about HIV/AIDS or hepatitis feel free to request an appointment with the medical unit. Care providers will be able to explain to you the various means of transmission. In certain establishments, you can also meet with associations to discuss this.

Engaging in sport

You must

- sign up with the sport instructor;
- have appropriate apparel and a washcloth in the weight room;
- be able to show medical certification from the UCSA indicating that you are fit to engage in sport.

You must not

- go absent without reason, barring which you could be removed from the list of those authorised;
- engage in violent or aggressive behaviours, during sport or at any time.



You may

- ask the warden for information about the sports offered by the establishment or ask that a written request be drawn up, on your behalf;
- request athletic apparel if you have no income;
- become part of a national sporting club if your establishment is home to a chapter of the said club.

The rules and regulations provide a listing of the sporting activities offered and relevant schedule.

As to minors, sporting activities are included in their schedule. Under-age remand prisoners below the age of 16 may not take part in sporting activities with adults. Other minors (under-age remand prisoners above age 16 and convicts) may do so with the approval of the establishment head.



▶ Receiving the services of a chaplain

Upon arrival, you were informed, by the director or director's representative, about the religious services offered by the chaplain in the establishment.

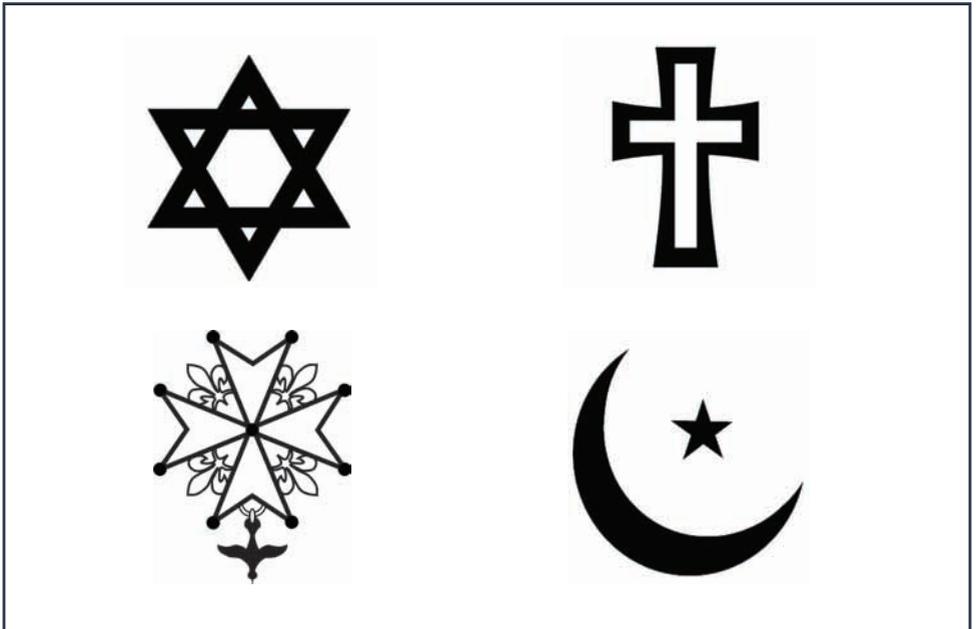
You may

Following written request,

- receive the visit of a chaplain;
- take part in the meetings or services held by various denominations in the establishment (unless you have been placed in the disciplinary zone);
- keep and receive the objects and books required to observe your religion;
- maintain correspondence with the chaplains by sealed letter.

If you have been placed in a disciplinary zone, you may continue to receive visits from the chaplain, correspond with him and keep the objects and books required for your religious practice.

If you have been placed in a disciplinary zone, you may continue to receive visits from the chaplain, correspond with him and keep the objects and books required for your religious practice.



▶ Writing to your family and loved ones

Upon arrival, you are provided with a “mail kit” (paper, envelope, stamp and pencil). Mail is picked up every day, by the warden. The schedule is set out in the rules and regulations. All mail is checked by the administration.

The judge having ruled on your incarceration may request that the mail be sent to him for a prior check (resulting in longer mail delivery times).

Mail written in a foreign language may be translated by the administration.



You may

- ask your correspondent to send you stamps;
- receive photos of your family if they are not ID photos;
- request a volunteer pen pal (Courrier de Bovet);
- have a package brought to you in the visitation area, for the Christmas and year-end holidays;
- receive your child’s report card or school record.

You must

- provide your correspondent with your inmate number, cell number and exact address of your establishment;
- list your name and inmate number on the back of the envelope.

▶ Seeing your family and loved ones

Visiting days and hours are listed in the establishment's rules and regulations. In prisons, remand prisoners may receive at least three visits per week, while convicts may receive at least one visit per week.

You must

If you are a remand prisoner

- tell the person wishing to see you to file a request for a visitation permit with the relevant judge, generally the investigating judge. If you do not know who the relevant judge is, the penitentiary establishment staff can inform you.

If you have been convicted

- tell the person who wishes to come see you to file a request for a visitation permit with the establishment head. The request cannot be denied except for peace and security reasons. From age 13 and up, children must hold an individual visitation permit. Children under age 13 are listed on an adult's visitation permit (with the photo of the child and written permission from the child's guardian, if the adult holding the visitation permit is not the child's legal guardian). The list is provided by the establishment. If the person is not part of your family, visitation rights are granted solely if deemed beneficial to your social or professional integration. An investigation may be requested of the civil or military police. The response may require additional time.

If your family cannot accompany your children to the visitation area, you may request the assistance of an association from the Penitentiary Integration and Probation Department (SPIP) so that your child can maintain a bond with you. Your request will be reviewed in consideration of the child's interests.

Prison visitors* are volunteers who come to the establishments to provide their assistance and support. You may ask the SPIP to assign you a prison visitor or to meet with a representative from an approved association.



The visitation area

You may

- have linens brought to you by your family. Exchange of linens to be laundered is allowed, under the conditions set out in the rules and regulations;
- have paperback books and documents regarding your child's health or schooling brought to you, under the conditions set out in the rules and regulations.



You may not (unless specifically authorised)

- bring in or keep any object, letter or paper on you during visitation, except the comic books explaining detention to children. Likewise, visitors are required to place any bags or objects in a locker at the entrance to the visitation area;
- receive any tobacco, candy, drinks or any food product;
- have any magazines or periodicals brought to you.

The visitation area is subject to the warden's visual surveillance. Any visitor found in possession of a product prohibited by law shall be reported to the police and public prosecutor. Visitation shall be suspended, initially, and the establishment head or magistrate will review the permit and visiting conditions.

Any object exchanged in the visitation area entitles the warden to suspend visitation until the relevant authority hands down its ruling. Any aggressive behaviour shall cause visitation rights to be suspended and is punishable by disciplinary action.

Sexual intercourse is prohibited. Visually subjecting others to acts that may be offensive is a violation of discipline.

At the end of visitation, the inmate is subject to search.

To prevent any incidents, visitation may take place in an area with a separation system.



▶ Medical services

In all penitentiary establishments, healthcare is provided by a medical unit referred to as the UCSA*, which is connected to the hospital.

It is made up of a general practitioner, medical care providers, a dentist, etc.

The UCSA* also provides psychiatric care, unless there is already a Regional Medical/Psychological Department (SMPR)* in the establishment.

Consultation days are listed in the rules and regulations.

The waiting list is often long for dental appointments.

If necessary, the physician may suggest that you receive care or undergo examination at the hospital.

The physicians and all healthcare professionals working in the prison are independent from the prison administration: they do not report to the penitentiary authorities and are bound to medical secrecy rules. They are public sector hospital workers, employed by the hospital centre closest to the establishment.

You must

- undergo examination at a medical consultation as soon as possible following your incarceration.



For your benefit, **you may**

- report any medical issue or ongoing treatment to the physician (heart disorders, neurological disorders, visual disorders, previous hospital stays, etc.), in order to ensure better care during incarceration;
 - report whether you have a health problem and indicate whether you wish to be seen by the physician, dentist, psychiatrist or psychologist.
- You may write to the medical services by sealed letter.



In the event of emergency, **you must**

- notify the warden. He will call in the care providers present in the establishment and, if necessary, an emergency medical service.
- The warden must call upon the head warden, during the night, to open the cell door.

You may

- write (or have a letter written) to the healthcare staff in the establishment, by sealed letter, to request a meeting or discuss a personal, physical or psychological problem: your letter will remain confidential;
- ask the medical staff to put you in contact with the specialised associations;
- ask your outside physician to contact the establishment physician.

▶ Assault, threat

You must not

- remain silent should you or another inmate be assaulted.

You must

- notify the warden or integration and probation staff of any assault or threat;
- if the problem is serious, request an emergency meeting with the supervisory staff;
- immediately benefit from the medical team's care in the event of assault.

You may

- write (in sealed envelope) to the Public prosecutor to notify him of the facts and file a complaint;
- request, should need be, a medical certificate.



Both in prison and in the outside world, your rights must be respected. Violence and physical or sexual assault are punishable by disciplinary action and criminal proceedings. The establishment's staff is in charge of ensuring individuals' safety.

Receiving education/training

Before embarking on an educational or training programme, you will be called to a meeting to determine your needs.

The head of education and the head of vocational training will offer you a review and assessment of your skills level. Depending on the outcome, you will be allowed to sign up:

➔ at the educational centre, for a class in accordance with your abilities and prepare for examinations;

➔ or in a vocational training programme offered by the establishment. You may also ask to take part in free distance learning courses (nominal registration fees) with Auxilia or, in higher education, with CNED.

Certain training programmes entitle you to compensation.

If you are a minor, education or training is an integral part of your schedule.



You must

- make your request, either in writing or by addressing the head of education, vocational training or SPIP;
- receive schooling if you are under age 16.

▶ Working

An inmate may work either in a production workshop or in the general and administration services. In the latter case, the inmate will help with building upkeep or maintenance, or with meal preparation.

The director may also allow the inmate, provided certain conditions, to work on his own behalf.

You may

- ask, upon arrival or thereafter, the head warden about work options.



You must

- if you are a remand prisoner, secure authorisation to work in the general and administration services, from the magistrate in charge of your case;
- seek permission, in writing, to work from the penitentiary officer in charge of the building or a member of the supervisory staff.



Before an inmate can be deemed fit for work, the factors taken into account include: criminal status, behaviour, work aptitude, professional qualifications, amount payable to victims, resources, family status and available positions. The rules and regulations set out the general working conditions (hours, compensation method, hygiene and safety rules, discipline, etc.). Net pay for your work shall be paid to the account opened in your name (divided into 3 parts, see p. 13), once the prison administration has deducted the relevant labour taxes (health, maternity and old-age insurance). Inmates must pass a medical examination before they may work in the kitchen.





Social Security, agreed agent minimum income and unemployment benefits

Immediately upon incarceration, you are registered for the general social security scheme (health and maternity insurance), even if you have illegal alien status. Thanks to this, all of the care you need is covered while you are in prison. The only expenses that remain your responsibility are those exceeding the approved social security levels for dental, optical or hearing devices, unless you are entitled to CMUC insurance: ask the SPIP*.

Your family is entitled to benefits in kind from social security (reimbursements on healthcare and laboratory examinations), unless you are an illegal alien.

You remain covered by Social Security one year after your release, unless you are an illegal alien.

If you were under care for a long-term illness (affection longue durée, ALD) prior to entering detention, it shall be maintained while you are in prison.

If you were receiving the Adult Disability Subsidy (allocation adulte handicapé, AAH) prior to entering detention, it shall be reduced to 30% of the monthly amount if you are incarcerated for over 45 days; unless your spouse or civil union partner is able to hold salaried employment or if you have a child or elderly person under your charge.

If you were receiving agreed agent minimum income prior to incarceration, it will be continued for two months. Unemployment subsidies are discontinued during your incarceration, as you are no longer considered a job-seeker. Beyond this timeframe, you must notify the CAF (subsidy payment fund) of your incarceration, by sending in a certificate of presence, which you may request from the prison registrar.

Unemployment subsidies cease to be paid while you are incarcerated, as you are no longer considered a job-seeker.

You must

- review your situation with the assistance of the SPIP;
- notify the minimum income payment organisation so that your benefits are suspended, barring which you could be removed from the list of beneficiaries and required to reimburse the excess payment received;
- report your incarceration to the organisation paying your unemployment benefits. Should you fail to do so, you would have to reimburse all undue benefits upon release.

You may

- while in prison, seek assurance your dependents' situation is appropriately reviewed by the social benefits services in charge of minimum wage;
- continue to receive family benefits if you reside in France and have one or more children residing in France;
- if you know your release date, prepare the application forms to receive social benefits upon your release.

Voting

Prior to each national ballot, information is provided in the establishment on the procedures to follow in order to vote.

If you were convicted after 1 March 1994, your civic rights are no longer automatically revoked.

Those convicted of certain serious felonies may be prohibited from voting (though appeal can be sought).

You must

- ensure that you are registered to vote;
 - give proxy to someone registered in the same voting district as you.
- The proxy will be collected by the civil or military police services.





Sentence reduction

Each convict benefits from a sentence reduction credit determined on the basis of the conviction: 3 months for the first year, 2 months for each year thereafter or 7 days per month.

Note: in the event of a repeat offence, the sentence reduction credit is reduced: 2 months for the 1st year, 1 month for each year thereafter or 5 days per month.

You must

- show proper conduct while in detention. In the event of misconduct, the sentence reduction judge (JAP)* may deny you of your sentence reduction credit, upon proposal from the director or at the request of the public prosecutor;
- after release, avoid any further conviction carrying a prison sentence.

In the event of a new conviction entailing confinement, even if the said sentence is suspended, for acts committed during the period of time concurrent with your reduced sentence, the ruling court may remove your sentence reduction credit.

In order to receive an additional sentence reduction (3 months per year, or 2 months in the event of repeat offence), **you must** display earnest efforts to readapt socially, such as:

- passing a school or vocational exam,
- proving real progress as part of an educational or training programme,
- voluntarily paying compensation to your victims.

The JAP* may order a convict who has benefited from a sentence reduction or additional sentence reductions be required, following release, to refrain from certain acts or responsibilities in connection with the victim. If these are not observed, the judge may revoke the sentence reduction, in full or in part, and order reincarceration.

An exceptional sentence reduction, up to one-third of the full sentence, may be granted to convicts whose statements to the administrative or judiciary authority, before or after the sentencing, have contributed to hindering or preventing an offence listed in Articles 706-73 and 706-74 of the Criminal Proceedings Code (narcotics trafficking, prostitution, terrorism, etc.)

▶ Sentence adjustment

Once convicted

You may

- request, subject to certain conditions, temporary leave;
- request, subject to certain conditions, an adjustment to your sentence, including: parole, outside placement, parole subject to conditions, sentence suspension or staggered sentence execution and placement under electronic surveillance. Requests are to be filed directly with the JAP* or SPIP. They will be granted by the JAP* or sentence enforcement court, or the children's court judge, if the latter is in charge of your case;
- meet with a member of the Penitentiary Integration and Probation Department in order to prepare your application for sentence reduction.

Two types of sentence adjustment for medical reasons are possible: parole and sentence suspension. They are granted under certain specific conditions. For more information, you may ask the medical unit physician (UCSA*), who will inform you.



▶ Preparing to reintegrate society

The Penitentiary Integration and Probation Department (SPIP) is in charge of helping you prepare, during detainment, your sentence adjustment applications and your release.

The integration and probation staff will help you make contact with:

- ➔ your family;
- ➔ outside associations (substance abuse treatment, accommodation, work, etc.);
- ➔ the employment division, the local chapters, a potential employer, ASSEDIC, CAF and integration associations;
- ➔ the town hall, the police (ID papers).

Where minors are concerned, the educators from the judiciary youth protection department can provide this assistance.



You may make contact with the SPIP

- on all family-related and social matters;
- on integration projects (leave, outside placement, parole, request for day placement, placement under electronic surveillance, etc.);

You may

- if you are a foreign national, contact your country's consulate;
- request an interview to prepare your release from the sentence enforcement judge or, if you are a minor, the children's court judge.



Institutional living rules

The establishment's rules and regulations provide you with the main rules governing institutional living, violations and disciplinary action provided for by the Criminal Proceedings Code.

It also informs you of the disciplinary procedure applicable to your situation and possible recourse.

Failure to respect any of these rules (respect for establishment personnel and other inmates, hours, uniform, objects in cell, workshop or activity working procedures. In this event, you will receive written notification of the violations of which you are accused and the date of summons, at least 2 days prior to your required appearance date. A copy of your disciplinary file will be sent to you at least 3 hours prior to the hearing.

In the event of a serious violation, you may be placed in the disciplinary zone, for preventive purposes (prior to appearing before the disciplinary committee), for a maximum of two days (3 days on weekends).



Should you be called before the disciplinary committee, **you may**

- present your case orally or in writing;
- seek assistance or representation by a solicitor or an approved designee, free of charge;
- meet with the solicitor or designee, who will assist you prior to your hearing before the disciplinary committee;
- ask that witnesses be heard. The President of the Committee will decide whether they should actually be heard;
- request an interpreter, if you do not speak French.

Possible sanctions applicable in the event of violation include:

- ➔ warning;
- ➔ suspension of canteen privileges (2 months maximum);
- ➔ revocation of right to receive money (2 months maximum);
- ➔ solitary confinement in cell (1 to 45 days);
- ➔ placement in disciplinary cell (1 to 45 days);
- ➔ other sanctions in connection with the violation.

If you are between ages 16 and 18, you may be sanctioned in accordance with the seriousness of the violation, not to exceed 7 days of confinement in an ordinary cell, or 7 days in a disciplinary cell.

If you are under age 16, you may not be sanctioned or be placed in a disciplinary cell, nor may you be deprived of vocational training or schooling, or be committed to cleaning or repair duty. However you may be punished with up to 3 days of confinement.

Minors may also be sanctioned, in particular:

to a visitation area with separation system, suspension of canteen privileges, suspension of television or radio privileges, suspension of recreational or sporting activity rights.

In the event of disciplinary sanction, **you may**

- appeal the decision before the inter-regional director of penitentiary services, then before the administrative court (see p. 50).



Disciplinary zone

Depending on the nature and seriousness of the violation, disciplinary cell placement can last 45 days, 30 days or 15 days.

In the disciplinary zone, you will be seen by the physician at least twice per week.

You are entitled to

- one 1-hour walk per day, alone;
- keep your toiletry items;
- request a change of clothing;
- smoke (unless you are a minor);
- request books or newspapers from the library;
- write and receive mail;
- exercise visitation rights once per week;
- meet your lawyer;
- ask to meet a representative of prison administration;
- meet with a member of the Penitentiary Integration and Probation Department;
- meet with the healthcare staff;
- meet with a chaplain;
- keep and receive, in your cell, the objects and books required for your religious observance;
- ask to meet the JAP*.



You may not

- come into communication with the other inmates;
- benefit from any of the activities;
- have a television or radio;
- canteen (except hygiene, tobacco and correspondence-related products);
- engage in sport;
- go out on group walks.



Only minors ages 16 and above are subject to disciplinary cell placement and are the sanctions are shorter than those of adult inmates (see p. 45).
Visitation times are more numerous and teaching and training activities are continued.

Solitary confinement

You may be placed in solitary confinement for preventive or security-related reasons, either at your request, or upon decision by the prison administration. The Prison Administration is not required to respond favourably to your request.

You may

- make written or verbal observations prior to the ruling, in the presence of a solicitor or a designee, if you so desire, unless you requested the solitary confinement;
- make observations in the presence of a lawyer or designee when, having been placed in solitary confinement at your own request, your case is considered for a return to ordinary detention;
- write to the sentence enforcement judge or magistrate in charge of your case if you have any observations to make on the measure;
- have newspapers, television, radio, books;
- receive visits in the visitation area and write to whomever you wish;
- meet with the representative of your religion;
- benefit from a walk alone;
- take part in a sporting activity in a confinement zone facility;
- take part in activities with other inmates, alone or if group activities are organised in confinement zone.



You may not

- be placed in a cell with another inmate.



Should you have a grievance

The rules and regulations provide the list of judiciary and administrative authorities to which you may write by sealed letter.

You may

To appeal a decision made by the establishment head

- ask to have the grounds for the ruling explained to you;
- ask the establishment head to reconsider a ruling;
- write to the inter-regional director if you are not satisfied with the response, particularly if you have placed in confinement;
- write to the prison administration director or the Minister of Justice if you are not satisfied with the response from the inter-regional director;
- in a sealed envelope, write to all of the establishment's departments.

Should the problem related to your detention conditions, the execution or the enforcement of your sentence

- write to the legal authorities (sentence enforcement judge, public prosecutor, investigating judge, judge on release and detention, Children's Court judge if you are a minor).

If the question relates to your health

- write to the director of the hospital to which the UCSA* is connected, the physician-inspectors from the local health authority (DASS) and the regional directorate on health and social affairs (DRASS) as well as the head of the national inspectorate on social affairs (IGAS).

In the event of a serious problem regarding the establishment's workings

- write to the head of the inspectorate of penitentiary services at the prison administration

You may also

- write to the President of the Establishment Supervisory Committee (prefect or under-prefect);
- address the Ombudsman through a member of the national Parliament or a senator, or write directly to a delegate of the national ombudsman; in certain establishments, you may meet with a delegate (ask for information from the integration and probation staff);
- write to the General Inspector of Confinement Centres to inform him of any events or situations that violate fundamental human rights. The Inspector may also ask questions of inmates confidentially, during his visits to the establishment;
- write to the Chairman of the Committee on Access to Administrative Documents;
- file a complaint by writing to the Public prosecutor to bring a criminal offence to his knowledge;
- exercise recourse before the administrative court on prison administration decisions regarding you

Should you disagree with a disciplinary sanction, you must first file an appeal with the inter-regional director, within a 15-day timeframe, from the date on which you are notified of the ruling. The inter-regional director shall have one month to respond. Lack of response shall be considered a rejection of your request. In that event, you may turn to the administrative court.

- seek appeal before the European Court of Human Rights, after having exhausted all other forms of recourse in France.



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Glossary

Biometrics

This system, combined with a non-falsifiable ID card, makes it possible to verify the inmate's identity, in particular upon entry to the visitation area, during movement within the detainment buildings and upon release from the establishment, in the event of extradition or discharge. As such, it offers greater security in the buildings.

Canteen

The canteen is the correctional institute's "shop", where you may use the available part of your personal account to pay for objects, food products or services (television rental, telephone, etc.).

Destitute/destitution

A person who is "destitute" is someone with little or no money. Assistance (clothing, hygiene products, facilitated access to work, etc.) is provided for such individuals, recognised as "destitute" by a special commission, which reviews, in each case, the resources available on the account opened in the inmate's name.

Prison Registrar

Each correctional institution is equipped with a Prison Registrar. The main responsibilities of this office are register individuals via a detention certificate, manage the criminal status of inmates, handle their administrative status and movement, put together individual and guidance files, notify inmates of decisions or summons, and record and forward their requests and appeals to the appropriate services.

Prison visitors

Visitors are volunteers approved by the correctional institute and who provide you with assistance and support during your incarceration. They can help you with your return to society and complete certain administrative tasks to help you. Sometimes, they also hold activities within the penitentiary establishment. The Integration and Probation Department (SPIP) arranges for prison visitors action in the city. If you wish to receive a visit from them, contact your integration and probation officer. Sessions with the prison visitor take place in the presence of a warden, on the days and at the times determined by the establishment head.

Visits can, however, be suspended:

- if the investigating judge decides to revoke your communication privileges;
- if the inmate is placed in the disciplinary zone.

Regional medical and psychological department (SMPR)

The Psychiatry Ward, in the correctional environment, with a regional scope of action (there are 26c SMPR in France). The Department is in charge of identifying mental illnesses, providing care for them (common treatment and intensive care in special units) and contributes to treating addictions.

Roving Consultation and Healthcare Unit (UCSA)

This unit provides, within each correctional establishment, access to healthcare: general medicine, dental care and certain specialised consultations. The unit is manned by team from a public hospital ward. Care that cannot be provided in detention is administered outside, at a local hospital.

Rub-down search

The rub-down search involves the inmate's undressing fully so that the warden may check the inmate's clothing. There is also a visual check of each part of the inmate's body. Any physical contact between the inmate and the warden is prohibited. However, the warden may check the hair if necessary.

Such searches requiring bodily investigations must be performed by a physician.

Sentence enforcement judge (JAP)

The Sentence Enforcement Judge is responsible for determining the procedure by which the prison sentences will be executed.

He has the power to pronounce sentence adjustment measures (parole, day release, electronic bracelet, sentence reduction, etc.), the target being the inmate's successful return to society and prevent a repeat offence.

He frequently goes to the prison, where he meets with the inmates. He also ensures, with the assistance of integration and probation officers, that sentences to confinement, such as suspensive probation and community service are being executed correctly.



List of Abbreviations

- ANVP : National Association of Prison Visitors
- AP : prison administration
- CD : reintegration-oriented centre
- CE : governor
- CIP : rehabilitation and probation advisor
- CLIP : introduction and training in IT for inmates
- CMUC : supplementary universal medical coverage
- CNED : French National Distance Learning Centre
- DAP : Director of The French Prison Service
- DI : Inter-Regional Director
- DISP : Inter-Regional Director of Prison Services
- FARAPEJ : fédération des associations réflexion-action-prison et Justice
- FNARS : Federation of Think-Tank/Action/Prison and Justice Associations
- GENEPI : National Student Consortium for Education of the Incarcerated
- JAP : sentence execution judge
- LC : parole
- MC : maximum security prison
- PIP : Rehabilitation and probation staff
- PS : release on temporary licence
- PSE : electronic tagging
- QD : disciplinary unit
- QI : isolation unit
- RP : sentence reduction
- RPS : additional sentence reduction
- SME : suspended sentence with probation
- SMPR : regional medical-psychological department
- SPIP : Rehabilitation and Probation Prison services
- TAP : sentence execution court
- TIG : community service
- UCSA : consultation and health care unit
- UVF : family living unit



Helpful addresses

- Direction de l'administration pénitentiaire [Prison Administration]: 13 place Vendôme

75 042 Paris Cedex 01

- Contrôleur général des lieux de privation de liberté [National Inspection Authority in charge of Places of Confinement]: B.P. 10 301,

75 921 Paris Cedex 19

- Inspection Générale des Affaires Sociales (IGAS) [National Inspectorate on Social Affairs]: 39-43 quai André Citroën - 75 739 Paris Cedex 15

Phone: +331 40 56 60 00

- AIDES (patient assistance, research and information on AIDS and hepatitis):

14 rue Scandicci – 93 508 Pantin Cedex

- ANVP (National Association of Prison Visitors): bis rue de Paradis,

75 010 Paris

- Auxilia formation et amitié (free distance learning courses):

102 rue d'Aguesseau, 92 100 Boulogne

- CIMADE : 64 rue Clisson – 75013 Paris

- CLIP (penitentiary IT club) : - Rue Charles Fourier – 75 013 Paris

- CNED (distance learning), BP 60 200 , 86 980 Futuroscope Chasseneuil cedex

- Croix-Rouge Écoute (psychological support by phone) : n° tél. 0800 858 858

- Courrier de Bovet (National Association for Correspondence with Inmates),

B.P. 300, 75 770 Paris Cedex 16

- FARAPEJ (Federation of Think-Tank/Action/Prison and Justice Associations):
68 Rue de la Folie Régnault – 75 011 Paris

- FNARS (National Federation of Walk-In Service and Return-to-Society Associations): 76 Rue du Faubourg Saint Denis – 75 010 Paris

- FREP (Federation of Child-Parent Halfway Houses):
Rue Charles Floquet, BP 38 – 92122 Montrouge Cedex

- GENEPI (National Student Consortium for Education of the Incarcerated):
12-14 Rue Charles Fourier – 75 013 Paris

- Secours catholique - Caritas France
106 Rue du Bac – 75341 Paris Cedex 07

- Sidaction : 228 Rue du Faubourg Saint-Martin – 75010 Paris

- UFRAMA (Confederation of Regional Federations Short-Stay Accommodation Facilities for Families and Friends of Inmates):
8 passage Pont Amilion – 17 100 Saintes

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